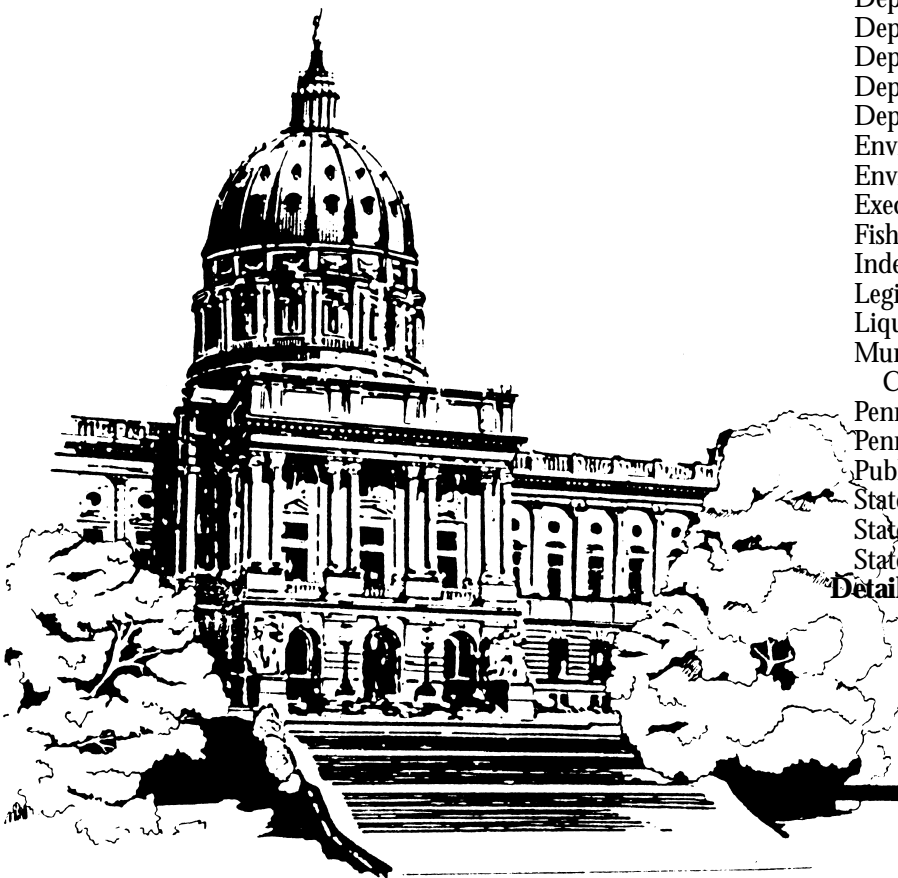


# PENNSYLVANIA BULLETIN

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**No. 361, December 2004**

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## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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 3254, 3371, 3394, 3401, 3404, 3406, 3585, 3587,  
 3593, 3678, 3681, 3683, 3687, 3688, 3691, 3873,  
 3875, 3876, 3877, 3880, 3881, 3882, 3883, 3884,  
 3910, 3911, 4023, 4026, 4107, 4110, 4112, 4121,  
 4122, 4127, 4425, 4426, 4428, 4429, 4432, 4433,  
 4554, 4572, 4682, 4683, 4881, 5028, 5030, 5126,  
 5132, 5247, 5250, 5259, 5263, 5352, 5677, 5678,  
 5683, 5794, 5796, 6017, 6132, 6239, 6316, 6397,  
 6399, 6400, 6506, 6646, 6648

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Notice of Veto

December 1, 2004

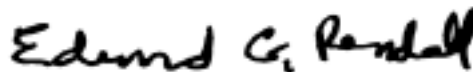
To the Honorable House of Representatives of the  
Commonwealth of Pennsylvania

I am returning herewith, without my approval, House Bill No. 2442, Printer's Number 4806, entitled An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted, "An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties and making repeals," further providing for definitions, for composition and for proposed regulations and procedure for review.

I take this action today because under current law, the members of the Commission elect the Chair of the Independent Regulatory Review Commission. I have received no evidence that the Commission's election process for Chair is flawed. As a result, I am not prepared to sign into law a bill with the language included in Section 2(G)(2) and (3) of House Bill 2442 mandating the creation of a Vice Chair and further mandating that a vacancy in the office of the Chair must be filled by the Vice Chair for the remainder of the Chair's term and until a successor is elected.

I am impressed with the hard work of the members of the Commission and believe their guidance on the structure and operation of the Commission is warranted before any legislation is passed affecting this structure.

For the reason set forth above, I must withhold my signature from House Bill 2442 Printer's Number 4806.



*Governor*

[Pa.B. Doc. No. 04-2222. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Notice of Veto

December 8, 2004

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania

I am returning herewith, without my approval, House Bill 2664.

The goal of the bill to provide stop-gap funding for the Commonwealth's smaller transit agencies for the remainder of the current fiscal year is laudable. However, I do not feel I can responsibly sign it into law because the bill goes beyond the bounds of just providing funding. In fact, as a result of these other provisions, it has become apparent that many of the agencies the legislation was intended to help oppose its enactment. A November 30 letter to me from the Pennsylvania Public Transportation Association states in part:

"The Pennsylvania Public Transportation Association (PPTA) supports the growth of public transportation in the Commonwealth but not at the expense of those systems currently providing services to its residents.

"House Bill 2664, as passed by the General Assembly . . . will harm existing systems. The Bill calls for the reallocation of

existing resources . . . in order to accommodate the inclusion of new systems. Without a provision for additional funding to accommodate new systems, existing Class 3 and 4 systems currently experiencing or soon to experience operating deficits, will find worsened financial crises accelerated by the redistribution of existing resources.

\* \* \* \* \*

“In addition, there are a number of Class 3 and 4 systems that have used existing resources for debt financing. An erosion of these existing resources may cause loan defaults if systems receive less than the current funding formula allocations.

\* \* \* \* \*

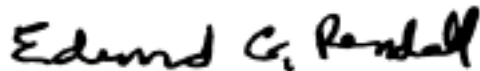
“In conclusion, HB 2664 destabilizes the financial condition of existing systems and fails to remedy their current financial crises. Although Classes 3 and 4 still have an unfunded need for the current fiscal year, the long term implications of this Bill outweigh the short term benefits. Therefore, PPTA urges you to veto HB 2664.”

Based on these concerns I do not believe I can responsibly sign this legislation into law.

However, since I received this bill, my administration has been working to find another way to keep all the state’s transit providers—both the smaller Class 3 and 4 systems and the larger systems serving Pittsburgh and Philadelphia—from being forced to adopt layoffs, service cuts and fare increases to balance their budgets.

But stop-gap funding, whether in the form of House Bill 2664 or some other form, is not the proper solution to the problems facing the Commonwealth’s transit systems and those who depend upon them. The only way these problems will be solved for the long term is through enactment of new, dependable funding streams for transit.

For the reasons set forth above, I must withhold my signature from House Bill 2664.



*Governor*

[Pa.B. Doc. No. 04-2223. Filed for public inspection December 17, 2004, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## Recent Actions during the 2004 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 182 through 239</b>					
182	Nov 30	HB2528	PN3671	immediately	Capital Budget Act of 2004-2005—enactment
183	Nov 30	HB0030	PN4778	immediately *	Public Utilities Code (66 Pa.C.S.)—omnibus amendments
184	Nov 30	HB0798	PN0930	60 days	Municipal pension or retirement system in cities of the first class—denying certain benefits to surviving spouses of police officers or certain employees upon subsequent remarriage of surviving spouse
185	Nov 30	HB0835	PN4783	immediately *	Judicial Code (42 Pa.C.S.) and Law and Justice (44 Pa.C.S.)—genetic identification evidence, DNA data and testing and required DNA samples and expungement and providing for good faith
186	Nov 30	HB0850	PN4799	60 days	Second Class County Code—omnibus amendments
187	Nov 30	HB1113	PN4796	immediately	Public School Code of 1949—remittance of taxes as compensation for municipal services provided by a city of the second class, establishment of policies by school districts regarding student possession and self-administration of asthma medications
188	Nov 30	HB1262	PN4078	180 days	Domestic Relations Code (23 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—omnibus amendments
189	Nov 30	HB1329	PN4773	60 days	Real and Personal Property (68 Pa.C.S.)—planned communities
190	Nov 30	HB1330	PN4774	60 days	Real and Personal Property (68 Pa.C.S.)—real estate cooperatives
191	Nov 30	HB1331	PN4775	60 days	Real and Personal Property (68 Pa.C.S.)—condominiums
192	Nov 30	HB1535	PN4776	60 days	Local Tax Enabling Act—personnel for collection of taxes, earned income taxes and collection of taxes by suit, costs of collection of delinquent per capita, occupation, occupational privilege and earned income taxes and legal representation
193	Nov 30	HB1954	PN4797	immediately	First Class City Home Rule Act—general grant of power and authority and specific powers
194	Nov 30	HB2036	PN4779	immediately *	Decedents, Estates and Fiduciaries (20 Pa.C.S.)—mental health care declarations and powers of attorney and prudent investor rule
195	Nov 30	HB2055	PN3423	immediately	Military and Veterans Code (51 Pa.C.S.)—further defining “soldier.”
196	Nov 30	HB2090	PN4075	60 days	Unfair Trade Practices and Consumer Protection Law—rescission of contracts
197	Nov 30	HB2262	PN4781	immediately	Child Internet Protection Act—enactment
198	Nov 30	HB2270	PN3121	immediately	Family Support for families of Persons with Disabilities Act—enactment

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
199	Nov 30	HB2384	PN4644	60 days	Underground Utility Line Protection Law—duties of facility owners, One Call System and contractors and fines and penalties
200	Nov 30	HB2865	PN4716	immediately	Municipal Pension Plan Funding Standard and Recovery Act—authorization for alternate amortization schedules to accommodate extraordinary events
201	Nov 30	SB0677	PN1996	14 days	Public Utility Code (66 Pa.C.S.)—consumer protection and information, protection of responsible customer of public utilities, abrogating regulations and preempting local regulation
202	Nov 30	SB0705	PN2001	60 days	Crimes Code (18 Pa.C.S.)—deceptive or fraudulent business practices
203	Nov 30	SB0798	PN1923	immediately	Capitol Centennial Commission Act—enactment
204	Nov 30	SB0856	PN1951	immediately	Fireworks Law—regulating sale and use of fireworks
205	Nov 30	SB0871	PN1940	180 days	Detectives and Private Police (22 Pa.C.S.)—humane society police officers, powers and duties of Department of Agriculture and establishment of Humane Society Police Officer Advisory Board
206	Nov 30	SB0892	PN1785	60 days	Pennsylvania Municipalities Planning Code—contents of subdivision and land development ordinance and release from improvement bond
207	Nov 30	SB0904	PN1905	60 days	Pennsylvania Consolidated Statutes—omnibus amendments to miscellaneous consolidated titles
208	Nov 30	SB0912	PN1987	60 days	Agriculture (3 Pa.C.S.)—crop insurance premium payments and report by Department of Agriculture
209	Nov 30	SB0927	PN1323	immediately	County Code—governing board of third class county convention center authority
210	Nov 30	SB0931	PN1950	immediately	Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act—extending Postsecondary Educational Gratuuity Program and National Guard eligibility
211	Nov 30	SB0938	PN1984	immediately *	Vehicle Code (75 Pa.C.S.)—omnibus amendments
212	Nov 30	SB0981	PN1332	60 days	Military and Veterans Code (51 Pa.C.S.)—establishment of Educational Assistance Program Fund
213	Nov 30	SB1030	PN1973	90 days	Alternative Energy Portfolio Standards Act—enactment
214	Nov 30	SB1032	PN1920	60 days	Names (54 Pa.C.S.)—judicial procedure for name changes and name change by order of court
215	Nov 30	SB1041	PN1972	60 days	Pennsylvania Senior Environment Corps Act—enactment
216	Nov 30	SB1096	PN1970	immediately *	Insurance Company Law of 1921—omnibus amendments
217	Nov 30	SB1099	PN1979	immediately	Judicial Code (42 Pa.C.S.)—courts of common pleas, summary offenses, informal adjustment, consent decrees, compulsory arbitration, disposition of delinquent children and sentences for offenses against infants

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
218	Nov 30	SB1102	PN1991	immediately	Commerce and Trade (12 Pa.C.S.) and Public Authorities and Quasi-Public Corporations (64 Pa.C.S.)—omnibus amendments
219	Nov 30	SB1167	PN1955	immediately	State Lottery Law—generic drugs and amount of rebate for certain prescription drugs
220	Nov 30	SB1192	PN1974	immediately	Fiscal Code—investment of Commonwealth moneys
221	Nov 30	SB1233	PN1848	immediately	Liquor Code—general powers of Pennsylvania Liquor Control Board, sales by Pennsylvania Liquor Stores and unlawful acts relative to liquor, malt and brewed beverages
222	Dec 1	HB0197	PN4802	immediately	Local Tax Enabling Act—omnibus amendments
223	Dec 1	HB0248	PN0277	60 days	Borough Code—tax levy
224	Dec 1	HB0250	PN0279	60 days	Second Class Township Code—township and special tax levies
225	Dec 1	HB0447	PN4798	60 days	Judicial Code (42 Pa.C.S.)—certain immunity for persons who donate vehicles and equipment to volunteer fire companies and sentences for certain drug offenses committed with firearms
226	Dec 1	HB1321	PN4811	immediately	First Class Cities Economic Development District Act—enactment
227	Dec 1	HB2029	PN4639	60 days	Cities of first class—enforcement of ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris
228	Dec 1	HB2066	PN4752	immediately *	Vehicle Code (75 Pa.C.S.)—omnibus amendments
229	Dec 1	HB2666	PN4808	60 days	Vehicle Code (75 Pa.C.S.)—period of registration, commercial driver records, exemption from other fees and prohibition on expenditures for emission inspection program
230	Dec 1	HB2749	PN4795	immediately	Pennsylvania Construction Code Act—referenced standards and abrogating regulations
231	Dec 1	HB2775	PN4809	immediately	Chesapeake Bay Watershed Education Program Act—enactment
232	Dec 1	SB0441	PN2004	60 days	Domestic Relations Code (23 Pa.C.S.)—persons qualified to solemnize marriages
233	Dec 1	SB0959	PN2000	immediately	Judicial Code (42 Pa.C.S.)—Constables' Education and Training Account, information required upon commitment and subsequent disposition
234	Dec 8	HB0623	PN4800	60 days	Crimes Code (18 Pa.C.S.)—deceptive or fraudulent business practices
235	Dec 8	HB0657	PN4772	60 days	Pennsylvania Farmland and Forest Land Assessment Act of 1974—land devoted to agricultural use, agricultural reserve and/or forest reserve, responsibilities of county assessor and roll-back taxes and special circumstances
236	Dec 8	HB0709	PN2707	immediately	Crimes Code (18 Pa.C.S.)—cruelty to animals
237	Dec 8	HB0873	PN4807	immediately *	Vehicle Code (75 Pa.C.S.)—omnibus amendments

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
238	Dec 8	HB0994	PN4760	60 days	Transit Revitalization Investment District Act—enactment
239	Dec 8	HB2105	PN4801	immediately *	Liquor Code—omnibus amendments
<b>2004 VETOES OF BILLS—VETO 005 through 011</b>					
005	Nov 30	HB0176	PN4784		Tax Reform Code of 1971—omnibus amendments
006	Nov 30	SB0304	PN1983		Decedents, Estates and Fiduciaries (20 Pa.C.S.)—payments to family and funeral directors, allowable family exemption and classification and order or payment of claims against estate of decedent
007	Nov 30	SB0356	PN1980		Crimes Code (18 Pa.C.S.)—criminal history record information
008	Nov 30	SB0492	PN1653		Crimes Code (18 Pa.C.S.)—offenses of neglect of care-dependent person and living wills and health care powers of attorney, implementation of out-of-hospital nonresuscitation and conforming amendments
009	Nov 30	SB1209	PN1997		Amusements (4 Pa.C.S.)—omnibus amendments
010	Nov 30	HB2442	PN4806		Regulatory Review Act—composition and proposed regulations and procedure for review
011	Dec 8	HB2664	PN4810		Transportation (74 Pa.C.S.)—distribution of funding, temporary public transportation assistance funding and flying while impaired

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

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

#### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 04-2224. Filed for public inspection December 17, 2004, 9:00 a.m.]



# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 211 ]

#### Promulgation of Consumer Price Index and Judicial Salaries Pursuant to Act 51 of 1995; No. 266 Judicial Administration; Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 8th day of December, 2004, pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, it is hereby *Ordered* that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 12-month period and the judicial salary amounts effective January 1, 2005, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 211. CONSUMER PRICE INDEX

Pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for the most recent 12-month period and the judicial salaries effective January 1, 2005, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq. See, No. 266 Judicial Administration Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage of increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending October 2004, was 5.2 percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Wednesday, November 17, 2004).

The Court Administrator of Pennsylvania also reports that the following judicial salaries are adopted to implement Act 51 of 1995:

#### Section 2.1. Judicial salaries effective January 1, 2005.

(a) *Supreme Court.*—The annual salary of the Chief Justice of the Supreme Court shall be \$154,448 and the

annual salary of each of the other justices of the Supreme Court shall be \$150,369.

(b) *Superior Court.*—The annual salary of the President Judge of the Superior Court shall be \$147,858 and the annual salary of the other judges of the Superior Court shall be \$145,659.

(c) *Commonwealth Court.*—The annual salary of the President Judge of the Commonwealth Court shall be \$147,858. The annual salary of each of the other judges of the Commonwealth Court shall be \$145,659.

(d) *Courts of common pleas.*—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$133,103.

(ii) Philadelphia County, \$133,731.

(iii) Judicial districts having six or more judges, \$131,848.

(iv) Judicial districts having three to five judges, \$131,220.

(v) Judicial districts having one or two judges, \$130,591.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$131,848.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$131,220.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$131,848.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$131,220.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$130,591.

(e) *Philadelphia Municipal Court.*—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$129,335. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$127,139.

(f) *Philadelphia Traffic Court.*—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$69,064. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$68,437.

(g) *District justices.*—A district justice shall receive an annual salary payable by the Commonwealth of \$64,669.

(h) *Senior judges.*—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$400 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge

retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 04-2225. Filed for public inspection December 17, 2004, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## LANCASTER COUNTY

Rules of Civil Procedure Nos. 10, 36, 1018.1, 1915.15 and 3252 Amended; Rules of Criminal Procedure Nos. 3 and 570 Amended; Rule of Civil Procedure 1042.21 Adopted

### Administrative Order

Lancaster County Rules of Civil Procedure Nos. 10, 36, 1018.1, 1915.15 and 3252 and Lancaster County Rules of Criminal Procedure Nos. 3 and 570 are amended as follows. Lancaster County Rule of Civil Procedure 1042.21 is adopted as follows. These changes shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGELIS,  
*President Judge*

### Civil Rules of Procedure

#### Rule 10. Business Judge

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

B. Family Court motions and petitions for special relief or other Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or, for urgent matters, to the assigned judge by appointment. A copy of the motion or petition, as well as notice of when and where it will be presented, must be provided to all parties at least two business days before presentation to the Court. Proof of service of the pleading and of that notice must be attached to the original.

#### Rule 36. Assigned Judge

The assigned judge shall be the judge who:

A. Has been assigned a petition pursuant to Local Rule 206.4(c)B.5, a preliminary objection pursuant to Local Rule 1028(c) or a motion pursuant to Local Rules 208.3(a), 1034(a) or 1035.2(a).

B. Conducts a hearing prior to trial.

C. Has been assigned a case pursuant to Local Rules 27D, 212.2A or 212.2B.

#### Rule 1018.1 Notice to Defend

The following is designated to be named in the Notice to Defend as the organization from which information can be obtained:

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
Telephone: 717-393-0737

#### Rule 1042.21. Medical Professional Liability Actions. Motion for Settlement Conference or Mediation

A motion for mediation filed pursuant to Pa.R.C.P. No. 1042.21 shall propose a mediator and the conditions for the mediation. Any non-moving party shall have ten business days to file an objection and a praecipe to assign the motion for disposition. If the non-moving party's objection is to the proposed mediator or conditions for the mediation, that party shall propose an alternate mediator or alternate conditions for the mediation. If the non-moving party's objection is that there is no realistic possibility of settlement, that party shall state the basis for that belief. A proposed order shall be attached to any motion or objection.

If an objection is filed, the assigned judge shall issue an order directing the moving party to place a telephone conference of all the parties and the judge or shall issue an order scheduling a chambers conference. If an agreement on a mediator or the conditions for the mediation cannot be reached during this conference or within the time granted by the Court and if the Court believes that there is a realistic possibility of settlement and that mediation should proceed, the judge shall appoint a mediator and resolve any other disputed conditions for the mediation.

If no objection is filed, the moving party shall file a praecipe to assign the motion for disposition.

#### Rule 1915.15. Form of Order

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

#### IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION LAW

\_\_\_\_\_, :  
Plaintiff :  
v. : No.  
\_\_\_\_\_, :  
Defendant :

#### ORDER

You, \_\_\_\_\_, (defendant) (respondent), have been sued in Court to (obtain)(modify) custody, partial custody or visitation of the following child/children: (names)

1. You are ordered to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ .m. for a conciliation conference to be held in room number \_\_\_\_\_ before Custody Conference Officer \_\_\_\_\_.

2. Pending the custody conference:  
(Court selects option)

- No temporary order is requested.
- The Court issues no temporary order.
- The custody Order (date and reference No.) remains in effect.

With the following revisions (if applicable)

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The Court enters the following Temporary Order:

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3. Required Education Seminar:

a. All parties named in the caption of the case MUST participate in the custody education seminar approved by the Court at the time the custody action was filed.

b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.

c. Attendance at the custody education seminar will be verified by a certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee MUST be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the attached complaint or petition.

e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is [www.co.lancaster.pa.us/Courts](http://www.co.lancaster.pa.us/Courts).

f. If you fail to attend the custody education seminar without being excused by order of Court, you WILL be subject to contempt proceedings.

4. If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LANCASTER BAR ASSOCIATION  
 LAWYER REFERRAL SERVICE  
 28 EAST ORANGE STREET  
 LANCASTER, PA 17602  
 (717) 393-0737

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lancaster County is required by law to comply with the Americans with

Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator. All arrangements must be made at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

\_\_\_\_\_  
 JUDGE

DATE:

ATTEST:

**Rule 3252. Writ of Execution**

The following is designated to be named in the Writ of Execution Notice as the organization from which information can be obtained:

Lancaster Bar Association  
 Lawyer Referral Service  
 28 East Orange Street  
 Lancaster, PA 17602  
 Telephone: 717-393-0737

**Criminal Rules of Procedure**

**Rule 3. Call of the List**

A call of the trial list will take place as scheduled by the District Court Administrator prior to each trial term. At that time, the President Judge or his designee will address all motions for trial continuances and requests to schedule guilty pleas. Any case not removed from the trial list at the call of the list will be considered trial ready.

**Rule 570. Pre-trial Conference**

*A. Scheduling of pre-trial conference*

1. After the information is filed, the District Court Administrator shall schedule a pre-trial conference.

The District Court Administrator shall provide notice of the pre-trial conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 114.

2. A pre-trial conference for a homicide case shall be governed by Local Rule 570A.

*B. Appearances required*

The attorney for the Commonwealth and the attorney for the defendant or the pro se defendant shall appear at the pre-trial conference.

*C. Certification for trial*

A case may be certified ready for trial by the attorneys for the Commonwealth and the defendant (or the pro se defendant) at the pre-trial conference.

When a case is certified ready for trial, it shall not be scheduled for any further pre-trial conferences.

*D. Continuance*

A continuance request made at the pre-trial conference must be in writing and shall state the position of the opposing attorney.

*E. Guilty plea*

1. If the status of a case is a guilty plea, the guilty plea must be scheduled at the pre-trial conference.

2. A defendant may plead guilty at the pre-trial conference at the discretion of the Court.

F. *Status order*

The Court shall issue a status order at the pre-trial conference. Copies shall be provided to all parties and the District Court Administrator.

[Pa.B. Doc. No. 04-2226. Filed for public inspection December 17, 2004, 9:00 a.m.]

**NORTHAMPTON COUNTY**

**Administrative Order 2004-5—Order of Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residual Lease-Form**

**Order Of Court**

*And Now*, this 29th day of November, 2004, the attached amended rule, N3155, is hereby adopted. The effective date of the rule is January 3, 2005.

*By the Court:*

ROBERT A. FREEDBERG,  
*President Judge*

**Rule N3155. Order of Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residential Lease-Form**

To: (employer)

Pursuant to the laws of the Commonwealth of Pennsylvania the net wages of \_\_\_\_\_, defendant/tenant, \_\_\_\_\_ (payroll or other identification number, if applicable), of \_\_\_\_\_ (address), is hereby attached to the following extent.

You are directed to pay to the Prothonotary of the Court of Common Pleas of Northampton County 10% of the net wages due the defendant/tenant. The attachment payment must be sent to the Prothonotary within fifteen (15) days of the date the defendant/tenant is paid. Checks should be made payable to: \_\_\_\_\_

(Insert name of Judgment Creditor)

The order of attachment for damages arising out of a residential lease is binding upon you until further notice and shall have priority over any attachment, execution, garnishment or wage attachment under state or local law except one relating to a support order or a prior attachment for damages arising out of a residential lease. You must commence the attachment of the defendant/tenant's income as soon as possible but no later than fourteen (14) days from the date of the issuance of this order of attachment.

You are notified further that pursuant to law:

1. The defendant/tenant has been notified that an order of attachment would be issued.

2. Willful failure to comply with this order may result in (i) your being adjudged in contempt of court with appropriate sanctions; (ii) your being held liable for any amount not withheld or withheld but not forwarded to the Prothonotary; and (iii) attachment of your funds or property.

3. The attachment of income or the possibility thereof as a basis, in whole or in part, for the discharge of an employee or any disciplinary action against or demotion of an employee is prohibited. Violation may result in (i)

your being adjudged in contempt with appropriate sanctions; and (ii) an action against you by the employee for damages.

4. You must notify the Prothonotary when the defendant/tenant terminates employment and provide the Prothonotary with the employee's last known address and the name and address of the new employer, if known.

5. The maximum amount of the attachment shall not exceed 10% of the employee's net wages per pay period. The total amount of wages attached pursuant to this order shall not exceed \_\_\_\_\_.

6. For the purposes of this order, "net wages" means all wages paid less only the following items:

- (i) Federal, State, and local income taxes;
- (ii) F.I.C.A. payments and nonvoluntary retirement payments;
- (iii) Union dues; and
- (iv) Health insurance premiums.

Date of Order: \_\_\_\_\_

BY THE COURT,

\_\_\_\_\_

J.

[Pa.B. Doc. No. 04-2227. Filed for public inspection December 17, 2004, 9:00 a.m.]

**SOMERSET COUNTY**

**Consolidated Rules of Court; No. 70 Miscellaneous 2004**

**Adopting Order**

*Now*, this 24th day of November, 2004, it is hereby *Ordered*:

1. Som. R.Crim.P. 310, Accelerated Rehabilitative Disposition, Motions And Orders, is amended to read in its entirety as follows hereto, effective thirty days after publication in the *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator shall:

A. File seven (7) certified copies of this Order and the attached Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the attached Rule with the Pennsylvania Criminal Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

**Som. R.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions And Criteria.**

A. A separate written motion shall be prepared for each docketed case for which ARD disposition is recom-

mended. After filing in the office of the Clerk of Courts, the motions shall be presented to the court in accordance with Motions Judge practice, prior to scheduling the case for ARD hearing.

B. Motions for ARD disposition shall contain the following:

1. A statement of all offenses with which defendant is presently charged in this court; and

2. A statement of all offenses with which defendant is presently charged in any other jurisdiction which are known; and

3. Written statements of the criminal and motor vehicle records of the accused, if any, and if none, so stating, certified respectively by the appropriate official of the Department of Transportation, and the Clerk of Courts or other public official or authorized deputy having official custody of defendant's records, provided that in lieu of attaching such written statements to the motion, the same may be retained in the District Attorney's file and furnished to court when requested; and

4. Any other facts considered relevant to consideration of the motion.

C. ARD motions will be reviewed *ex parte* by the Motions Judge to determine whether the motion complies with these rules and warrants hearing.

1. If it appears from the face of the motion that the motion complies with these rules and warrants hearing, the Motions Judge will by endorsement thereon approve the same for scheduling and transmit it to the court clerk.

2. If additional facts are necessary to make the determination, the District Attorney and defense counsel shall furnish a written statement, if requested, containing such additional facts as the court may request.

3. If the Motions Judge determines that the motion does not comply with these rules and does not warrant hearing, the Motions Judge shall disapprove the motion for scheduling unless there are exceptional and compel-

ling reasons set forth in the motion or in supplemental statements provided by the District Attorney and defense counsel.

4. ARD motions disapproved for scheduling shall be so endorsed by the Motions Judge and transmitted to the court clerk.

[Pa.B. Doc. No. 04-2228. Filed for public inspection December 17, 2004, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Patrick W. Morgan of Philadelphia has been transferred to Inactive Status by Order of the Supreme Court of Pennsylvania dated November 4, 2004, pursuant to Rule 219, Pa.R.D.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175.00. The Order became effective December 4, 2004.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

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

[Pa.B. Doc. No. 04-2229. Filed for public inspection December 17, 2004, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF VETERINARY MEDICINE

#### [49 PA. CODE CH. 31]

#### Implanting Electronic Identification; Certified Veterinary Technicians

The State Board of Veterinary Medicine (Board) adopts amendments to §§ 31.1, 31.31—31.33, 31.35 and 31.38—31.41 to read as set forth in Annex A. The final-form rulemaking will permit a certified veterinary technician to implant electronic identification under indirect veterinary supervision and will permit a noncertified employee to implant electronic identification under direct veterinary supervision.

The Board also amends references in its regulations to certified animal health technicians by replacing this term with the new statutory term, certified veterinary technician, consistent with the act of December 9, 2002 (P. L. 1370, No. 167) (Act 167).

Notice of proposed rulemaking was published at 34 Pa. B. 1331 (March 6, 2004). Publication was followed by a 30-day public comment period. The Board received comments from the Pennsylvania Federation of Dog Clubs, Inc. (PFDC), and the Honorable Sheila Miller, State Representative. The House Professional Licensure Committee (HPLC) submitted one comment to the proposed rulemaking. The Senate Consumer Protection and Professional Licensure Committee made no comments. The Independent Regulatory Review Commission (IRRC) submitted two comments to the proposed rulemaking on May 5, 2004. The Board discussed the comments at its June 8, 2004, meeting.

#### *Summary of Comments and Responses to Proposed Rulemaking*

On March 10, 2004, the Honorable Sheila Miller, State Representative, addressed comments to IRRC that were forwarded to the Board. Representative Miller questioned whether the proposed rulemaking would inadvertently limit farmers and others in the animal agriculture field from applying new technologies in electronic identification to their animals. The proposed rulemaking does not restrict farmers from using electronic identification. The restriction on who may implant electronic identification is contained in the Veterinary Medicine Practice Act (act) (63 P. S. §§ 485.1—485.33) which defines the implanting of electronic identification as part of the practice of veterinary medicine. However, the act also provides that any person or the person's regular employee or agent may practice veterinary medicine on the person's own animals. This exemption would allow a farmer and a farmer's regular employees to implant electronic identification in animals owned by the farmer. In addition, if a farmer is not the owner, such as in the case of corporate ownership of farm animals, the farmer may still implant electronic identification in the animals as the agent of the corporate owner. Therefore, neither the act nor the Board's regulations will have any impact on a farmer's ability to use electronic identification.

On March 20, 2004, the PFDC sent comments to IRRC, which were forwarded to the Board. The PFDC expressed concern with a proposed provision that authorized noncertified employees of a veterinarian to implant electronic identification under direct veterinary supervision. An individual submitted comments to IRRC in support of the PFDC's position on March 25, 2004, which were also forwarded to the Board.

The Board's current regulations authorize noncertified employees to perform ear flushing; perform dental prophylaxis; perform diagnostic imaging, perform intravenous catheterization; administer immunizations which are not required by law to be administered in the presence of a licensed veterinarian; administer and apply medications and treatment by routes, including intramuscular, subcutaneous and previously catheterized vein; apply bandages; perform cardiac monitoring and perform appropriate procedures to control bleeding under direct veterinary supervision. See § 31.31(b)(1) (relating to scope of practice). The Board found that implanting electronic identification raises similar concerns in the areas of technique and sanitation as procedures that noncertified employees are already authorized to perform. Because implanting electronic identification does not require a quantitatively higher level of technical skill or a qualitatively different understanding of proper sanitation, the Board concluded that authorizing noncertified employees to implant electronic identification under direct veterinary supervision was consistent with the duties these employees are already authorized to perform. Under § 31.31(b), a veterinarian may only allow a noncertified employee to perform a procedure if it is within the noncertified employees' skills. Moreover, under § 31.31(b), the veterinarian bears ultimate responsibility for assuring that the noncertified employee to whom a duty is assigned is competent to perform the duty, and the veterinarian may be disciplined under section 21(22) of the act (63 P. S. § 485.21(22)) if the veterinarian allows an unqualified employee to provide services. Thus, the public is protected from unqualified staff of a veterinarian performing procedures, including implanting electronic identification.

The PFDC also commented that regulations promulgated by the Department of Agriculture in early 2003 were inconsistent with the act. The PFDC is correct; the Board contacted the Department of Agriculture after it promulgated these regulations and the Department amended its regulations to conform to the act published at 34 Pa. B. 6019 (November 6, 2004).

The HPLC noted a technical drafting problem in that some of the sections being amended by this rulemaking were previously amended to reflect the new terminology, "certified veterinary technician."

IRRC made two comments. First, in light of the comments submitted by the PFDC, IRRC asked the Board to further explain the basis for allowing noncertified employees to implant electronic identification. The Board believes it has further explained its reasoning. Second, IRRC noted that the Board had erroneously transcribed the amended statutory language related to grounds for disciplinary proceedings when it amended § 31.39(a)(6) to conform the disciplinary provisions for technicians to the statutory disciplinary provisions for veterinarians. The Board has amended § 31.39(a)(6) to mirror the language in section 21(15) of the act.

*Statutory Authority*

Section 3(10)(viii) of the act (63 P. S. § 485.3(10)(viii)) provides that the practice of veterinary medicine includes the practice by any person who “implants electronic identification, as determined by the Board.” Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

*Fiscal Impact and Paperwork Requirements*

The Board had identified no fiscal impact or paperwork requirements to State or local governments associated with the final-form rulemaking.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 24, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 34 Pa. B. 1331, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 19, 2004, the final-form rulemaking was approved by the HPLC. On November 3, 2004, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final-form rulemaking.

*Additional Information*

Individuals who need information about the regulation may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds:

- (1) That public notice of intention to adopt amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2.
- (2) That a public comment period was provided as required by law and all comments were considered.
- (3) That this final rulemaking is necessary and appropriate for the administration of the act.
- (4) That the amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking at 34 Pa. B. 1331.

*Order*

The Board orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending §§ 31.1, 31.31—31.33, 31.35, 31.38, 31.40 and 31.41 to read as set forth at 34 Pa.B. 1331 and by amending § 31.39 to read as set forth in Annex A.

- (b) The Board shall submit this order, 34 Pa. B. 1331 and Annex A to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

- (c) The Board shall certify this order, 34 Pa. B. 1331 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRIAN V. HARPSTER, V.M.D.,  
*Chairperson*

*(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa. B. 6292 (November 20, 2004).)*

**Fiscal Note:** Fiscal Note 16A-5715 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**

**CERTIFIED VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES**

**§ 31.39. Grounds for disciplinary proceedings.**

(a) The Board may suspend or revoke certification of a veterinary technician or otherwise discipline a certified veterinary technician or refuse to certify an applicant, or, upon certification, restrict the practice of an applicant who is found guilty by the Board or by a court of one or more of the following:

- (1) Willful or repeated violations of the act or of §§ 31.31—31.36 and 31.38.
- (2) Fraud or deceit in procuring or attempting to procure certification or presenting to the Board dishonest or fraudulent evidence of qualifications, or fraud or deception in the process of examination for the purpose of securing certification.
- (3) Fraud, deception, misrepresentation or dishonest or illegal practices in or connected with the person’s employment.
- (4) Revocation, suspension or other discipline by another state of the certification of the person as an animal health technician or a veterinary technician on grounds similar to those which in this Commonwealth allow disciplinary proceedings, in which case the revocation, suspension or other discipline shall be conclusive evidence.
- (5) Conviction of or plea of guilty or nolo contendere to a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780.101—780.144), in which case a certified copy of the court record shall be conclusive evidence.

(6) Conviction of a felony, a misdemeanor related to the profession or a crime of moral turpitude in the courts of this Commonwealth or of a state, territory or country which, if committed in this Commonwealth, would be deemed a felony, misdemeanor related to the profession or crime of moral turpitude and suspension, revocation or other discipline is in the best interest of the public health

and the general safety and welfare of the public. A record of conviction in a court of competent jurisdiction shall be sufficient evidence for disciplinary action to be taken as may be deemed proper by the Board.

(7) Permitting or allowing another to use his certification.

(8) Addiction to the habitual use of intoxicating liquors, narcotics or stimulants to an extent that incapacitates the certified veterinary technician from the performance of professional obligations or duties.

(b) Certified veterinary technicians and noncertified employees who deviate from the permitted scope of practice as set forth in § 31.31 (relating to scope of practice) will be subject to prosecution and the levying of a civil penalty by the Board under section 28(c) of the act (63 P. S. § 485.28(c)). Veterinarians who permit, order or direct certified veterinary technicians or noncertified employees to perform duties which are not authorized by § 31.31 will be subject to disciplinary action by the Board under section 21 of the act (63 P. S. § 485.21).

(c) Disciplinary action by the Board will be taken only after a formal hearing has been held in accordance with the act.

[Pa.B. Doc. No. 04-2230. Filed for public inspection December 17, 2004, 9:00 a.m.]

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# Title 58—RECREATION

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 111]

[Correction]

#### Boating

An error occurred in the heading of 58 Pa. Code § 111.56 (relating to Somerset County), which appeared at 34 Pa.B. 6333, 6334 (November 27, 2004). The section heading read Allegheny County erroneously.

The correct version of the heading is as follows, with ellipses referring to the existing text of the section.

#### § 111.56. Somerset County.

\* \* \* \* \*

[Pa.B. Doc. No. 04-2105. Filed for public inspection November 24, 2004, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA CODE CH. 901]

### Proposed Amendments to the Comprehensive Plan and Water Code Relating to the Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During Basinwide Drought

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to Section 2.5.5 of the Water Code, relating to the Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought. The Commission proposes to amend and codify changes to the *Comprehensive Plan and Water Code* effected by Resolution No. 2002-33, approved in November 2002 by the Commission and the parties to the United States Supreme Court Decree in *New Jersey v. New York*, 347 U. S. 995 (1954) (Decree Parties). The amendments are for purposes of clarification and accuracy and to better ensure that the benefits of the changes effected by Resolution No. 2002-33 are achieved without compromising habitat protection goals. Resolution No. 2002-33 in part amended the *Comprehensive Plan and Water Code* relating to the utilization of Lake Wallenpaupack during drought watch, drought warning and drought operations.

The proposed changes are summarized as follows:

First, numbered paragraph 1 of Resolution No. 2002-33 provides that "any and all provisions pertaining to the operation of Lake Wallenpaupack during basinwide drought warning also apply to basinwide drought watch as temporarily defined by the Commission in Docket No. D-77-20 CP." The proposed amendment adds the parenthetical "(Revision 7 and following)" at the end of this sentence to make clear that the most current applicable revision of Docket No. D-77-20 CP is intended to apply.

Second, the inclusion of the term "drought watch" in brackets following every mention of "drought warning" in the November 2002 amendments is proposed to be deleted, because the Resolution makes clear in numbered Paragraph 1 of the Resolution that provisions in Section 2.5.5 of the *Water Code* pertaining to the operation of Lake Wallenpaupack during drought warning also are intended to apply to drought watch as defined by Docket No. D-77-20 CP (Revision 7 and following).

Third, throughout the language added by Resolution No. 2002-33, the terms "drought conditions" and "drought warning conditions" are replaced by "drought operations" and "drought warning operations," respectively, to more accurately reflect the fact that the reservoir management activities described are triggered by a set of reservoir drought operating rules established by the Commission and the Decree Parties, rather than by hydrologic conditions.

Fourth, the November 2002 amendments inserted language at Section 2.5.5 of the Water Code stating that "[d]uring 'drought' and 'drought warning' operations . . . , 'the power companies shall release water only in accordance with Commission direction.'" This statement is proposed to be changed to reflect the drafters' intention that "[d]uring 'drought' and 'drought warning' operations as

defined in Figure 1 of Section 2.5.3.A. of the *Water Code*, releases from Lake Wallenpaupack shall be made only in accordance with Commission direction." In a related amendment, a new sentence is proposed to be added to Section 2.5.5 addressing operation of the Mongaup reservoir system by the Commission, which may take place only under more limited circumstances. The proposed provision reads, "After issuance of a Conservation Order by the Commission, power generation releases from the Mongaup reservoir system shall be made only in accordance with Commission direction." This statement restores the rule governing drought operation of the Mongaup system reservoirs to the rule in effect before the November 2002 amendments.

Fifth, the Commission proposes to add a clause providing that when it directs releases from Lake Wallenpaupack during drought watch (including warning) and drought operations, it must give consideration to any flow and temperature targets established by the Commission and the Decree Parties in the upper Delaware River and in the West Branch Delaware, East Branch Delaware and Neversink rivers for the protection of the cold water fisheries in these streams.

#### Dates

The public hearing will be held during the Commission's regularly scheduled business meeting on January 19, 2005, at 1:30 p.m. Persons wishing to testify at the hearing are asked to register in advance with the Commission (609) 883-9500, Ext. 224. Submission of written comments by January 14, 2005, would be appreciated, but written comments will be accepted through the close of the public hearing on Wednesday, January 19, 2005.

#### Addresses

The proposed resolution, containing the full text of the proposed amendments, is posted on the Commission's website: [www.drbc.net](http://www.drbc.net). The public hearing will be held in the Goddard Room of the Commission's office building at 25 State Police Drive in West Trenton, New Jersey. Written comments should be addressed to the Commission Secretary as follows: by e-mail to [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us); by fax to (609) 883-9522; by United States mail to Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360.

#### Further Information, Contact

Contact Commission Secretary Pamela Bush, (609) 883-9500, Ext. 203 with questions about the proposed action.

It is proposed to amend Sections 2.5.5 and 2.5.6 of the Commission's *Water Code* (25 Pa. Code § 901.2) (which is incorporated in the Commission's *Comprehensive Plan*). The changes to the *Water Code* effected by Resolution No. 2002-33, incorporating the proposed amendments, are set forth below. It is understood that any and all provisions pertaining to the operation of Lake Wallenpaupack during basinwide drought warning also apply to basinwide drought watch as temporarily defined by the Commission in Docket No. D-77-20 CP (Revision 7 and following).

The following sentence is added at the end of the first paragraph of Section 2.5.5:

Lake Wallenpaupack also may be utilized to complement the drought management operations of

the New York City reservoirs during “drought warning” operations as defined by Figure 1 in Section 2.5.3A.

The last three sentences of the second paragraph of Section 2.5.5 (beginning “Lake Wallenpaupack and the Mongaup reservoirs . . .”) are replaced by the following:

During “drought” and “drought warning” operations, as defined in Figure 1 of Section 2.5.3.A of the *Water Code*, releases from Lake Wallenpaupack shall be made only in accordance with Commission direction. The Lake Wallenpaupack elevation schedules during normal, drought warning, and drought conditions are set forth in Table 2. The lake elevations in Table 2 have been established to preserve the recreation values and other operational benefits of the lake while also providing water storage to be utilized at the direction of the Commission during the Commission’s drought operations as set forth in this section and in Section 2.5.6. The utilization of Lake Wallenpaupack at the direction of the Commission during the Commission’s drought operations shall be conditioned upon the following:

1. Utilization of Lake Wallenpaupack during drought warning operation shall be consistent with PPL’s FERC license and power generation requirements as well as with lake and downstream needs.
2. During drought warning and drought operations, Lake Wallenpaupack will be utilized with consideration given to established flow and temperature targets in the upper Delaware River and in the West Branch Delaware, East Branch Delaware, and Neversink Rivers.
3. During drought operations, PPL may, at the Commission’s direction, operate for power production when the lake elevation is above the following first-of-month “normal elevation” as defined in Table 2.
4. During a declared power emergency, PPL may operate for power production regardless of lake elevation.
5. Subject to the concurrence of the Commission, in response to changing electrical demand patterns, PPL may revise the lake elevations for “normal conditions” shown in Table 2.

C. Table 2 of Section 2.5.5 is revised in its entirety, as follows:

**Table 2. Lake Wallenpaupack Elevation Schedules**

Day	Normal Conditions	Drought Warning [and Watch]	Drought
June 1	1187.0	1187.0	1187.0
July 1	1185.0	1185.0	1185.0
August 1	1183.0 <sup>1</sup>	1183.0 <sup>1</sup>	1183.0 <sup>1</sup>
September 1	1181.0	1180.0	1179.0
October 1	1179.0	1176.0	1175.0
November 1	1181.0	1172.0	1171.0
December 1	1182.0	1167.5	1167.5
January 1	1183.0	1170.1	1170.1
February 1	1181.5	1173.3	1173.3
March 1	1180.0	1175.6	1175.6
April 1	1182.3	1182.3	1182.3
May 1	1185.6	1185.6	1185.6

<sup>1</sup> The existing FERC license for the Lake Wallenpaupack Hydroelectric Project requires that, ex-

cept when flood waters are being stored, the maximum elevation of the lake shall be limited to elevation 1182.0 between August 1 and November 15 of each year (Article 41). In its application to the FERC for a new license, PPL seeks to include the drought condition lake elevation schedules in Table 2 on a permanent basis, including a lake elevation of 1183.0 on August 1. In the interim, until the FERC issues a new license, PPL will request annual approval from the FERC to operate the lake in accordance with Table 2 during the August 1-November 15 period. PPL will notify the Commission of the FERC’s response to each annual request. If in any year FERC does not approve a change to the lake elevation to 1183.0 or does not include it as a term of the new license, then this elevation shall be deemed to be 1182.0 in that year.

The third paragraph of Section 2.5.5 is revised by inserting the following text immediately before the first sentence:

After issuance of a Conservation Order by the Commission, power generation releases from the Mongaup reservoir system shall be made only in accordance with Commission direction.

Subsection C.3.c is added to Section 2.5.6, as follows:

c. The Commission may direct releases from Lake Wallenpaupack subject to the same conditions as applied to operation during lower basin drought in D.3.e, except that utilization of Lake Wallenpaupack during lower basin drought warning shall be consistent with PPL’s FERC license and power generation requirements as well as with lake and downstream needs.

At Subsection D.3.b.iv of Section 2.5.6, the volume of storage assigned to Lake Wallenpaupack is revised to 33.9 bg from 29.81 bg.

A second sentence is added to Subsection D.3.e.i of Section 2.5.6 as follows:

During drought, PPL may, at the Commission’s direction, operate for power production when the lake elevation is above the following first-of-month “normal elevation” as defined in Table 2 and during a power emergency declared by the regional electric system operator (currently P.J.M. Interconnection, L.L.C.) regardless of lake elevation.

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** 68-45. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [ (2001) ] (2004) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 [ (2001) ] (2004) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 04-2231. Filed for public inspection December 17, 2004, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective December 3, 2004.

The organization chart at 34 Pa.B. 6656 (December 18, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 04-2232. Filed for public inspection December 17, 2004, 9:00 a.m.]

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective December 3, 2004.

The organization chart at 34 Pa.B. 6657 (December 18, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 04-2233. Filed for public inspection December 17, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 57]

#### Publicizing Stocking of Fish

The Fish and Boat Commission (Commission) proposes a new statement of policy in Chapter 57 (relating to statements of policy). The proposed statement of policy relates to publicizing the stocking of fish. Although not required to publish a notice of proposed rulemaking to adopt a statement of policy, the Commission is publishing the proposed statement of policy in this manner and is seeking public comments because of the heightened public interest in this issue. The Commission is publishing this

proposal under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed statement of policy, if approved, will go into effect upon publication of an order adopting the statement of policy in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed statement of policy, contact Laurie E. Shepler, Esq., Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website: [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission shall administer and enforce the code and other laws of this Commonwealth relating to the protection, propagation and distribution of fish.

#### D. Purpose and Background

At the April 18, 1997, meeting, the Commission formally adopted modifications to its policy for publicizing the stocking of legal-size trout. This policy is set forth at § 57.9a (relating to publicizing stocking of legal-size trout). The proposed policy provides that:

- (1) All stockings are publicly announced.
- (2) Announcements of preseason and winter stockings may include the date, time and a description of the waters to be stocked.
- (3) Announcements of in-season stockings will include the week of stocking and the name of the waters to be stocked. The Executive Director may announce the date and time of certain in-season stocking on Saturdays on publicly owned or controlled lakes, with the owners' consent, when the announcement will enhance fishing opportunities and will not cause undue congestion and crowd control and traffic problems.
- (4) The Executive Director may announce the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements.

Because there is increased interest among the public to announce stocking to the fullest extent practicable, the Commission proposes changes to its policy as more fully described herein. The Commission will use field reviews by its staff, as well as responses from landowners, to identify waters where the announcement of stocking is advisable.

#### E. Summary of Proposal

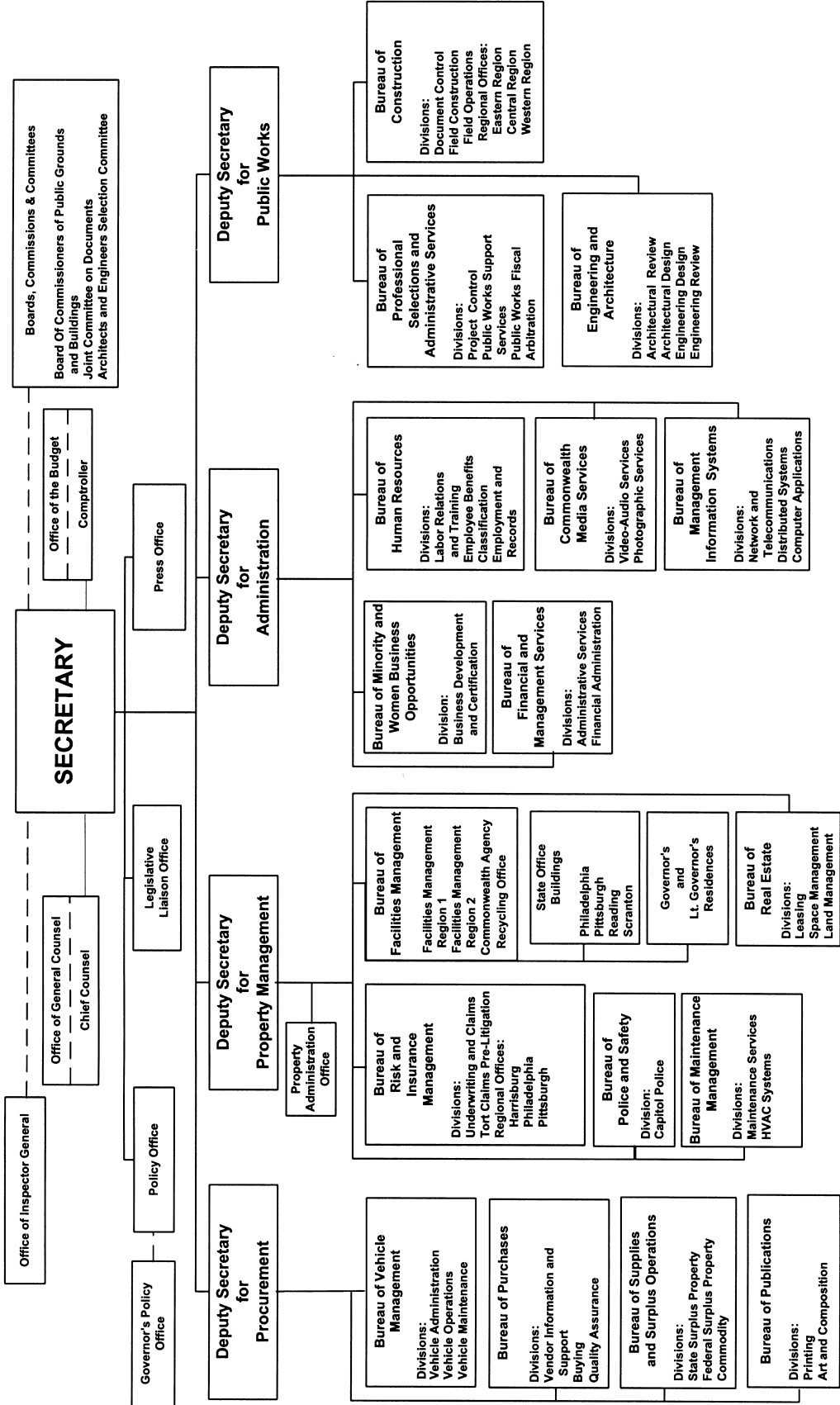
The Commission proposes a statement of policy under which all stockings will be publicly announced. Under the proposal, the Executive Director, in his discretion, may announce the date, time, location, number or weight of all fish stockings. The Executive Director may withhold announcements based on certain factors, including, but not limited to, safety.

#### F. Paperwork

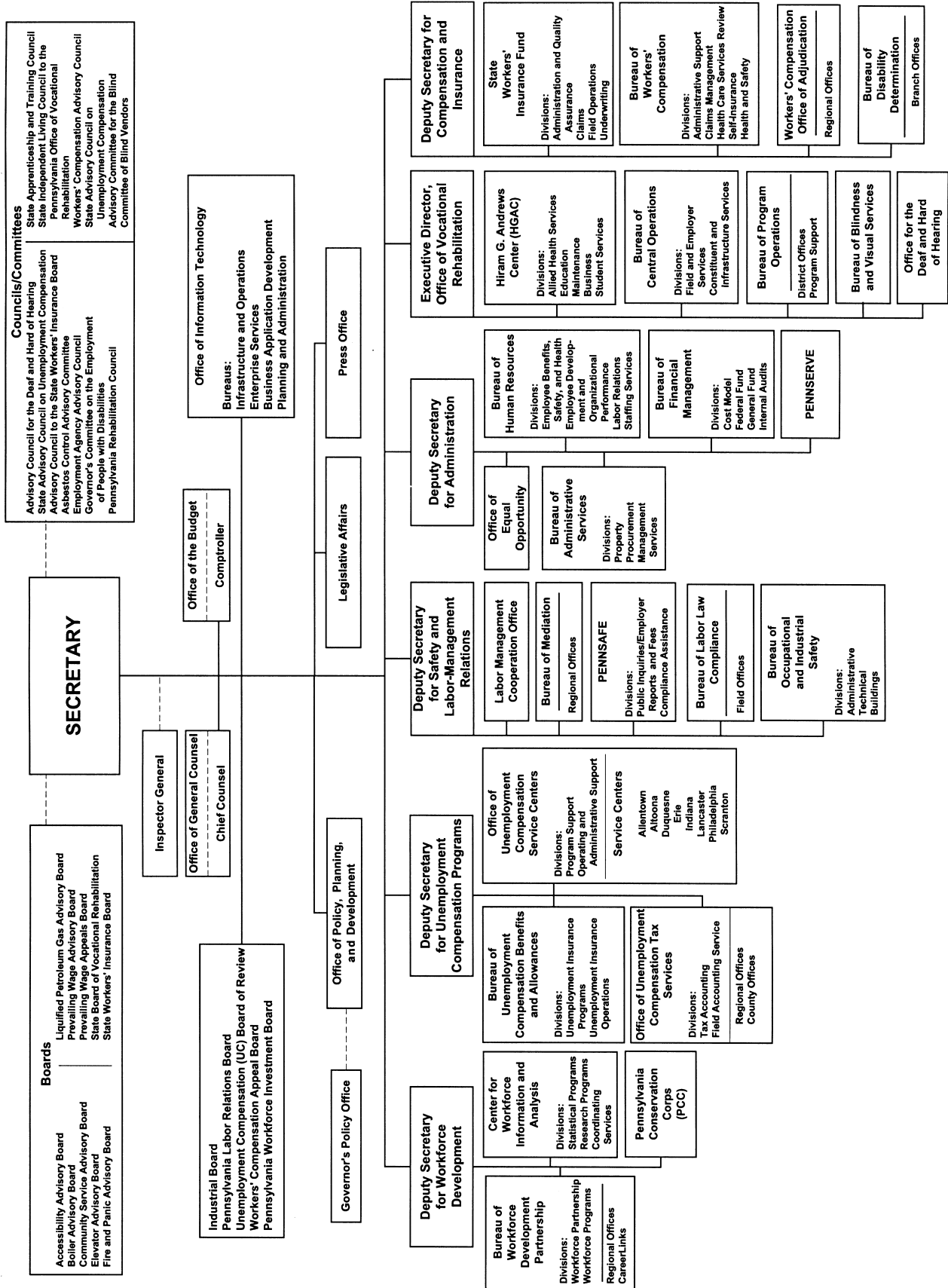
The proposed statement of policy will not increase paperwork and will create no new paperwork requirements.

(Continued on page 6658)

DEPARTMENT OF GENERAL SERVICES



DEPARTMENT OF LABOR AND INDUSTRY



*G. Fiscal Impact*

The proposed statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy will impose no new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed statement of policy to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at <http://www.state.pa.us/Fish/regcomments>. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

**Fiscal Note:** 48A-164. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart A. GENERAL PROVISIONS****CHAPTER 57. STATEMENTS OF POLICY**

§ 57.9a. Publicizing stocking of [ legal-size trout ] fish.

(a) [ It is the policy of the Commission that all stockings of legal-size trout be publicly announced.

**(b) Announcements of preseason and winter stockings of legal-size trout may include the date, time and a description of the waters to be stocked.**

**(c) Announcements of in-season stockings of legal-size trout will include the week of stocking and the name of waters to be stocked. The Executive Director or a designee may announce the day and time of certain in-season stocking of legal-size trout on Saturdays on lakes owned or controlled by the Commonwealth, Federal or local governments when an announcement will enhance fishing opportunities and will not cause undue congestion, crowd control or traffic problems. On lakes other than those under the direct control of the Commission, the day of in-season stockings will not be announced without the acquiescence of the government agency, official or officer responsible for ownership and control of the site of the stockings.**

**(d) The Executive Director may implement the policy stated in subsection (c) with regard to announcing the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements. ] All stockings will be publicly announced.**

**(b) The Executive Director, in his discretion, may announce the date, time, location, number or weight of all stockings and may withhold announcements based on certain factors, including but not limited to, safety.**

[Pa.B. Doc. No. 04-2234. Filed for public inspection December 17, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and 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 December 7, 2004.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-2-04	Parkvale Financial Corporation, Monroeville, PA, to acquire 100% of Advance Financial Bancorp, Wellsburg, WV	Monroeville	Approved
12-3-04	Sterling Financial Corporation, Lancaster, to acquire 100% of the voting shares of The Pennsylvania State Banking Company, Camp Hill	Lancaster	Effective

As a result of the holding company merger, Pennsylvania State Bank, Camp Hill, the wholly owned banking subsidiary of The Pennsylvania State Banking Company, will become a wholly owned subsidiary of the Sterling Financial Corporation.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-04	Commercial Bank of Pennsylvania, Latrobe, and Highway Trust Company, Greensburg Surviving Institution— Commercial Bank of Pennsylvania, Latrobe, with a change in corporate title to "Commercial Bank & Trust of Pa."	Latrobe	Approved
12-2-04	Parkvale Savings Bank, Monroeville, PA, and Advance Financial Savings Bank, Wellsburg, WV Surviving Institution— Parkvale Savings Bank, Monroeville, PA	Monroeville	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-1-04	Sharon Savings Bank Darby Delaware County	1900-02 South Street Philadelphia Philadelphia County	Opened
12-1-04	NOVA Savings Bank Philadelphia Philadelphia County	448 East Baltimore Pike Media Delaware County	Approved
12-7-04	Allegiance Bank of North America Bala Cynwyd Montgomery County	36 North 3rd Street Philadelphia Philadelphia County	Approved

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-1-04	Mercer County State Bank Sandy Lake Mercer County	<i>To:</i> 16411 Conneaut Lake Road Meadville Crawford County  <i>From:</i> 16881 Conneaut Lake Road Meadville Crawford County	Approved
12-3-04	Irwin Bank & Trust Company Irwin Westmoreland County	<i>To:</i> 4580 Broadway Boulevard Monroeville Allegheny County  <i>From:</i> 4548 Broadway Boulevard Monroeville Allegheny County	Filed
12-3-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 1188 Mae Street Hershey Dauphin County  <i>From:</i> 1201 Governor Road Hershey Dauphin County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-1-04	Fulton Bank Lancaster Lancaster County	1188 Mae Street Hummelstown Dauphin County	Approved
12-2-04	Irwin Bank & Trust Company Irwin Westmoreland County	512 Broadway Pitcairn Allegheny County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-1-04	Erie Community Credit Union, Erie, and Zurn Community Federal Credit Union, Erie Surviving Institution— Erie Community Credit Union, Erie  <i>Branch Acquired by means of Merger:</i> 2165 West 21st Street Erie Erie County	Erie	Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-2235. Filed for public inspection December 17, 2004, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2005**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January 2005 is 7%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399,

which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.54 to which was added 2.50 percentage points for a



total of 7.04 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-2236. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### Public Hearing on Proposal to Amend the Administrative Procedure and Fee Schedule for the Renewal of Projects Under Section 3.8 and Article 10 of the Delaware River Basin Compact

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on a proposed amendment to the Commission's administrative procedure and fee schedule for the renewal of project approvals under Section 3.8 and Article 10 of the Delaware River Basin Compact.

The Commission's fee schedule for the review of projects under Section 3.8 and Article 10 of the Delaware River Basin Compact is set forth in Resolution No. 2003-14, duly adopted by the Commission on June 26, 2003. The proposed amendments to the schedule would add provisions (a) for the administrative continuance of dockets and permits (collectively, approvals) pending Commission action on renewal applications that are timely submitted; and (b) imposition of a fee of \$1,000, in addition to the ordinary review fee, for the review of renewal applications not submitted in a timely fashion. In accordance with the proposed amendment, a docket holder or permittee whose approval has been administratively continued will not be subject to penalties for operating without a docket or permit during the period between expiration of the approval and Commission action on an application for renewal, provided that the docket holder or permittee will be responsible for violations of the terms and conditions of its approval to the same extent as if the approval had been renewed prior to its expiration.

To phase in the new program, the proposed rule sets forth one timeline for approvals that expire before October 1, 2005, and another for approvals that expire on or after October 1, 2005.

Approvals expiring before October 1, 2005, are proposed to be administratively continued pending issuance of a docket renewal when the docket holder or permittee submits a complete application within 90 calendar days after receipt of a written notice from the Executive Director or by September 30, 2005, whichever is earlier. The Executive Director may extend the deadline for good cause shown in the event a substantially complete application, along with the full fee, is submitted by the deadline. The fee of \$1,000, payable in addition to the ordinary fee, is proposed to be charged for renewal applications submitted after September 30, 2005.

Approvals expiring after September 30, 2005, are proposed to be administratively continued pending issuance of a docket renewal when the docket holder or permittee submits a complete application at least 120 calendar days in advance of the expiration date. If the approval establishes a different application submission date, the docket

or permit is controlling. Again, the Executive Director may extend the deadline for good cause shown, in the event a substantially complete application, along with the full fee, is submitted by the deadline. A fee of \$1,000 above the ordinary fee is proposed to be charged for renewal applications submitted fewer than 120 calendar days before the approval's expiration date.

The amendment provides for the Executive Director to implement procedures to furnish written notice to docket holders and permittees in advance of their approval expiration dates, reminding them to file a timely renewal application. However, failure of the Executive Director to send such notice or lack of receipt of the notice by the docket holder or permittee will not relieve the docket holder or permittee of any obligation or condition or create any defense.

#### *Dates*

The public hearing will be held during the Commission's regularly scheduled business meeting on January 19, 2005, at 1:30 p.m. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary by phoning (609) 883-9500, extension 224. Submission of written comments by January 14, 2005, is requested; however, written comments will be accepted through the close of the public hearing on Wednesday, January 19, 2005.

#### *Addresses*

The full text of the proposed amendment is posted on the Commission's website, [www.drbc.net](http://www.drbc.net). The public hearing will be held in the Goddard Room of the Commission's office building at 25 State Police Drive, West Trenton, NJ. Written comments should be addressed to the Commission Secretary as follows: by e-mail to [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us); by fax to (609) 883-9522; by United States mail to Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360.

#### *Further Information Contact*

Contact Commission Secretary Pamela Bush, (609) 883-9500, Ext. 203, with questions about the proposed amendment or the amendment process.

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 04-2237. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Arcadia University for Approval of Amendment of Its Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Arcadia University for a Certificate of Authority approving the amendment to its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days

after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist, (717) 787-4448 to discuss how the Department may best accommodate their needs.

FRANCIS V. BARNES, Ph.D.,  
*Secretary*

[Pa.B. Doc. No. 04-2238. Filed for public inspection December 17, 2004, 9:00 a.m.]

**Application of Harrisburg University of Science and Technology for Approval to Operate as a University and for Approval of Its Articles of Incorporation**

**Notice of Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department)

will consider the application of Harrisburg University of Science and Technology for a Certificate of Authority approving the institution to operate as an academic degree granting technically focused university, with programs at the undergraduate and graduate level, and its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department may best accommodate their needs.

FRANCIS V. BARNES, Ph.D.,  
*Secretary*

[Pa.B. Doc. No. 04-2239. Filed for public inspection December 17, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063274 Minor Renewal	Brian G. Guinane R. R. 1, Box 1533 Hallstead, PA 18822	Liberty Township Susquehanna County	Rhiney Creek 04E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0090182	Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023	Jefferson Township Butler County	Unnamed Tributary to Little Buffalo Creek 18-F	Y
PA0223018	Farmington Township R. D. 2, Box 2265 Russell, PA 16345	Farmington Township Warren County	Unnamed Tributary to Kiantone Creek 16-B	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.*

**No. PA0058408**, Sewage, **River Crest Homeowners Association and Toll PA IV, L.P.**, 1321 Black Rock Road, Phoenixville, PA 19460.

This application is for amendment of an NPDES permit to discharge treated sewage from River Crest STP in Upper Providence Township, **Montgomery County**. This is a new discharge to Unnamed Tributary to Schuylkill River (001) and Doe Run (002). The amendment addresses plant expansion from 86,025 gpd to 112,150 gpd.

The first downstream potable water supply intake from the point of discharge 001 is Philadelphia Suburban Water Company—Pickering Creek Water Filtration Plant and from the point of discharge 002 is Philadelphia Suburban Water Company in Upper Providence Township.

The receiving streams are classified for the following uses: WWF, TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001 and 002, based on an average flow of 112,150 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	15	20
Total Suspended Solids	10	15	20
Ammonia (as N)	3.0		6.0
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		

The EPA Waiver is in effect.

**PA0052353**, Sewage, **Buckingham Township**, 2380 Durham Road, P. O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Activity: Renewal of a permit to discharge treated sewage from a facility known as Buckingham Village WWTP. This is a seasonal discharge to Mill Creek, from November 1 to April 30. The discharge from this facility is diverted to offsite spray irrigation fields when not discharged to Mill Creek.

The receiving stream, Mill Creek (Stream Code 02596), is in the State Water Plan Watershed 2F and is classified for: CWF, MF. The nearest downstream public water supply intake for AQUA PA, INC., is located on Neshaminy Creek at Oakford, PA.

The proposed effluent limits for Outfall 001 are based on a seasonal design flow of 236,000 gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30		40
Total Suspended Solids	30	45		60
Ammonia Nitrogen	10			20
Phosphorus, Total	Monitor/Report			
Fecal Coliform		200/100 ml as a geometric mean		
pH		Between 6.0 and 9.0 standard units at all times		
Dissolved Oxygen		Minimum of 2.0 mg/l at all times		

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

1. Notification of Responsible Operator
2. Average Weekly Definition
3. Remedial Measures
4. No Stormwater
5. Necessary Property Rights
6. Small Stream Discharge
7. Optimize Chlorine Dosage
8. Sewage Sludge Disposal
9. Submit Data for TMDL/WLA Analysis
10. I-Max Limits
11. No Discharge Report
12. Laboratory Certification
13. Seasonal Stream Discharge

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

**PA0064998**, Sewage, **West Mahanoy Township**, 190 Pennsylvania Avenue, Shenandoah, PA 17976.

This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: Issuance of NPDES permit.

The receiving stream, Shenandoah Creek, is in the State Water Plan watershed No. 6B and is classified for CWF. The nearest downstream public water supply intake for Dauphin Consolidated Water Co. is located on the Susquehanna River, is approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .037.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean		
Fecal Coliform (10/1 to 4/30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

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

**PA0247570**, 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:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	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 of Environmental Protection 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.*

**PA0002062-A1**, Industrial Waste, SIC 4911, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317.

The Department is amending the NPDES permit in response to a settlement agreement (Consent Order and Agreement) entered into by the Department and Reliant Energy. The Consent Order and Agreement resolves the appeal of the NPDES permit and modifies the compliance schedule in the NPDES permit by providing additional time to achieve water quality based effluent limitations. The NPDES permit amendment authorizes Reliant Energy to discharge treated process water, sewage and untreated stormwater from Keystone Generating Station in Plumcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Crooked and Plum Creeks, classified as warm water and trout stocked fisheries, respectively with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Cadogen Township W.W., located at Post Office, Cadogen, PA 16212, 26.5 miles below the discharge point.

*Outfall 203: intermittent discharge to Outfall 003.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 303: existing 0.04 mgd discharge to Outfall 003.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow, mgd	0.04				
CBOD <sub>5</sub>			25		50
Suspended Solids			30		60
Total Residual Chlorine			2.4		4.2
Fecal Coliforms					
(5/1 to 9/30)			200/100 ml	1,000/100 ml	
(10/1 to 4/30)			2000/100 ml		
Chloroform			Monitor and Report		
Chlorodibromomethane			Monitor and Report		

## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Dichlorobromomethane	not less than 6.0 nor greater than 9.0				
pH	not less than 6.0 nor greater than 9.0				

Outfall 403: existing 2.0 mgd discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30	100	
Oil and Grease			15	20	
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.0
Chloroform			Monitor and Report		
1,2-Dichloroethane			Monitor and Report		
Methylene Chloride			Monitor and Report		
1,1,2-Trichloroethylene			Monitor and Report		
Chlorodibromomethane			Monitor and Report		
Dichlorobromomethane			Monitor and Report		
Phenol			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 503: new, 3.8 mgd discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30	100	
Oil and Grease			15	20	
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.0
Chloroform			Monitor and Report		
1,2-Dichloroethane			Monitor and Report		
Methylene Chloride			Monitor and Report		
1,1,2-Trichloroethylene			Monitor and Report		
Chlorodibromomethane			Monitor and Report		
Dichlorobromomethane			Monitor and Report		
Phenol			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 603: new, intermittent discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30	100	
Oil and Grease			15	20	
Chloroform			Monitor and Report		
1,2-Dichloroethane			Monitor and Report		
Methylene Chloride			Monitor and Report		
1,1,2-Trichloroethylene			Monitor and Report		
Chlorodibromomethane			Monitor and Report		
Dichlorobromomethane			Monitor and Report		
Phenol			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: (Interim) existing 7.2 mgd discharge to Crooked Creek.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30	100	
Oil and Grease			15	20	30

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			0.5		1.0
Temperature (7/1 to 12/31)	Heat rejection to the waterway shall not exceed a daily maximum of 7.0 x 10 <sup>8</sup> Btu/day				
(1/1 to 6/30)	Heat rejection to the waterway shall not exceed a daily maximum of 14.0 x 10 <sup>8</sup> Btu/day				
Mercury				Monitor and Report	
Thallium				Monitor and Report	
Chloroform				Monitor and Report	
1,2 Dichloroethane				Monitor and Report	
Methylene Chloride				Monitor and Report	
1,1,2-Trichloroethylene				Monitor and Report	
Chlorodibromomethane				Monitor and Report	
Dichlorobromomethane				Monitor and Report	
Phenol				Monitor and Report	
Sulfate				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: (Final) existing 7.2 mgd discharge to Crooked Creek.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30	100	
Oil and Grease			15	20	30
Total Residual Chlorine			0.5		1.0
Temperature (7/1 to 12/31)	Heat rejection to the waterway shall not exceed a daily maximum of 7.0 x 10 <sup>8</sup> Btu/day				
(1/1 to 6/30)	Heat rejection to the waterway shall not exceed a daily maximum of 14.0 x 10 <sup>8</sup> Btu/day				
Mercury			0.000098	0.0002	
Thallium			0.003	0.006	
Chloroform				Monitor and Report	
1, 2 Dichloroethane			0.0007	0.0014	
Methylene Chloride				Monitor and Report	
1,1,2-Trichloroethylene				Monitor and Report	
Chlorodibromomethane				Monitor and Report	
Dichlorobromomethane				Monitor and Report	
Phenol				Monitor and Report	
Sulfate			490	980	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Conditions relating to stormwater associated with the construction activities, Toxic Reduction Evaluation, Pollutant Reduction Report, Storm Water Pollution Prevention Plan, Wetland Treatment System Operation and Maintenance and Total Residual Chlorine Minimization.

The EPA waiver is not in effect.

**PA0005011-A1**, Industrial Waste, SIC 4911, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317.

The Department is amending the NPDES permit in response to a settlement agreement (Consent Order and Agreement) entered into by the Department and Reliant Energy. The Consent Order and Agreement resolves the appeal of the NPDES permit and modifies the compliance schedule in the NPDES permit by providing additional time to achieve water quality based effluent limitations. The NPDES permit amendment authorizes Reliant Energy to discharge treated process water, sewage and untreated stormwater from Conemaugh Generating Station in West Wheatfield, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Conemaugh River, classified as a WWF and CWF (respectively) with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Saltsburg M.W.W., located at Saltsburg, 37.4 miles below the discharge point.

Outfall 001: existing discharge 0.14 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Available Chlorine			0.2	0.5	
Phenols					
Chloroform					
Phenol					
pH					

Discharge shall be limited to periods when deicing the make-up pump house inlet is necessary.

Monitor and Report  
Monitor and Report  
Monitor and Report

It is the Department's understanding that the permittee does not add zinc or chromium compounds to the cooling water. The permittee is prohibited from adding zinc or chromium compounds to the cooling water unless the permittee obtains written permission as specified in the permit.

not less than 6.0 nor greater than 9.0

Outfall 002: existing discharge, design flow of 0.072 mgd discharge to Conemaugh River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Debris					

Debris collected on the intake trash racks shall not be returned to the waterway.

Outfall 003: existing design flow of 3.7 mgd discharge to Conemaugh River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Available Chlorine			0.2	0.5	
Total Residual chlorine			0.5		1.0
Temperature					110°
Aluminum					
Iron					
Manganese					
Cobalt					
Total Dissolved Solids					

It is the Department's understanding that the permittee does not add zinc or chromium compounds to the cooling water. The permittee is prohibited from adding zinc or chromium compounds to the cooling water unless the permittee obtains written permission as specified in the permit.

Monitor and Report  
Monitor and Report  
Monitor and Report  
Monitor and Report  
Monitor and Report

Outfall 003: existing design flow of 3.29 mgd discharge to Conemaugh River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Phenols					
Chloroform					
Phenol					
pH					

not less than 6.0 nor greater than 9.0

Monitor and Report  
Monitor and Report  
Monitor and Report

Outfall 003: from 3 years after permit effective date

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Available Chlorine			0.2	0.5	
Total Residual Chlorine			0.5		1.0
Temperature					110°

It is the Department's understanding that the permittee does not add zinc or chromium compounds to the cooling water. The permittee is prohibited from adding zinc or chromium compounds to the cooling water unless the permittee obtains written permission as specified in the permit.



*Outfall 003:* from 3 years after permit effective date

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum			1.1	2.2	2.75
Iron, Total			1.7	3.4	4.25
Manganese			1.6	3.2	4.0
Cobalt			0.04	0.08	0.1
Total Dissolved Solids			Monitor and Report		
Phenols			Monitor and Report		
Chloroform			Monitor and Report		
Phenol			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004:* existing discharge 0.3 mgd design flow, discharge to Conemaugh River from permit issuance through 3 years after permit.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Iron			Monitor and Report		

*Outfall 004:* existing design flow of discharge to Conemaugh River from permit issuance through 3 years after permit.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Manganese			Monitor and Report		
Total Dissolved Solids			Monitor and Report		
Chloroform			Monitor and Report		
Phenol			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004:* discharge to Conemaugh River from 3 years through expiration date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Iron			1.7	3.4	4.25
Manganese			1.6	3.2	4.0
Total Dissolved Solids			Monitor and Report		

*Outfall 004:* discharge to Conemaugh River from 3 years through expiration date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chloroform			Monitor and Report		
Phenol			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 005:* existing discharge to Conemaugh River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	There shall be no discharge of plant floor drains from this outfall.				
Oil and Grease			30	100	
Chloroform			15	20	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006: existing (design flow 0.005 mgd) discharge to Conemaugh River.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.02				
CBOD <sub>5</sub>			25	50	
Suspended Solids			30	60	
Total Residual Chlorine			1.4		3.3
Chloroform			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 107: existing discharge to 007*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30	100	
Oil and Grease			15	20	
Copper			1.0	1.0	
Iron			1.0	1.0	
Manganese			Monitor and Report		
Nickel			Monitor and Report		
Zinc			Monitor and Report		
Phosphorus			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 207: existing (design flow 960 gpm) discharge to 007.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>			25	50	
Total Suspended Solids			30	100	
Oil and Grease			15	20	
Temperature					110°
Beryllium			0.008	0.016	0.02
Copper			0.045	0.09	0.11
Lead			0.1	0.2	0.25

*Outfall 207: new (design flow 960 gpm) discharge to 007.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Mercury			0.004	0.008	0.01
Selenium			1.0	2.0	2.5
Boron			Monitor and Report		
TDS			40,000	80,000	10,000
Chloroform			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 307: existing (design flow 0.0056 mgd) discharge to 007.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Chloroform			Monitor and Report		
Dichlorobromomethane			Monitor and Report		
Total Dissolved Solids			Monitor and Report		
Sulfate			Monitor and Report		
Ammonia			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 507: Storm water runoff*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	This discharge shall consist solely of uncontaminated stormwater.				
Suspended Solids					Monitor and Report
Zinc					Monitor and Report
Bromide					Monitor and Report
Iron, Total					Monitor and Report
Iron, Dissolved					Monitor and Report
Sulfate					Monitor and Report
Aluminum					Monitor and Report
Manganese					Monitor and Report
Selenium					Monitor and Report
pH					Monitor and Report

*Outfall 707: Emergency overflow discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Phenol					Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

*Outfall 007: existing (design flow 0.35 mgd) discharge to Conemaugh River from effective date through 3 years after effective date.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	This discharge shall consist solely of those sources previously monitored at internal monitoring points 107-307 and 507-707 uncontaminated stormwater runoff.				
Selenium					Monitor and Report
Mercury					Monitor and Report
Iron, total					Monitor and Report
Iron, dissolved					Monitor and Report
Manganese					Monitor and Report
Ammonia					Monitor and Report
Cobalt					Monitor and Report
Boron					Monitor and Report
Sulfate					Monitor and Report
Total Dissolved Solids					Monitor and Report
Oil and Grease			15.0		30.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 007: existing (design flow 0.269 mgd) discharge to Conemaugh River from 3 years after permit issuance through permit expiration.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Mercury			0.003	0.006	0.0075
Selenium			0.25	0.5	0.625
Iron, total			1.7	3.4	4.25
Iron, dissolved			0.77	1.54	1.9
Manganese			1.6	3.2	4.0
Ammonia					Monitor and Report
Boron			100	200	250
Cobalt			0.04	0.08	0.1
Sulfate					Monitor and Report
Total Dissolved Solids					Monitor and Report
Oil and Grease			15.0		30.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 008: existing emergency overflow discharge to unnamed tributary to the Conemaugh River.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Iron			4.0	7.0	
Manganese			2.0	4.0	
Phenol			Monitor and Report		
Chloroform			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 010: existing intermittent discharge to unnamed tributary to the Conemaugh River.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Iron			4.0	7.0	
Manganese			2.0	4.0	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 011: existing stormwater discharge to the Conemaugh River.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	This discharge shall consist solely of uncontaminated stormwater runoff.				
Sulfate					Monitor and Report
Aluminum					Monitor and Report
Boron					Monitor and Report
Iron					Monitor and Report
Magnesium					Monitor and Report
Zinc					Monitor and Report

*Outfall 012: existing stormwater discharge to unnamed tributary to the Conemaugh River.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	The provisions of design requirements for the 10-year, 24-hour storm bypass systems apply to this outfall.				
Iron, dissolved					7.0
Aluminum					Monitor and Report
Manganese					Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

*Internal Monitoring Point 112: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>			25.0	50.0	
Suspended Solids			30.0	60.0	
Total Residual Chlorine			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

*Outfall 014: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Bromide					Monitor and Report
Sulfate					Monitor and Report
Iron, total					Monitor and Report
Magnesium					Monitor and Report
Zinc					Monitor and Report

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Manganese			Monitor and Report		
pH			Monitor and Report		

*Outfall 015: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum			Monitor and Report		
Iron, total			Monitor and Report		
Sulfate			Monitor and Report		
Manganese			Monitor and Report		
Magnesium			Monitor and Report		
pH			Monitor and Report		

*Outfall 016: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Bromide			Monitor and Report		
Sulfate			Monitor and Report		
Iron, total			Monitor and Report		
Magnesium			Monitor and Report		
Zinc			Monitor and Report		
Manganese			Monitor and Report		
pH			Monitor and Report		

*Outfall 017: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum			Monitor and Report		
Iron, total			Monitor and Report		
Sulfate			Monitor and Report		
Manganese			Monitor and Report		
Magnesium			Monitor and Report		
pH			Monitor and Report		

*Outfall 018: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Bromide			Monitor and Report		
Sulfate			Monitor and Report		
Iron, total			Monitor and Report		
Magnesium			Monitor and Report		
Zinc			Monitor and Report		
Manganese			Monitor and Report		
pH			Monitor and Report		

*Outfall 019: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			Monitor and Report		
Magnesium			Monitor and Report		
Sulfate			Monitor and Report		
pH			Monitor and Report		

*Outfall 020: Stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Bromide			Monitor and Report		
Sulfate			Monitor and Report		
Boron			Monitor and Report		
Iron, total			Monitor and Report		
Magnesium			Monitor and Report		
pH			Monitor and Report		

*Other Conditions:* Effluent chlorine minimization condition and a requirement to conduct a Toxics Reduction Evaluation, conditions to monitor stormwater.

The EPA waiver is not in effect.

**PA0097535**, Sewage, **Breeze Industrial Products Corp.**, 3582 Tunnelton Road, Saltsburg, PA 15681.

This application is for renewal of an NPDES permit to discharge treated sewage from Breeze Industrial Products STP in Conemaugh Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Elders Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Municipal Authority of Westmoreland County.

*Outfall 001:* existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	20			40
Suspended Solids	20			40
Ammonia Nitrogen				
(5/1 to 10/31)	9.2			18.4
(11/1 to 4/30)	27.6			55.2
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	7000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216445**, Sewage, **Helicopter Aviation Services Corporation**, P. O. Box 1117, Mt. Pleasant, PA 15666.

This application is for renewal of an NPDES permit to discharge treated sewage from the Helicopter Aviation Services Corporation Sewage Treatment Plant in Bullskin Township, **Fayette County**.

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

*Outfall 001:* existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5/1 to 10/31)	10.0			20.0
(11/1 to 4/30)	30.0			60.0
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2000/100 as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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


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

**WQM Permit No. 1500416 A-1** Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348-1530.

This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Proposed Action/Activity : Amending existing permit and increasing overall capacity from 290,000 gpd to 440,000 gpd.

**WQM Permit No. 4604419**, Sewerage, **Masons Mill Partners, L. P.**, 1800 Byberry Road, Suite 1410, Huntingdon Valley, PA 19006-3526.

This proposed facility is locate in Bryn Athyn Borough, **Montgomery County**.

Description of Proposed Action/Activity : Construction and operation of a pumping station and installation of a sewer main.

**WQM Permit No. 0904415**, Sewerage, **Warrington Township Water & Sewer Department**, 1585 Turk Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a raw sewage pumping station and 4" diameter force main.

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

**WQM Permit No. 4804404**, Sewerage, **Allen Township**, 4714 Indian Trail Road, Northampton, PA 18067.

This proposed facility is located in Allen Township and Northampton Borough, **Northampton County**, PA.

Description of Proposed Action/Activity: The project involves construction of collection, conveyance, pump station and force main for proposed Traditions of American Willow Green 180 unit development.

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

**WQM Permit No. 3604416**, Sewerage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545.

This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of the Sweetbriar Creek Pumping Station.

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

**WQM Permit No. 6501407 A1**, 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 modification and operation of a raw sewage pumping station as part of the McGee Run sanitary sewer project.

**WQM Permit No. 6504407**, Sewerage, **Chapeldale, LLC**, 6 Commerce Drive, Pittsburgh, PA 15239.

This proposed facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage lift station to serve the Phase II development of the Chapeldale Development plan of homes.

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**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI132239	Lehigh County 17 South Seventh St. Allentown, PA 18101	Lehigh		Little Lehigh Creek, HQ-CWF; Jordan Creek, TSF, MF; Lehigh River, TSF	Y
PAI132219	Bushkill Township 1114 Bushkill Center Rd. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek, HQ-CWF; Monocacy Creek, HQ-CWF	Y
PAI132211	Pennsylvania Department of Corrections P. O. Box 598 Camp Hill, PA 17001-0598	Wayne	Canaan Township	Middle Creek, HQ-CWF	Y

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**V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504084	ONB, Inc. Dunsmore Development 1195 McDermott Drive West Chester, PA 19380	Chester	East Fallowfield Township	Unnamed Tributary West Branch Brandywine Creek (EV)
PAI011504085	Stephen Talbott Commerce Bank Development 1100 Atrium Way Mount Laurel, NJ 08054	Chester	East Whiteland Township	Valley Creek (EV)
PAI011504086	Cornerstone Manor Associates, LP Cornerstone Gateway Development 771 East Lancaster Avenue Villanova, PA 19085	Chester	East Goshen Township	Ridley Creek (HQ-TSF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q189-R	Charles J. Danweber 3650 Shoeneck Rd. Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF

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

*Tioga Conservation District: 29 East Ave., Wellsboro, PA 16901.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045904002	Wellsboro Muni Authority 28 Crofton St. Wellsboro, PA 16901	Tioga	Wellsboro Borough Charleston and Delmar Townships	Marsh Creek-WWF Baldwin run-HQ-CWF Charleston Creek-WWF

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI106504001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Westmoreland County	Mount Pleasant Township	Sewickley Creek to Youghiogheny River (HQ-CWF)

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


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PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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**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 determi-

nations 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 may 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 (35 P. S. §§ 721.1—721.17)

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

**Permit No. 1400510**, Public Water Supply.

Applicant	<b>Orchard Creek Partnership</b> Benner Township
County	<b>Centre</b>
Responsible Official	Louis T. Glantz Manager, President P. O. Box 726 Lemont, PA 16851
Type of Facility	Public Water Supply-Construction
Consulting Engineer	Brooks D. Harris, P. E. ELA Group, Inc. 2013 Sandy Drive, Suite 103 State College, PA 16803
Application Received Date	December 3, 2004
Description of Action	Major revision to the permitted 20 gpm well, network of 8" and 3" waterline, a treatment facility, and a 94,000 gallon bolted steel water tank, revision being: new source (Opequon Hills Well), 3" waterline to existing treatment facility, replace 60 of 3" with 8" line for contact time, and 8" water main on new subdivision.

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

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

Applicant	<b>Nestle Waters North America, Inc.</b>
Township or Borough	Poland Spring, Maine
Responsible Official	Pamela Fisher, Quality Assurance Manager
Type of Facility	Out of State Bottled Water System

Application Received Date	December 3, 2004
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Description of Action	Applicant requesting Department approval to use a new spring water source (Glenwood Spring) located in St. Albans, Maine. Bottled water produced from this source will be sold in Pennsylvania under the brand names; Deer Park Natural Spring Water and Ice Mountain Natural Spring Water.
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### MINOR AMENDMENT

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

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

**Application No. 0904510**, Minor Amendment.

Applicant	<b>Borough of Sellersville</b>
Borough	Sellersville
Responsible Official	Alan S. Frick 140 E. Church Street Sellersville, PA 18960
Type of Facility	PWS
Consulting Engineer	Cowan Associates, Inc. 120 Penn-Am Drive Quakertown, PA 18951
Application Received Date	November 1, 2004
Description of Action	Change in disinfection from gas to sodium hypochlorite at Wells Nos. 4, 5 and 6.

**Application No. 0904512**, Minor Amendment.

Applicant	<b>Bucks County Water &amp; Sewer Authority</b> 1275 Almshouse Road Warrington, PA 18976
Borough	New Hope
Responsible Official	John W. Butler 1275 Almshouse Road Warrington, PA 18976
Type of Facility	PWS
Consulting Engineer	Carroll Engineering Corporation 949 Easton Road Warrington, PA 18976
Application Received Date	November 23, 2004
Description of Action	Interconnection between Village II Condominium Association wells and Bucks County Water & Sewer Authority Tank, and Interconnection between Village II distribution system and Bucks County Water & Sewer Authority Distribution system.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**Exxon RS No. 2-493**, Horsham Township, **Montgomery County**. Stephanie Rose, GES, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Daniel Lewis, ExxonMobil Corp., 1121 N. Bethlehem Pike, Suite 60, No. 312, Spring House, PA 19477 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted with BTEX. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on November 13, 2004.

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

**Glidden Site**, City of Reading, **Berks County**. Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380, on behalf of Group 2 Properties, Cross Roads Corporate Centre, 4641 Pottsville Pike, Suite E, Reading, PA 19605, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds and metals. The proposed future use of this property will not change from its current non-residential status.

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

**Coastal Oil New York**, Armstrong Township, **Lycoming County**, Aguaterria Technologies, Inc., 122 Church Street, West Chester, PA 19382, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Benzene, Ethylbenzene and Naphthalene in the soil and Benzene, Toluene, Ethylbenzene, BTEX, MTBE and Naphthalene in the groundwater. This site is being remediated to meet the Statewide Health Standard.

## 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 may 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.*

**40-302-149: Fairchild Semiconductor** (125 Crestwood Road, Mountaintop, PA 18707) for construction of a Cleaver Brooks boiler to be fired by No. 2 oil or natural gas at their facility in the Crestwood Industrial Park, Wright Township, **Luzerne County**.

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

**25-025G: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Room 9-201, Erie, PA 16531) for modification of monitoring conditions in their Title V permit for several sources/control devices, for the addition of a new source called the Commutator Lathes (Source 620), and for the addition of two shot blast booths under Miscellaneous Machining and Grinding (Source 942) in Lawrence Park Township, **Erie County**. This is a Title V facility.

**61-206A: Renovex, Inc.**, (1028 Stevenson Road, Grove City, PA 16127) for installation of a flow coating line and associated control equipment at their Barkeyville Industrial Park facility in the Borough of Barkeyville, **Venango County**.

**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.*

**PA-46-0037T: Cabot Performance Materials** (County Line Road, P. O. Box 1608, Boyertown, PA 19512-1608) for modification of the existing wastewater treatment

plant at their Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**. This facility is a Title V facility. The modification will cause particulate matter within de minimis emission increases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**01-05016G: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a new Headlap Plant in Hamiltonban Township, **Adams County**. This new plant will consist of a crusher and associated dryer, screens, feeders, conveyors and elevators. These sources will be controlled by the use of water sprays and new fabric filter baghouses. This will result in an increase in actual emissions of 24.3 tpy of NOx, 15.4 tpy of particulate matter, 3.9 tpy of CO and less than 1.0 tpy each of VOC and SOx. This plan approval will include monitoring, record keeping and reporting requirements designed to keep the sources 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.*

**42-206A: Holm Industries** (700-1/2 Elk Avenue, Kane PA 16735) for modification of two existing 9 MMBtu calcining furnaces and the associated wet scrubber control device for their plant in the Borough of Kane, **McKean 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. The facility has submitted a State Only Permit Application. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into an operating permit through an administrative amendment at a later date. This application is for the modification of two existing 9 MMBtu calcining furnaces and the associated wet scrubber control device. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

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

2. The source shall only be fired with natural gas.

3. The particulate emissions shall not exceed 0.04 grains/dscf. The maximum heat input of each furnace shall not exceed 9.0 MMBtu/hr (as stated in the application).

4. Flow meters shall be installed to assure the recirculation rate to the wet scrubber control device. Daily readings of the flow meters shall be taken and entered into a facility log. The log shall be kept on-site and be retained for a period of 5 years. The recirculation flow rate shall be determined during the stack test.

5. A magnehelic gauge or equivalent shall be permanently installed and maintained at a convenient location to indicate the pressure drop across the wet scrubber. The gauges employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within  $\pm 2\%$  of full scale reading. Daily readings of the magnehelic gauge shall be taken and entered into a facility log. The log shall be kept

onsite and retained for a period of 5 years. The pressure drop range across the venturi throat shall be determined during the stack test.

6. The pH of the scrubber solution shall be maintained between 7.0 and 8.0. Daily readings of the pH shall be taken. These readings shall be entered into a facility log. The log shall be kept on-site and retained for a period of 5 years.

7. A stack test shall be performed to assure compliance with the particulate emissions rate of 0.04 grains/dscf.

8. The permittee shall comply with 25 Pa. Code § 127.25 as follows:

No person shall cause or permit the operation of the source unless the source and air cleaning device are operated and maintained in accordance with specifications in the Plan Approval Application and all Condition's in the Plan Approval. A person may not cause or permit the operation of this source in a manner inconsistent with good operating practices.

**43-335A: Bradley McGonigle Funeral Home** (1090 E. State St., Sharon, PA 16146) for construction of a human cremation retort in the City of Sharon, **Mercer 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 construct a human cremation retort in the City of Sharon, Mercer 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 included in the plan approval.

**61-206A Renovex, Inc.** (1028 Stevenson Road, Grove City, PA 16127) for pre construction of a coat line at their facility in the Borough of Barkeyville, **Venango 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 for pre construction of a coat line at their facility located in the Borough of Barkeyville, Venango County. This plan approval will be incorporated into a State Only operating permit at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions, respectively.

2. The source shall use coatings that are compliant with 25 Pa. Code § 129.52, Table I(10)(e) for the category "air dried miscellaneous metal parts and products," only.

3. In accordance with 25 Pa. Code § 127.12(a)(5), best available technology, coatings used in the coating line shall be water based, or shall have VOC contents comparable to Plan Approval application defined coating (currently a maximum 6.67 lbs VOC/Gallon Coating Solids). Proposed changes in coatings and formulations shall be indicated to the Department for review at least 2 weeks prior to implementation.

4. VOC emissions from the facility shall not exceed 25.0 TPY, to be defined as any 12 month rolling period.

5. A monthly log of VOC emissions from all source shall be kept. The monthly total will be added to the previous 11 months to assure compliance with condition 4.

6. A manometer or equivalent device shall be installed to measure the pressure difference across the paint booth dry filters. Daily reading of the manometer shall be taken and entered into a facility log. The log shall be kept on-site and be retained for a period of 5 years.

7. Records of coating usage shall be maintained in accordance with 25 Pa. Code § 129.52(c). Daily records shall be maintained of coating usage, gallons of diluents used and density of diluents used. The records shall be maintained for a period of 5 years, and shall be made available to the Department upon request.

8. The temperature of the drying oven air shall be less than 190°F.

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## PUBLIC HEARINGS

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

**54-399-034: WMPI PTY., LLC.** (P. O. Box R, Frackville, PA 17931, West Mahanoy and Mahanoy Townships, PA) for construction and operation of a plant to co-produce approximately 5,000 barrels per day of high quality, ultra clean liquid hydrocarbon products and about 131 MW (92 MW for internal use and 39 MW for export) of electricity in West Mahanoy and Mahanoy Townships, **Schuylkill County**.

Under 25 Pa. Code § 127.44 and 40 CFR 52.21, the Department of Environmental Protection is soliciting comments on the proposed Air Quality Plan Approval for WMPI PTY., LLC. (the Permittee), P. O. Box R, Frackville, PA 17931, West Mahanoy and Mahanoy Townships, Schuylkill County for the proposed coal to clean fuels project as described in the Permittee's May 30, 2003 Plan Approval Application and subsequent supplemental submissions.

The facility will construct and operate a plant to co-produce approximately 5,000 barrels per day of high quality, ultra clean liquid hydrocarbon products and about 131 MW (92 MW for internal use and 39 MW for export) of electricity. The liquid hydrocarbon would include clean diesel fuel and naphtha. The proposed plant would operate under the primary SIC Code 1311 for coal gasification and liquefaction and use four major technology systems: (1) gasification technology from Shell, which would be particularly suitable for processing the high ash anthracite coal waste that would provide the primary feed to the plant into synthesis gas consisting primarily of carbon monoxide and hydrogen; (2) synthesis gas treatment and cleaning technology systems to remove solid particulate matter and gaseous contaminants to trace concentrations; (3) indirect liquefaction for converting the produced clean synthesis gas into synthetic hydrocarbon liquids using Fischer-Tropsch (F-T) technology from SASOL Technology, Ltd., and (4) combustion of the unconverted gas in a gas turbine/combined cycle power plant with steam turbo-generators to produce electricity and steam, primarily for internal use, within the plant.

The proposed project is subject to the various state and federal New Source Performance Standard (NSPS) requirements.

A review of the information submitted by The WMPI PTY, LLC indicates that the proposed project will meet all applicable state and federal NSPS air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

The following table summarizes the potential emissions from maximum operation of the facility according to the

application submitted and the Department's own analysis:

<i>Pollutant</i>	<i>Emission limit Tons/year</i>
PM <sub>10</sub> (including H <sub>2</sub> SO <sub>4</sub> Mist)	99.9
SO <sub>2</sub>	99.9
NOx	99.9
CO	99.9
VOC	49.9
Ammonia	100.0
H <sub>2</sub> SO <sub>4</sub> Mist	15.0

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards.

In order to assure compliance with the applicable standards, Department will place the conditions on the plan approval.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 54-399-034; a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on January 18, 2005, at 7 p.m. at the North Schuylkill Jr./Sr. High School located at 15 Academy Lane, Ashland, PA 17921. Persons interested in commenting are invited to appear at the public hearing.

Copies of the application, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Thomas A. DiLazaro, Hearing Examiner, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 10 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of

time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through January 18, 2005.

The Department will address comments from the public before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Thomas A. DiLazaro, Regional Air Quality Program Manager, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Thomas A. DiLazaro at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

#### 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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512*

**08-00001: Tennessee Gas Pipeline** (Nine Greenway Plaza, 1626B, Houston, TX 77046) for renewal of the Title V Operating Permit for their Station No. 319 in Wyalusing Township, **Bradford County**. The facility is currently operating under Title V Operating Permit 08-00001, which was issued December 21, 1999. The facility's main sources include two natural gas fired compressor turbines, one natural gas fired emergency generator and associated pipeline flanges and valves. The facility has the potential to emit major quantities of NOx. The facility has the potential to emit particulate matter, SOx, CO, VOCs and hazardous air pollutants below the major emission thresholds. The two compressor turbines are subject to 40 CFR Part 60, Subpart GG Sections 60.330 through 60.335. The proposed Title V 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 included.

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

**V04-004: Sunoco Partners Marketing And Terminals LP—Belmont Terminal** (2700 Passyunk Avenue, Philadelphia, PA 19145) for operation of a gasoline loading terminal in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include a gasoline and distillate truck loading and fugitive emissions from pumps, valves and flanges. Gasoline loading is controlled by two vapor combustion units.

The operating permit will be issued under the Title 25 Pa. Code, 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.

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

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

**35-00041: Interstate Safety Service, Inc.** (P. O. Box O, Clark Summit, PA 18411) for a Natural Minor Operating Permit for quarry operations in Dickson City, **Lackawanna County**.

**35-00050: Maple Hill Cemetery** (68 East St. Mary's Rd. Wilkes-Barre, PA 18706) for a Natural Minor Operating Permit for crematory operations in Archbald, **Lackawanna County**.

**39-00070: Cedar Crest College** (100 College Drive, Allentown, PA 18104) for a Natural Minor Operating Permit for Boiler operations in Allentown, **Lehigh County**.

**39-00075: SCI Penn Funeral Services, Inc.** (101 Byberry Road, Huntington Valley, PA 19006) for a Natural Minor Operating Permit for crematory operations in Whitehall Township, **Lehigh County**.

**48-00040: Broad and Wood Realty** (7540 Windsor Drive, Suite 111, Allentown, PA 18195) for a Natural Minor Operating Permit for boiler operations in the City of Bethlehem, **Northampton County**.

**54-00044: Middleport Materials** (P. O. Box 189, Telford, PA 18969) for a Natural Minor Operating Permit for sand and gravel operations in Middleport Township, **Schuylkill County**.

**54-00049: Federal Corrections Institute—FCI Schuylkill** (P. O. Box 700, Minersville, PA 17954) for a Natural Minor Operating Permit for Boiler operations in Butler, **Schuylkill County**.

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

**03-00206: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for coal processing/stockpiling at Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**.

**56-00263: RoxCoal, Inc.** (P. O. Box 149, Friedens, PA 15541) for coal screening operation at Sarah Mine in Jenner Township, **Somerset County**.

**03-00238: Curran-Shaffer Funeral Home, Inc.** (100 Owens View Avenue, Apollo, PA 15613) for operation of crematory in Apollo, Kiskiminetas Township, **Armstrong County**.

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

**16-00043: J. M. Smucker—Pennsylvania, Inc.** (300 Keck Avenue, New Bethlehem, PA 16242) Natural Minor operating permit for a peanut butter manufacturing facility in New Bethlehem Borough, **Clarion County**.

**33-00156: National Fuel Gas Supply Corp.** (North 4th Street, Reynoldsville, PA 15851) for re-issuance of a Natural Minor Permit to perform natural gas transmission at the Reynoldsville compressor station in Winslow Township, **Jefferson County**.

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

**Gish Logging, Inc.** (4980 Path Valley Road, Fort Loudon, PA 17224) for operation of a wood-fired boiler and emissions control system in Metal Township, **Franklin County**. The boiler has the potential to emit approximately 20 tons of particulate matter annually. The state-only operating permit will include monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**67-05106: DONSCO, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for operation of a gray iron foundry in Wrightsville Borough, **York County**. The facility previously operated under Title V Operating Permit No. 67-05026. The State-only operating permit will limit VOC emissions to 50 tons per year and particulate matter emissions to 100 tons per year. The synthetic minor permit will include monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper

advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

#### *Coal Applications Received*

#### *Effluent Limits*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

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

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

**11040701. NPDES. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to operate the Refuse Area 1 in Portage Township, **Cambria County**, new refuse area site and related NPDES permit, CRDP Support Acres Proposed 54.5, CRDP Refuse Disposal Acres Proposed 35.5, Unnamed tributary to Spring Run, classified for the following use: CWF, Application received October 26, 2004.

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

**11040102 and NPDES Permit No. PA0249688. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface mine in Chest and White Townships; **Cambria County** and Beccaria and Chest Townships, Clearfield Counties, affecting 136.0 acres. Receiving streams: UNT to/and South Witmer Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 23, 2004.

**56753119 and NPDES Permit No. PA0606201. Jenners, Inc.**, P. O. Box 171, Shelocta, PA 15774, surface

mining permit renewal in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving streams: UNT to Quemahoning Creek and unnamed tributaries to Hoffman Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning surface water intake. Application received November 10, 2004.

**11990102 and NPDES Permit No. PA0235075. AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650, surface mining permit renewal in Adams and Conemaugh Townships, and South Fork Borough, **Cambria County**, affecting 469.9 acres. Receiving streams: Little Conemaugh River; Bear Run; UNTs to South Fork Branch of Little Conemaugh River and South Fork Branch of Little Conemaugh River classified for the following uses: WWF; CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River Surface Water Intake. Application received November 4, 2004.

**32940110 and NPDES Permit No. PA0212962. Big Mack Leasing Company, Inc.**, R. D. 6, Box 231, Kittanning, PA 16201-7707, surface mining permit renewal in Young Township, **Indiana County**, affecting 27.5 acres. Receiving streams: Neal Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received November 22, 2004.

**32990107 and NPDES Permit No. PA0235121. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, surface mining permit renewal for reclamation

only in Rayne and Washington Townships and Ernest Borough, **Indiana County**, affecting 90.5 acres. Receiving stream: McKee Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 24, 2004.

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

**17930124 and NPDES Permit No. PA 0219649. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine-auger permit in Woodward and Decatur Townships, **Clearfield County** affecting 346 acres. Receiving streams: North Branch to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River; and Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek, Moshannon Creek to West Branch Susquehanna River. Application received: October 15, 2004.

**17820129 and NPDES Permit No. PA 0610623. Kasubick Brothers Coal Company** (501 David Street, Houtzdale, PA 16651). Renewal of an existing bituminous surface mine-auger-refuse disposal permit in Woodward Township, **Clearfield County** affecting 161.8 acres. Receiving streams: UNT to Upper Morgan Run and North Branch to Morgan Run to Clearfield Creek to West Branch of the Susquehanna River. Application received: October 14, 2004.

**17743172 and NPDES Permit No. PA 0610909. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 569 acres. Receiving streams: two UNTs to Hawk Run and two UNTs to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received: October 15, 2004.

**17880116 and NPDES Permit No. PA 0116432. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 64.4 acres. Receiving streams: unnamed stream to Hogback Run. Application received: November 3, 2004.

**17930117 and NPDES Permit No. PA 0219584. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 329.8 acres. Receiving streams: UNT to Surveyor Run and Surveyor Run. Application received: November 4, 2004.

**17990104 and NPDES Permit No. PA 0238252. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Covington Township, **Clearfield County** affecting 66.1 acres. Receiving streams: UNT to Grimes Run to Grimes Run. Application received: November 4, 2004.

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

**54991301R and NPDES Permit No. PA0223964. Joliett Coal Company**, (837 East Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite underground mine operation in Porter Township, **Schuylkill County** affecting 3.0 acres, receiving stream: Wiconisco Creek. Application received December 1, 2004.

#### *Noncoal Applications Received*

#### *Effluent Limits*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**14040302 and NPDES Permit No. PA 0256111. Con- Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823). Commencement, operation and restoration of a large industrial minerals (limestone) surface mine permit in Haines and Penn Townships, **Centre County** affecting 91 acres. Receiving streams: discharge to groundwater infiltration Elk Creek Watershed and Pine Creek Watershed classified for the following use: EV. Application received: November 24, 2004.

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

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



noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users 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 FWPCA (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E21-367. North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013 in North Middleton Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain an 8-inch waterline, and a 4-inch force sewer main crossing resulting in temporary impacts to 0.09 acre of exceptional value PEM wetlands and 20 lineal feet of Parker Spring (CWF), and to place fill material within the floodplain to construct a pump station resulting in 0.03 acre of impacts to the floodplain at a point approximately 670 feet north of the intersection of Claremont Road (SR 2002) and Post Road (T-710) (Carlisle, PA Quadrangle N: 15.7 inches; W: 5.95 inches) in North Middleton Township, Cumberland County.

**E21-368. Earl G. Parshall**, 6 W. Dykeman Road, Shippensburg, PA 17257 in Shippensburg Borough, **Cumberland County**, ACOE Baltimore District

To fill in a 83-foot wide by 60-foot long by 1-foot deep manmade pond that discharges to an unnamed tributary to Middle Spring Creek (CWF) (Shippensburg, PA Quadrangle N: 7.9 inches; W: 2.2 inches) for the purpose of matching the existing topography of a yard located in Shippensburg Borough, Cumberland County

**E31-192. Gerald Booher**, R. R. 1—Box 36, Shirleysburg, PA 17260 in Cromwell Township, **Huntingdon County**, ACOE Baltimore District

To construct a 1000-foot long earthen embankment approximately 10-feet in height, with a 5-foot wide crest adjacent to Augwich Creek (HQ-CWF) located approximately 300-feet upstream of the SR 2016 bridge in Shirley Township, Huntingdon County all for the purpose

of detaining stormwater. The project proposes a direct impact to approximately 50,000 square feet of floodway.

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

**E59-462. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. SR 0006 Section 86M, in Richmond Township, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle N: 9.6 inches; W: 8.4 inches).

The permit application proposes 600 linear feet of roadway work to include 416 linear feet of shoulder widening, installation of junction boxes, combination storm sewer on the south side of the highway and construction of a 4:1 slope protection between the highway and Corey Creek. This application also proposes to relocate 630 linear feet of Corey Creek, installation of three rock cross vanes, installation of R-5 rock stream protection of the southern stream bank along with joint planting of willow live stakes. Between the rock bank protection and the 4:1 bank stabilization, a bankfull bench is intended to be constructed to relieve additional near bank stress along the southern bank. This permit also proposes to impact 0.05 acre of wetlands along Corey Creek. This project is located along SR 06 just east of Mansfield.

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

**E02-1485. Glimcher Group, Inc.**, One Mellon Bank Center, 500 Grant Street, Suite 2000, Pittsburgh, PA 15219-2502. To relocate stream and fill in wetlands in Scott Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 2.2 inches; W: 13.2 inches and Latitude: 40° 23' 14"—Longitude: 80° 5' 41"). The applicant proposes to place and maintain fill in 0.38 acre of PEM wetlands, to relocate and maintain 1,480 linear feet of an unnamed tributary to Chartiers Creek (WWF) and to enclose and maintain 1,045.0 linear feet of an unnamed tributary to Chartiers Creek (WWF) for the purpose of redeveloping the existing Raceway Plaza. The site is located on the west side of Washington Pike (SR 0050), approximately 1,300 feet west from the intersection of Washington Pike (SR 0050) and Green Tree Road. The project will impact 1,480 linear feet of stream channel and 0.38 acre of PEM wetlands. To mitigate for wetland impacts, the applicant proposes to construct and maintain 0.9 acres of PEM/PFO wetlands.

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

**E25-688. BTDD, LTD.**, 101 Lakemont Park Blvd., Altoona, PA 16602. Tract 310 Development in Millcreek Township, **Crawford County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 13.0 inches; W: 7.5 inches).

The applicant proposes to prepare a property for development approximately 400 feet NE of the intersection of SR 20 and Asbury Road (Swanville, PA Quadrangle N: 13.0 inches; W: 7.5 inches) in Millcreek Township, Erie County involving 1) to place fill in the floodway of Spring Run having a length of approximately 240 feet, a width of approximately 50 feet and a depth of approximately 12 feet and 2) to construct and maintain an approximately 50-foot long, 14.5-foot wide by 8-foot high CMP pipe arch culvert in Spring Run. Spring Run is a perennial stream classified as a cold water fishery and a migratory fishery.

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0052205	John J. Murphy, Jr. 89 Chestnut Valley Drive Doylestown, PA 18910	Bucks County Doylestown Township	UNT to Cooks Run Watershed 2F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0098132IW	Garrett Borough P. O. Box 218 Garrett, PA 15542	Somerset County Summit Township	Casselman River	Y
PA0204811IW	Custom Window Extrusions 1 Contact Place Delmont, PA 15626-1402	Westmoreland County Salem Township	Tributary to Beaver Run	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0032263SEW	Bureau of State Parks Yellow Creek State Park 170 Route 259 Highway Penn Run, PA 15765-5941	Indiana County Cherryhill Township	Yellow Creek Lake	Y
PA0035882SEW	S-2 Properties P. O. Box 24509 Pittsburgh, PA 15234	Westmoreland County Hempfield Township	UNT of Little Sewickley Creek	Y
PA0216992SEW	Shannock Valley General Services Auth. P. O. Box 168 111 South Center Street NuMine, PA 16244-0168	Armstrong County Cowanshannock Township	Cowanshannock Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0221759	Robert L. Shuttleworth 923 Fern Road St. Mary's, PA 15857	Jones Township Elk County	UNT to East Branch Clarion River	Y
PA0101826	Woodland Meadows Mobile Home Park P. O. Box 29 Meridian Branch, PA 16001	Connoquenessing Township Butler County	UNT to Little Connoquenessing Creek 20-C	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. PA0243949**, Industrial Waste, **Landis Block and Concrete Company, Inc.** County Line Road and Chestnut Street, Telford, PA 18969. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new industrial waste discharge permit to discharge into an unnamed tributary to Mill Creek in Perkiomen Watershed 3E.

**NPDES Permit No. PA0057819**, Sewage, **New Hanover Township Authority**, 2943 North Charlotte Street. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal and transfer to discharge from the treatment plant into Swamp Creek in Watershed 3E Perkiomen Creek Basin.

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

**NPDES Permit No. PA0247561**, Sewage, **Noah Stoltzfus**, 307 Newville Road, Newburg, PA 17240. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Three Squares Hollow Run in Watershed 7-B.

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

**NPDES Permit No. PA0252778**, Sewage, **Helen Miller, c/o Somerset Trust—Diane Kerr**, 1416 Scalp Avenue, Johnstown, PA 15904. This proposed facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: The issuance of an NPDES permit to discharge treated sewage from the Miller SRSTP in Jenner Township, Somerset County.

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

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

**WQM Permit No. 0904414**, Sewerage, **Chalfont New Britian**, 1645 Upper State Road, Doylestown, PA 18901. This proposed facility is located in New Britian Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of 124 unit residential subdivision and a pump station.

**WQM Permit No. 2304403**, Sewerage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a gravity sanitary sewer system.

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

**WQM Permit No. 2104412**, Sewerage, **Noah Stoltzfus**, 307 Newville Road, Newburg, PA 17240. This proposed facility is located in Upper Merion Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single family residence.

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

**WQM Permit No. WQG016104**, Sewerage, **Jane Rittenhouse**, R. D. 5, Box 127, Mt. Pleasant, PA 15666. This proposed facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of a single residence sewage treatment plant to serve the Rittenhouse residence.

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

Description of Proposed Action/Activity: construction of a single residence sewage treatment plant

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

**WQM Permit No. WQG018318**, Sewerage, **Christina M. Babnis**, 3041 North Hermitage Road, Sharpsville, PA 16152. This proposed facility is located in South Pymatuning Township, **Mercer County**.

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

**WQM Permit No. 1004404**, Sewerage, **David K. and Lori A. Mason**, 887 Ekastown Road, Sarver, PA 16055. This proposed facility is located in Clinton Township, **Butler County**.

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

**WQM Permit No. WQG018347**, Sewerage, **Rose M. Foulk**, 16725 Ridge Road, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

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

**WQM Permit No. WQG018327**, Sewerage, **Northwest Savings Bank**, P. O. Box 337, Warren, PA 16365. This proposed facility is located in McKean Township, **Erie County**.

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

**WQM Permit No. WQG018333**, Sewerage, **Earl L. Jacobs, Jr. and Naomi T. Johnson**, 3700 Kinter Hill Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

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

**WQM Permit No. WQG018337**, Sewerage, **Deanna D. and Robert S. Sintobin**, 438 Wood Street, Clarion, PA 16214. This proposed facility is located in Highland Township, **Clarion County**.

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

**WQM Permit No. WQG018344**, Sewerage, **Anne L. Rassiga**, 150 Creamery Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

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

**WQM Permit No. WQG018341**, Sewerage, **David W. and Melissa A. Bartholomew SFTF**, 20031 Parkwood Drive, Saegertown, PA 16433. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction of a small flow treatment facility to serve 2 homes.

**WQM Permit No. WQG018329**, Sewerage, **Miller Pump Supply SFTF**, 2307 Hannon Road, Erie, PA 16510. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a small flow treatment facility to replace a malfunctioning onlot septic system.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI133512	Longswamp Township 1112 State St. P. O. Box 37 Mertztown, PA 19539	Berks	Longswamp Township	Swabia Creek/HQ-CWF	Y

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

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G545	Heritage Building Group, Inc. Soltys/Strutynski Sr. Dev. aka Creekview Subdivision 3326 Old York Road Suite A100 Furlong, PA 18925	Chester	East Coventry Township	Pigeon Creek (HQ-TSF)
PAI011503116	Bancroft Development Co., Inc. Coltsfoot Development 44 Bancroft Mills Wilmington, DE 19806	Chester	West Bradford Township	Broad Run (EV)
PAI011504006	Joseph Eckman Eckman Family Dentistry 217 East Sickle Street Kennett Square, PA 19348	Chester	Penn Township	East Branch Big Elk Creek (HQ-TSF-MF)
PAI011504041	The Percheron Group The Preserve at Valley Forge Sbdv. 48 General Warren Boulevard Suite 102 Malvern, PA 19355	Chester	Tredyffrin Township	Little Valley Creek (EV)
PAI011504060	Richard Dougherty Mr. William Hess 3050 Chestnut Hill Rd. Subdivision 977 East Schuylkill Rd., Ste. 200 Pottstown, PA 19465	Chester	South Coventry Township	French Creek (EV)
PAI2010903001	Main Street Group, Inc. Pilon Subdivision 3359 Durham Road Doylestown, PA 18901	Bucks	Milford Township	Uname Creek (HQ-TSF)
PAS10-J043-R	YMCA of Philadelphia Rocky Run YMCA 200 Market Street Philadelphia, PA 19103-3304	Delaware	Middletown Township	Rocky Run (HQ-CWF-MF)

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017 Minor Modifications	Rob Cooper Pennsylvania State University Office of Physical Plant University Park, PA 16802	Centre	State College Borough	Thompson 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 (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage

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

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG2000904106	Heritage Building Group Gross Tract Subdivision 3326 Old York Road Suite A-100 Furlong, PA 18925	Pine Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000903186	Earthborne, Inc. Earthborne, Inc. Development 35 Easton Road Warrington, PA 18976	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000903116-1	Archdiocese of Philadelphia St. Jude's Parish Development 321 West Butler Avenue Chalfont, PA 18914	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904180	J & J Realty Group 18 Country Road Perkasie, PA 18944	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000904141	H.T.R.E.C., Inc. Happy Tymes 2071 West County Line Road Warrington, PA 18976	Park Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Township Bucks County	PAG2000904099	Amity Builders Holland Estates 13451 Damar Drive Philadelphia, PA 19116	Irons Work Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Downingtown Borough Chester County	PAG2001504089	Robert Shaffer Shaffer Group Development 401 East Elm Avenue Conshohocken, PA 19428	East Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001504096	Rick Tuel Po-Mar-Lin Fire Station P. O. Box 36 Unionville, PA 19375	West Branch White Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Pikeland Township Chester County	PAG2001504063	Joseph F. Aquilante 481 Schuylkill Road Corporation 481 Schuylkill Road Phoenixville, PA 19460	Unnamed Tributary French Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004604161	Public Storage, Inc. West Norriton Self Storage 3 Chase Lane Middletown, PA 19709	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Towamencin Township Montgomery County	PAG2004604154	United Methodist Church Parking Lot Expansion 1020 Valley Forge Road Lansdale, PA 19464	Unnamed Tributary Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004604116	The Nolen Group Glasco Commons/Glenwood Chase 1040 Stoney Hill Road Suite 100 Yardley, PA 19067	Unnamed Tributary Macoby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004603114	Ridgewood Partnership Ridgewood Communities 409 Riverview Road Plymouth Meeting, PA 19462	Mingo Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004604102	Pennsylvania College of Optometry Student Community Center-Elkins Park 8360 Old York Road Elkins Park, PA 19027	Tacony Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004604165	New Tees Company Northwood New Tees Development 910 Germantown Pike Plymouth Meeting, PA 19462	Unnamed Tributary Stony Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004604170	WB Commons, LP WB Commons Development 404 Sumneytown Pike Suite 200 North Wales, PA 19454	West Branch Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604176	Fred Beans Limerick Nissan Development 40 Autopark Boulevard Limerick, PA 19468	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Souderton Borough Montgomery County	PAG2004604146	Borough of Souderton Agway Property Development 31 West Summit Street Souderton, PA 18964	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Penn Township Carbon County	PAG2001304006	Raymond May 208 May Lane Lehigh, PA 18235	Lizard Creek, TSF	Carbon County Cons. Dist. (610) 377-4894
Ransom Township Lackawanna County	PAG2003504032	Gilbert Hoban 21 Steinbeck Dr. Moosic, PA 18507	Unnamed Tributary to Susquehanna River, CWF	Lackawanna County Cons. Dist. (570) 281-9495
Derry Township Dauphin County	PAG2-0022-04-069	L. William Fox, Jr. Fox's Market 101 S. Market Street Middletown, PA 17057	Spring Creek East/WWF	Dauphin County Conservation District (717) 921-8100
Lower Allen Township Cumberland County	PAG2-0021-04-040	Century Drive Office Helen Gold 20 S. 36th Street Camp Hill, PA 17011	Cedar Run/CWF	Cumberland County Conservation District (717) 240-7812

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Amity Township Berks County	PAR-10-C296R	Joseph Neuber P. O. Box 745 Kimberton, PA	Unt. to Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext. 209
Cumru Township Berks County	PAG2-0006-04-107	David Paul Foul Wind, Inc. 125 Morgantown Road Reading, PA 19611	Tributary to Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext. 209
South Heidelberg Township Berks County	PAG2-0006-04-099	Anthony Corcetto Corcetta Tract 3 Skywind Drive Reinholds, PA 17569	Little Cocalico Creek/TSF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext. 209
Maxatawny Township Berks County	PAG2-0006-04-109	Robert Ciccone Arrowhead Industrial Park P. O. Box 86 Bath, PA 18014	Sacony Creek/TSF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext. 209
Centre County Ferguson Township	PAR10F139 Minor Modification	S & A Custom Homes 501 Rolling Ridge Dr. Suite 200 State College, PA 16801	UNT Big Hollow	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clinton County Pine Creek Township	PAG2041804001	Pine Mountain Developers LLC 202 W. Central Ave. Williamsport, PA 17702	UNT W. Susquehanna River WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798 x5
Centre County College Township	PAR10F152-1	P. Jules and Pamela Patt 422 Allegheny St. Hollidaysburg, PA 16648	UNT Spring Creek	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Ferguson Township	PAG2001404015	Heidi Nicholas Gulfstream Equity Partners 208 W. Hamilton Ave 3360 State College, PA 16801	Unt. Big Hollow CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Morris Township	PAG2001704016	Edward Long 727 Haw Run Rd. Philipsburg, PA 16866	Moshannon Creek CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629



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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Muncy Borough	PAG2004104013	Wilfred Assoc. William Manos P. O. Box 308 Montoursville, PA 17754	Carpenters Run WWF	Lycoming County Conservation District 542 County Farm Rd., Suite 202 Montoursville, PA 17754 (570) 433-3003
Beaver County Patterson Township	PAG2000404019	Dan Schurle 101 Bethany Drive McMurray, PA 15317	Unnamed Tributary to Walnut Bottom Run (WWF)	Beaver County CD (724) 774-7090
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Chester Delaware County	PAR110051	G S Roofing Products 800 W. Front St. Chester, PA 19013	Delaware River-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600076	Jack's Auto Parts Sales 3517-55 S. 61st St. Philadelphia PA 19153	Schuylkill River-3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Marcus Hook Borough Delaware County	PAR900022	FPL Energy Marcus Hook LP P. O. Box 426 Marcus Hook, PA 19061	3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hazleton City Luzerne County	PAR202245	Hazleton Casting Company P. O. Box 21 Weatherly, PA 18255	Black Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Williams Township Northampton County	PAR232233	Polytek Development Corp. 55 Hilton Street Easton, PA 18042	Unnamed tributaries to Lehigh River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Westmoreland County Avonmore Borough	PAR206122	Akers National Roll 400 Railroad Avenue Avonmore PA 15618	Kiskiminetas River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Shenango Township, Mercer County	PAR608327	Route 18 Auto Wrecking 4287 New Castle Road Pulaski, PA 16143	Unnamed Tributary to West Branch Little Neshannock Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

Oil City, Venango

*Permit No.*  
PAR208359

*Applicant Name & Address*  
Witherup Fabrication &  
Erection  
P. O. Box 55  
Kennerdell, PA 16374

*Receiving  
Water/Use*

Allegheny River

*Contact Office &  
Phone No.*

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Allegheny Township,  
Butler County

PAR228329

Universal Forest Products  
Eastern Division, Inc.  
2801 East Beltline  
Grand Rapids, MI 49525

Unnamed Tributary  
to Little Scrubgrass  
Creek

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

East Rockhill  
Township  
Bucks County

*Permit No.*  
PAG040015

*Applicant Name & Address*  
Barry L. Nyce  
2540 North Ridge Road  
Perkasie, PA 18944

*Receiving  
Water/Use*

UNT to Three Mile  
Run Watershed 2D

*Contact Office &  
Phone No.*

Southeast  
Regional Office  
2 East Main Street  
Norristown, PA 19401

Westmoreland  
County  
Mt. Pleasant  
Township

PAG046295

Jane Rittenhouse  
R. D. 5 Box 127  
Mt. Pleasant, PA 15666

Laurel Run

Southwest  
Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000

Pine Township,  
Mercer County

PAG048630

Wilbur J. Taylor  
7 Bell Road  
Grove City, PA 16127

UNT to Wolf Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Hayfield Township,  
Crawford County

PAG049139

Rose M. Foulk  
16725 Ridge Road  
Meadville, PA 16335

UNT to Cussewago  
Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

McKean Township,  
Erie County

PAG049120

Northwest Savings Bank  
P. O. Box 337  
Warren, PA 16365

UNT to Elk Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Washington  
Township,  
Erie County

PAG049126

Earl L. Jacobs, Jr. and  
Naomi T. Johnson  
3700 Kinter Hill Road  
Edinboro, PA 16412

UNT to Conneauttee  
Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Washington  
Township,  
Erie County

PAG048347

Philip A. Kowalczyk  
5247 Florek Road  
Edinboro, PA 16412

Torry Run

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township, Erie County	PAG048307	Robert Brest 12661 Fry Road Edinboro, PA 16412	UNT to Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township, Erie County	PAG048331	Michael J. Okel 3900 Woodbriar Way McKean, PA 16426-2231	UNT to Lamson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Highland Township, Clarion County	PAG049130	Deanna D. and Robert S. Sintobin 438 Wood Street Clarion, PA 16214	UNT to Clarion River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conewango Township Warren County	PAG049136	Anne L. Rassiga 150 Creamery Road Warren, PA 16365	Jackson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG049133	David W. and Melissa A. Bartholomew SFTF 20031 Parkwood Drive Saegertown, PA 16433	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG049122	Miller Pump Supply SFTF 2307 Hannon Road Erie, PA 16510	UNT to LeBoeuf Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-9 (SSN)*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township York County	PAG093501	Young's Sanitary Septic Service P. O. Box 704 Dillsburg, PA 17019	Kyle Rigby Farm Washington Township York County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-13*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133607	Pennsylvania State University Harrisburg Campus 777 W. Harrisburg Pike Middletown, PA 16802	Dauphin	Lower Swatara Township	UNT to Susquehanna River/WWF	Y/N
PAG133637	Derry Township 235 Hockersville Rd. Hershey, PA 17033	Dauphin	Derry Township	Spring Creek/WWF Swatara Creek/WWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133643	Lower Paxton Township 75 S. Houcks Rd. Harrisburg, PA 17109	Dauphin	Lower Paxton Township	Paxton Creek/WWF Spring Creek/WWF Nyes Run/WWF	Y
PAG133677	New Cumberland Borough 1120 Market St. New Cumberland, PA 17070	Cumberland	New Cumberland Borough	Susquehanna River/WWF Yellow Breeches/CWF	Y
PAG133633	Susquehanna Township 1900 Linglestown Rd. Harrisburg, PA 17110	Dauphin	Susquehanna Township	Susquehanna River/WWF Paxton Creek/WWF Spring Creek/WWF	Y
PAG133686	City of Harrisburg 123 Walnut St., Ste. 212 Harrisburg, PA 17101	Dauphin	City of Harrisburg	Paxton Creek/WWF Susquehanna River/WWF Spring Creek/CWF	Y
PAG133544	Highspire Borough Lumber St. and Industrial Rd. Highspire, PA 17034	Dauphin	Highspire Borough	Susquehanna River/WWF UNT to Susquehanna/WWF	Y
PAG133555	Penbrook Borough 150 S. 28th St. Harrisburg, PA 17103	Dauphin	Penbrook Borough	Spring Creek/WWF Paxton Creek/WWF	Y
PAG133625	Steelton Borough 123 N. Front St. Steelton, PA 17113	Dauphin	Steelton Borough	Susquehanna River/WWF Former PA Canal via PA Steel/N/A	Y
PAG133543	Lower Swatara Township 1499 Spring Garden Dr. Middletown, PA 17057	Dauphin	Lower Swatara Township	UNT of Swatara Creek/WWF UNT of Susquehanna River/WWF	Y
PAG133554	Paxtang Borough 3423 Derry St. Harrisburg, PA 17111	Dauphin	Paxtang Borough	Spring Creek/WWF	Y
PAG133645	Middletown Borough 60 W. Emaus St. Middletown, PA 17057	Dauphin	Middletown Borough	Swatara Creek/WWF Susquehanna River/WWF	Y
PAG133545	West Hanover Township 7171 Allentown Blvd. Harrisburg, PA 17112	Dauphin	West Hanover Township	Beaver Creek/WWF Kellock Run/WWF Manada Creek/WWF	Y

### **PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### **SAFE DRINKING WATER**

#### **Actions taken under the Pennsylvania Safe Drinking Water Act.**

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

**Permit No. 0904503**, Public Water Supply.  
 Applicant **Buckingham Township**  
 P. O. Box 413  
 Buckingham, PA 18912  
 Township Buckingham  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Castle Valley Consultants, Inc.  
 10 S. Clinton Street  
 Quakertown, PA 18901  
 Permit to Construct November 23, 2004  
 Issued

**Permit No. 0904508**, Public Water Supply.  
 Applicant **Richland Township Water Authority**  
 1328 California Road, Suite D  
 Quakertown, PA 18951  
 Township Richland  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Van Cleef Engineering  
 Associated  
 551 Main Street  
 Bethlehem, PA 18018  
 Permit to Construct November 23, 2004  
 Issued

**Permit No. 4604507, Minor Amendment.** Public Water Supply.  
 Applicant **Borough of East Greenville**  
 206 Main Street  
 East Greenville, PA 18941  
 Township Upper Hanover  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Cowan Associates, Inc.  
 120 Penn-AM Drive  
 Quakertown, PA 18951  
 Permit to Construct December 2, 2004  
 Issued

**Permit No. 1504509, Minor Amendment.** Public Water Supply.  
 Applicant **Pennsylvania-American Water Company**  
 800 W. Hershey Park Drive  
 Quakertown, PA 17033  
 City of Coatesville  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Scott M. Thomas  
 PA-American Water Company  
 800 W. HersheyPark Drive  
 Hershey, PA 17033  
 Permit to Operate December 2, 2004  
 Issued

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

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 204 East Sunbury Street, Shamokin, PA 17872

(PWSID No. 6603502) Factoryville Borough, **Wyoming County** on November 15, 2004 for the operation of facilities approved under construction permit No. Minor Amendment 6603502.

**Operations Permit** issued to: **Pennsylvania-American Water Co.**, 800 West Hersheypark Drive, Hershey, PA 17033 (PWSID No. 2359008) Clarks Green Borough, **Lackawanna County** on November 19, 2004 for the operation of facilities approved under construction permit No. Minor Amendment of May 3, 2004.

**Operations Permit** issued to: **Finch Hill Water Company**, R. R. 1, Box 249, Carbondale, PA 18407 (PWSID No. 2350062) Greenfield Township, **Lackawanna County** on November 24, 2004 for the operation of facilities approved under construction permit No. 3594502 and Minor Amendment of September 23, 2002.

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

**Permit No. 2104504 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania Inc.</b>
Municipality	Monroe Township
County	<b>Cumberland</b>
Type of Facility	This PWS construction permit is for a 280,000 gallon finished water storage tank at Aqua Pennsylvania, Inc.—White Rock Acres Water System. Approval of the Uniform Environmental Review for this project has also been issued.
Consulting Engineer	William A LaDieu, P. E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	11/22/2004

**Permit No. 2104504 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania Inc.</b>
Municipality	Monroe Township
County	<b>Cumberland</b>
Type of Facility	This PWS construction permit is for a 280,000 gallon finished water storage tank at Aqua Pennsylvania, Inc.—White Rock Acres Water System. Approval of the Uniform Environmental Review for this project has also been issued.
Consulting Engineer	William A LaDieu, P. E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	11/22/2004

**Wellhead Protection Program Approval** issued to **Heidelberg Township Municipal Authority**, 111 Mill Road, Schaefferstown, PA 17088-0188, PWSID 7380033, Heidelberg Township, **Lebanon County** on December 1, 2004.

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

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant **Wellsboro Municipal Authority**  
 Township or Borough Wellsboro Borough  
 County **Tioga**  
 Responsible Official Thomas Rudy, Chairman  
 Wellsboro Municipal Authority  
 28 Crafton Street  
 Wellsboro, PA 16901  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer William S. Bray, P. E.  
 P. O. Box 535  
 Wellsboro, PA 16901  
 Permit Issued Date 12-01-04  
 Description of Action Construction of a second permanent raw water transmission line from the existing Rock Run intake to the existing meter pit. This modification will allow an increase in gravity flow from the source, up to the permitted 250,000 gallons per day on an annual average.

**Permit No. Minor Amendment—Operation** 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 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit Issued Date 12-03-04  
 Description of Action Operation of the recently installed underdrain system in Milton Filter No. 2.

**Permit No. Minor Amendment—Operation** 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 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit Issued Date 12-03-04  
 Description of Action Operation of the filters, following replacement of the filter media and coating of the sidewalls with Vandex in 1999.

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant **Millville Borough Council**  
 Township or Borough Millville Borough  
 County **Columbia**  
 Responsible Official Roy Bower, President  
 Millville Borough Council  
 P. O. Box 30  
 136 Morehead Avenue  
 Millville, PA 17846-0030  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer N/A  
 Permit Issued Date 12-07-04  
 Description of Action Addition of Aqua-Mag for corrosion control to the existing system.

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

**Permit No. 1104504**, Public Water Supply.

Applicant **Jackson Township Water Authority**  
 2949 William Penn Avenue  
 Johnstown, PA 15909  
 Borough or Township Jackson Township  
 County **Cambria**  
 Type of Facility PH adjustment using caustic soda and zinc orthophosphate  
 Consulting Engineer Gwin, Dobson & Foreman,  
 3121 Fairway Drive,  
 Altoona, PA 16602  
 Permit to Construct Issued December 3, 2004

**Operations Permit** issued to **United Dairy, Inc., Fike's Division**, 47 West Craig Street, Uniontown, PA 15401, (PWSID No. 5266529) Uniontown, **Fayette County** on November 29, 2004 for the operation of facilities approved under Construction Permit No. 5266529.

**Operations Permit** issued to **Greater Johnstown Water Authority**, P. O. Box 1287, Johnstown, PA 15907-1287, (PWSID No. 4110014) Stonycreek Township,

**Cambria County** on November 24, 2004 for the operation of facilities approved under Construction Permit No. 1104503.

**Operations Permit** issued to **Lincoln Township Municipal Authority**, P. O. Box 162, Sipesville, PA 15561-0190, (PWSID No. 4560031) Lincoln Township, **Somerset County** on December 3, 2004 for the operation of facilities approved under Construction Permit No. 5689501-T1-C1.

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

**Permit No. 1069502-MA2, Minor Amendment**

Applicant	<b>Pennsylvania American Water Co.</b>
Borough or Township	Butler
County	<b>Butler</b>
Type of Facility	PWS
Permit to Construct Issued	12/01/2004

**Permit No. 2504501, Public Water Supply**

Applicant	<b>Summit Township Water Authority</b>
Borough or Township	Waterford Township
County	<b>Erie County</b>
Type of Facility	PWS
Permit to Construct Issued	12/01/2004

**WATER ALLOCATIONS**

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

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

**WA 06-1019, Water Allocations. Bern Township Municipal Authority, Berks County.** Purchase 1,017,000 gallons per day from Reading Area Water Authority. Consulting Engineer: Thomas E Roberts, P.E., Spotts Stevens & McCoy, Inc. Permit Issued: 11/22/2004.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

Borough or Township	Borough or Township Address	County
Butler Township	415 West Butler Drive Drums, PA 18222	Luzerne

*Plan Description:* The Plan calls for the upgrade and expansion of the Township's St. Johns Wastewater Treatment Facility from a permitted capacity of 0.6 mgd to 2.2 mgd (Design Maximum Monthly Flow). The Plan also calls for the St. Johns facility to be converted to a Sequencing Batch Reactor (SBR) configuration for treatment of the wastewater that it receives. The Drums Wastewater Treatment Facility will be abandoned and

replaced with a 1.0 mgd pumping station. Wastewater will be conveyed via a 9,000 foot, 8-inch force main from the proposed pumping station to the St. Johns Wastewater Treatment Facility for ultimate treatment and discharge to Nescopeck Creek.

Implementation of the selected wastewater disposal alternative and operation of the existing and proposed facilities will be performed by the Township.

The Department reminds the Township that all portions and recommendations of the selected wastewater disposal alternative found in the Township's June, 2001 Plan and described in the Department's Plan approval correspondence to Butler Township, dated March 29, 2002, and not changed by this approval must continue to be fully implemented under the implementation schedule found in the respective Plan.

Financing of the proposed wastewater collection, conveyance and treatment systems is to be provided by the Pennsylvania Infrastructure Investment Authority (PENNVEST).

This approval correspondence covers only the wastewater planning aspects of the selected wastewater disposal alternative as it relates to your municipality's Official Sewage Facilities Plan. Implementation of the selected wastewater disposal alternative will require an NPDES Permit for the proposed increase in the treated wastewater effluent discharge for the St. Johns Wastewater Treatment Facilities. This permit application must be submitted in the name of the Township.

The proposed project will also require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. This permit application must also be submitted in the name of the Township. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law. The Department's review has also not identified any significant environmental impacts resulting from this proposal.

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

*Plan Location:* The project is located at the intersection of Granite Station Rd. and US Rte. 0030.

Borough or Township	Borough or Township Address	County
Straban Twp.	1745 Granite Station Rd. Gettysburg, PA 17325	Adams County

*Plan Description:* The approved plan provides for the extension of public sewer service to three existing properties. Total wastewater flows from the project are estimated at 2,700 gpd tributary to the Hunterstown Sewage Treatment Plant via a pressure sewer system and connection to gravity sewers.

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

*Plan Location:*

Borough or Township	Borough or Township Address	County
North East Township	10300 West Main Road North East, PA 16428	Erie

*Plan Description:* The approved plan provides for an increase in treatment capacity at the North East Borough STP through user rates and connection fees and also

provides for the extension of sanitary sewers in portions of the township that will be funded through a Pennvest Loan. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	9333 Tate Road Erie, PA 16509	Erie

*Plan Description:* The approved plan provides for construction inspection, homeowner education, operational inspections and compliance monitoring for Small Flow Treatment Facilities in Greene Township. The program will be administered by the Erie County Department of Health

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**27th and Girard Streets Property**, City of Philadelphia, **Philadelphia County**. Paul Martino, P.G., Pennoni Asso. Inc., One Drexel Plaza, 3801 Market St., Philadelphia, PA 19104-2897 on behalf of Alan Harris, ADCO, 1105 Ind. Hwy., Southampton, PA 18966 has submitted a Remedial Assessment Report and a Final Report concerning remediation of site soil and groundwater contaminated with heavy metals, BTEX, polycyclic aromatic hydrocarbons and solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Manhattan Bagel/Former Mobil Facility No. 15-GPX**, Darby Township, **Delaware County**. Andrew J. Huber, GSC, 1AAA Dr., Suite 203, Hamilton, NJ 08691 on behalf of John J. Hoban, ExxonMobil Corp., 220 Commerce Dr., Suite 205, Ft. Washington, PA 19034 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with unleaded gasoline and groundwater contaminated with MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standard.

**Integris Metals**, City of Philadelphia, **Philadelphia County**. Peter Beyer, Environmental Resources Management, Inc., 350 Eagleview Blvd., Suite 200, Exton, PA 1934 on behalf of Ronald Giles, Integris Metals, 456 85th Ave., NW, Minneapolis, MN 55433 has submitted a Final Report concerning remediation of site soil contaminated with TCE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco/Sun Pipe Line Co.**, East Goshen Township, **Chester County**. Tiffani Doerr, Groundwater & Env. Svc., Inc., 410 Eagleview Boulevard, Exton, PA 19341, on behalf of Bradford Fish, Sunoco, Inc., P. O. Box 1135, Marcus Hook, PA 19061 has submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**RSC 196 Thomasville**, Paradise Township, **York County**. Brown and Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of RSC 196 Thomasville, 6778 Lincoln Highway, Thomasville, PA 17364, submitted a Final Report concerning remediation of site soils contaminated with heating fuel. The report is intended to document remediation of the site to the Statewide Health standard. The *Pennsylvania Bulletin* notice for the Notice of Intent to Remediate incorrectly listed this site in Jackson Township.

**Lititz Elementary School**, Borough of Lititz, **Lancaster County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Warwick School District, 301 West Orange Street, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with No. 4 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to 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.*

**Upper Gwynedd Township/PennDot Reconstruction Site 16578**, Upper Gwynedd Township, **Montgomery County**. Richard D. Trimpi, Assoc., Inc., 1635 Old

Plains Road, Pennsburg, PA 18073 on behalf of Leonard Perrone, Township Manager, Upper Gwynedd Township, P. O. Box 1, Parkside Place, West Point, PA 19486 has submitted a Low Risk Site Report concerning the remediation of site soil contaminated with unleaded gasoline. The Low Risk Site Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 3, 2004.

**Sunoco/Sun Pipe Line Co.**, East Goshen Township, **Chester County**. Tiffani Doerr, Groundwater & Env. Svc., Inc., 410 Eagleview Boulevard, Exton, PA 19341, on behalf of Bradford Fish, Sunoco, Inc., P. O. Box 1135, Marcus Hook, PA 19061 has submitted a Final Report concerning the remediation of site groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 18, 2004.

**Nozensky Junkyard**, Kenneth Square Borough, **Chester County**. Matthew J. Gordon, Walter B. Satterthwaite Assoc., Inc. 720 Old Fern Hill Rd., West Chester, PA 19380, has submitted a Work Plan concerning the remediation of site soil and groundwater contaminated with drums, tires scrap metal and phenolic circuits boards. The Work Plan was approved by the Department on October 5, 2004.

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

**Daloz Safety Inc.**, City of Reading, **Berks County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Daloz Safety, Inc., 1150 First Avenue, Parkview Tower, Suite 400, King of Prussia, PA 19406, submitted a Remedial Investigation and a Risk Assessment concerning remediation of site soils and groundwater contaminated with Fuel Oils No. 2, 4, 5 and 6, chlorinated solvents and PAHs. The report demonstrated attainment of a combination of the Site-specific and Statewide Health standards, and the combined Remedial Investigation and Final Report were approved by the Department on November 18, 2004.

**Fusion Coatings, Inc.**, Heidelberg Township, **Berks County**. ARM Group Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of Fusion Coatings, Inc., c/o Mr. Ken Harms, 201 Sanibel Lane, Wyomissing, PA 19610, submitted a revised combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with solvents. The report demonstrated attainment of the Site-specific standard, and the combined Remedial Investigation and Final Report were approved by the Department on November 23, 2004.

**Lancaster Multi-Purpose Stadium**, City of Lancaster, **Lancaster County**. Synergy Environmental Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, on behalf of Redevelopment Authority of the County of Lancaster, 150 North Queen Street, Suite 110, Lancaster, PA 17603-3562, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, PCBs, heavy metals and petroleum products. The site is being remediated as a Special Industrial Area, and the Baseline Environmental Report was approved by the Department on December 2, 2004.

**Kierna Black Residence**, Hampden Township and Mechanicsburg Borough, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Kierna Black, 106 North Walnut Street, Mechanicsburg, PA 17055,

submitted a Final Report concerning remediation of site soils contaminated with mineral spirits. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on December 2, 2004.

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

**Tandem Transport Diesel Fuel Spill**, Barnett Township, **Forest County**. Andrew Sokol, Taylor GeoServices Inc., 938 Lincoln Ave., Suite 203, Springfield PA 19064 on behalf of Blaine Puller, Property Owner, Kane Hardwoods; A Div. of Collins Pine Co., 95 Hardwood Drive, P. O. Box 807, Kane, PA 16735 has submitted a Final Report concerning the remediation of site Soil contaminated with Diesel Fuel. The Final Report was approved by the Department on November 30, 2004.

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

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

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

**Permit No. 603002. Young's Sanitary Septic Service**, P. O. Box 704, Dillsburg, PA 17019. The permit was revoked at the request of the permittee for the Kyle Rigby Farm, Washington Township, **York County**. The permit was revoked by the Southcentral Regional Office on November 30, 2004.

Persons interested in reviewing the general permit may contact Cynthia Wolfe, File Review Coordinator, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4732. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

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

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

**Permit ID No. 301246. Innovative Supply, Inc.**, R. R. 9, Box 320, Latrobe, PA 15650-9028. Operation of a Residual Waste Processing Facility in Unity Township, **Westmoreland County**. Permit renewal issued in the Regional Office on December 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.*

**GP3-8-07-03014. New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on December 1, 2004, for Portable Nonmetallic Mineral Processing Plants under GP3, in Taylor Township, **Blair County**.

**GP3-21-03066: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on November 30, 2004, for Portable Nonmetallic Mineral Processing Plants under GP3, in South Middleton Township, **Cumberland County**.

**GP3-36-03151. Haines and Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on November 30, 2004, for Portable Nonmetallic Mineral Processing Plants under GP3, in Brecknock Township, **Lancaster County**.

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

**GP5-17-13: Kriebel Minerals, Inc.** (P. O. 765, Clarion, PA 16214) on November 8, 2004, to operate a 186 horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a non-selective catalytic converter pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Grampian Compressor Site in Lumber City Borough, **Clearfield County**.

**GP1-55-01: Selinsgrove Area School District** (401 North 18th Street, Selinsgrove, PA 17870) on November 19, 2004, to operate two 10.5 million BTU per hour natural gas/No. 2 fuel oil-fired boilers equipped with low nitrogen oxides burners pursuant to the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at their Selinsgrove Area High School in Selinsgrove Borough, **Snyder County**.

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

**62-032: Ellwood National Forge** (One Front Street, Irvine, PA 16329) on November 30, 2004, to operate two natural gas fired boilers in Brokenstraw Township, **Warren County**.

**25-1001: Norse Pipeline LLC—Carter Hill Meter Site** (Carter Hill Road, Corry, PA 16407) on November 17, 2004, to construct a dehydration system in Wayne Township, **Erie 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.*

**21-05021D: Arnold Fuel Oil, Inc.** (P. O. Box 2621, Harrisburg, PA 17105) on November 30, 2004, to install a carbon adsorption vapor recovery unit in Silver Spring Township, **Cumberland County**.

**36-05136: Granger Energy of Honey Brook, LLC** (481 South Churchtown Road, Narvon, PA 17555) on November 30, 2004, to construct a landfill gas treatment plant at their Chester County Solid Waste Management Authority's Lanchester Landfill in Caernarvon Township, **Lancaster County**.

**38-03045A: Valspar Corp.** (4406 Industrial Park Road, Camp Hill, PA 17011) on November 30, 2004, to construct a latex paint manufacturing plant in North Lebanon Township, **Lebanon County**.

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

**08-00012A: Taylor Packing Co., Inc.** (P. O. Box 188, Wyalusing, PA 18853) on November 2, 2004, to construct a 41.84 million Btu per hour natural gas, No. 2 fuel oil, tallow and biogas-fired boiler equipped with a low nitrogen oxides burner and flue gas recirculation and to construct a biogas flare in Wyalusing Township, **Bradford County**.

**17-309-024A: Mt. Savage Specialty Refractories Co.** (P. O. Box 60, Curwensville, PA 16833) on November 9, 2004, to construct and reactivate various pieces of refractories manufacturing equipment in Pike Township, **Clearfield County**.

**17-305-050A: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) on November 30, 2004, to construct coal stockpiling and railcar/truck loading operations in an existing coal preparation plant in Huston Township, **Clearfield County**.

**12-399-007H: GKN Sinter Metals, In.** (15420 Route 120, Emporium, PA 15834) on November 30, 2004, to construct two powdered metal parts sintering furnaces at Plant 2 in Emporium Borough, **Cameron County**.

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

**42-158I: Temple-Inland Forest Products Corp.** (147 Temple Drive, Mt. Jewett, PA 16740) on November 15, 2004, to establish a Plant-wide Applicability Limit (PAL) for VOC, NOx and CO and request approval for the MDF operation to return to burning sanderdust at their Mt. Jewett Complex in Mt. Jewett, **McKean County**. The facility is a Title V Facility.

**43-196A: General Electric Transportation Systems—Grove City Plant** (1503 W. Main Street Extension, Grove City, PA 16127) on November 30, 2004, to increase the allowed fuel consumption in the Test Cells while maintaining the underlying NOx emission limitation in Grove City Borough, **Mercer County**. This is a Title V facility.

**20-175B: Cardinal Home Products—Tel-O-Post Division**, (205 North Pymatuning Street, Linesville, PA 16424) on November 23, 2004, to install a flow coating line at their Linesville Plant in the Borough of Linesville, **Crawford County**.

**24-131H: SGL Carbon Corp.** (900 Theresia Street, St. Marys, PA 15857) on November 29, 2004, to modify furnaces in Saint Marys, **Elk County**.

**10-065A: Allegheny Mineral Corp.** (Camp Ground Road, Harrisville, PA 16038) on November 16, 2004, to construct a new limestone grinding mill and hot air

generator controlled by a fabric collector at their existing facility in Mercer Township, **Butler County**. The facility is subject to New Source Performance Standards Subpart 000—Standards of Performance for NonMetallic Mineral Processing Plants.

**10-338B: Superior Adsorbents—AC Valley Industrial Park** (3781 Oneida Valley Road, Emlenton, PA 16373) on November 8, 2004, to reactivate a resin bonded filter plant in Allegheny Township, **Butler County**.

**62-017J: United Refining** (Bradley and Dobson Streets, Warren PA 16365) on November 8, 2004, to modify plan approval 62-302-010A to reflect the CO emission limits based on stack tests rather than AP-42 emission factor estimates at the Warren Refinery in Warren, **Warren County**. The refinery is a Title V Facility.

**33-155B: Trail King Industries** (147 Industrial Park Road, Brookville, PA 15825-9798), on November 12, 2004, to install a Grit Blasting System with 14,000 cfm Torrit Downflow air filtration system in Brookville Borough, **Jefferson County**. This is a State-only facility.

**10-171B: Butler Color Press** (119 Bonnie Drive, Butler, PA 16003) on November 1, 2004, to discontinue use of solvent recovery system and allow disposal of used solvent offsite as hazardous waste in the City of Butler, **Butler County**.

**61-204B: Franklin Bronze and Alloy Co., Inc.** (655 Grant Street, Franklin, PA 16323) on November 4, 2004, for post-construction of three dust collectors to control fumes and dust from induction furnaces, cut-off saws and grinding operations in the City of Franklin, **Venango County**.

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

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

**09-0123: Better Materials Corp.** (P. O. Box 231, Easton, PA 18044) on December 1, 2004, to operate a batch asphalt plant in Nockamixon Township, **Bucks County**.

**46-0037L: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on December 1, 2004, to operate a tantalum flake powder project in Douglass Township, **Montgomery County**.

**46-0037R: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on December 1, 2004, to operate a wet dust collector in Douglass Township, **Montgomery County**.

**46-0222: Bostik Findley, Inc.** (1500 Parker Road, Conyers, GA 30094) on December 2, 2004, to operate storage silos, and Charging Stations in Upper Moreland Township, **Montgomery County**.

**46-0232: Cemco Lift, Inc.** (P. O. Box 500, 2801 Township Line Road, Hatfield, PA 19440) on December 1, 2004, to operate a spray paint booth in Hatfield Township, **Montgomery County**.

**46-0232A: Cemco Lift, Inc.** (P. O. Box 500, 2801 Township Line Road, Hatfield, PA 19440) on December 1, 2004, to operate two spray booths and manual brush painting spray booth filters in Hatfield Township, **Montgomery County**.

**09-0007A: Waste Management Disposal Services of PA Inc.** (1121 Bordertown Road, Morrisville, PA 19067) on December 1, 2004, to operate a solid waste landfill expansion in Falls Township, **Bucks County**.

**09-0024A: Waste Management Disposal Services of PA Inc.** (1121 Bordertown Road, Morrisville, PA 19067) on December 1, 2004, to operate a permitted landfill in Tullytown Borough, **Bucks County**.

**09-0063A: New Hope Crushed Stone** (P. O. Box 248, New Hope, PA 18938) on December 1, 2004, to operate a stone crushing plant in Solebury Township, **Bucks County**.

**15-0099: MultiServ** (8050 Rowan Road, Suite 600, P. O. Box 5003, Cranberry, PA 16066) on December 1, 2004, to operate a scrap cutting torch with baghouses in South Coatesville Borough, **Chester County**.

**23-0014C: Kimberly-Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19103) on December 1, 2004, to operate a wet scrubber dust control system in City Of Chester, **Delaware County**.

**46-0036G: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on December 1, 2004, to operate a selective solder No. 10 in Worcester Township, **Montgomery County**.

**23-0089: FPL Energy Marcus Hook LP** (Blueball Avenue and Ethylene Boulevard, Marcus Hook, PA 19061) on December 2, 2004, to modify the operation of a 750 megawatt combined cycle in Marcus Hook Borough, **Delaware County**.

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

**60-310-006A: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on December 1, 2004, to operate a stone crushing operation and associated air cleaning devices (two water spray dust suppression systems) on a temporary basis, until March 31, 2005, in Buffalo Township, **Union County**. The Plan Approval has been extended.

**60-303-003: Eastern Industries, Inc.** (220 Park Road, Winfield, PA 17889) on November 17, 2004, to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis, until March 17, 2005, in Buffalo Township, **Union County**. The Plan Approval has been extended.

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

**56-00025D: New Enterprise Stone and Lime** (P. O. Box 77, New Enterprise, PA 16664) on November 24, 2004, for Hot Mix Asphalt Plant at Bakersville Quarry in Jefferson Township, **Somerset County**. This plan approval was extended.

**04-00013B: Jewel Acquisition, LLC** (100 River Road, Brackenridge, PA 15014) on November 24, 2004, for two modifications to the Direct Roll Anneal and Pickle Line at

Midand Facility in Midland Borough, **Beaver County**. This plan approval was extended.

**56-00263C: RoxCoal, Inc.** (P. O. Box 149, Friedents, PA 15541) on November 24, 2004, for screening plant at Sarah Mine in Jenner Township, **Somerset County**. This plan approval was extended.

**63-00896B: UMCO Energy, Inc.** (981 Route 917, Bentleyville, PA, 15312) on November 29, 2004, to increase the allowable throughput, to allow the transportation of coal by truck if conveyor is inoperable, and to clarify language relating to enclosure of conveyors at this coal processing facility in Fallowfield and Carroll Townships, **Washington County**.

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

**16-141A: Kahle's Kitchen** (7488 Route 36, Leeper, PA 16233) on October 31, 2004, to operate paint and stain booths in Farmington Township, **Clarion County**.

**37-306A: Atlantic States Materials of PA, Inc.—Taylor Run Mine** (Slippery Rock Road, Slippery Rock, PA 16057) on October 31, 2004, to install a sand and gravel processing plant in Scott Township, **Lawrence County**.

**37-319A: Atlantic States Materials of PA, Inc.—Wampum Plant** (Route 18, Wampum, PA) on October 31, 2004, to install a sand and gravel processing plant in North Beaver Township, **Lawrence County**.

#### AIR QUALITY

**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

**60-318-011: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17855) on November 8, 2004, to use miscellaneous metal parts and products surface coatings with volatile organic compound contents in excess of those allowed by 25 Pa. Code Section 129.52 in Buffalo Township, **Union County**.

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

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

**46-00037: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on November 17, 2004, to amend the operation of a facility Title V Operating Permit in Douglass Township, **Montgomery County**.

**46-00016: Handy and Harman Tube Co., Inc.** (701 West Township Line Road, Norristown, PA 19403) on November 30, 2004, to modify the operation of a facility Title V Operating Permit in East Norriton Township, **Montgomery County**.

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

**37-00121: Flowline—Division Of Markovitz Enterprises, Inc.** (1400 New Butler Road, New Castle, PA 16107) on November 24, 2004, to reissue a Title V Permit to operate their valves and fittings production facility in New Castle, **Lawrence County**. The facility's major emissions include a degreaser boiler, plasma torch cutting, 4 hand grinding stations, a batch vapor degreaser, acid cleaning and miscellaneous natural gas fired furnaces. The facility is a major facility for Title V due to its potential to emit of HAP (Trichloroethylene).

**43-00142: Salem Tube, Inc.** (951 4th Street, Reynolds Industrial Park, Greenville, PA 16125) on December 1, 2004, to reissue a Title V Permit to operate their process steel tube manufacturing facility in Pymatuning Township, **Mercer County**. The facility's major emission include Degreaser System Boiler, Miscellaneous Natural gas usage, a Trichloroethylene (TCE) Degreasing System, 4 Annealing Furnaces, General Solvent Cleaning, Lubricating Operations, a TCE Storage Tank and Solvent Cleaning Degreaser. The facility is a Title V facility due to its potential to emit Trichloroethylene, a HAP.

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

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

**06-03126: Lehigh Cement Co.** (204 Windsor Avenue, Hamburg, PA 19526-8341) on November 29, 2004, for a specialty cement manufacturing facility controlled by various fabric collectors in Windsor Township, **Berks County**.

**06-05018: Hershey Foods Corp.** (P. O. Box 15087, 200 North Eighth Street, Reading, PA 19612-5087) on November 29, 2004, to operate their Reading Plant that manufactures candy in Reading City, **Berks County**.

**06-05079: United Corrstack, Inc.** (720 Laurel Street, Reading, PA 19602) on December 2, 2004, to produce roll stock paper from recycled paper at their facility in the City of Reading, **Berks County**.

**36-03094: Snavely's Mill, Inc.** (333 Snavely Mill Road, Lititz, PA 17543) on December 2, 2004, to operate their flour mill in Warwick Township, **Lancaster County**.

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

**08-00024: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 2, 2004, to operate a sand and gravel processing facility in Canton Township, **Bradford County**.

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

**24-00134: Contact Technologies, Inc.** (229 West Creek Road, Saint Marys, PA 15857) on December 1, 2004, to operate an electric current carrying devices manufacturing facility in the City of Saint Marys, **Elk County**. The significant sources are ceramic production, machine shop operations and mixing/molding operations.

**16-00002: RFI Energy, Inc.—Shannon Tipple** (Shannon Tipple Road, Sligo, PA 16255) on December 2, 2004, for a Natural Minor operating permit for a coal prepara-

tion plant in Toby and Piney Townships, **Clarion County**.

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

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

**15-00074: R. A. Ferris and Co., Inc.** (899 Fern Hill Road, West Chester, PA 19380) on December 2, 2004, to amend the operation of a facility Natural Minor Operating Permit in West Goshen Township, **Chester County**.

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

**06-03074: Kolors East** (2380 Camp Swatara Road, Myerstown, PA 17067) on November 29, 2004, to operate a surface coating and sandblasting facility in Bethel Township, **Berks County**. The State-only permit was administratively amended to reflect a change of ownership from Super Service Paint. This is Revision No. 1.

**21-05031: Community Refuse Service, Inc.** (135 Vaughn Road, Shippensburg, PA 17257-9727) on August 6, 2004, to operate a refuse disposal facility in Hopewell and North Newton Townships, **Cumberland County**. The Title V Operating Permit was administratively amended to incorporate the provisions of Plan Approval No. 21-05031B. This is Revision No. 1.

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

**30-00072: Consol Pennsylvania Coal Co.** (1525 Pleasant Grove Drive, Claysville PA 15323) on November 23, 2004, for their Bailey Preparation Plant in Richhill Township, **Greene County**. Consol has requested that the Department modify their Title V Operating Permit to include changes to their contact information and changes to their coarse refuse material handling system. This action entails:

- The addition of two conveyors (No. 60 and No. 61) to the overland refuse conveyor system.
- The addition of two transfer points (No. 166 and No. 167).
- The reduction in refuse hauling by truck.
- The modification of the responsible official and permit contact information.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462.

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

**62-00017: United Refining Co.** (Bradley and Dobson Streets, Warren, PA 16365) on November 30, 2004, to incorporate newly applicable requirements from Plan Approval No. 62-017G and to add a reporting requirement that requires more frequent reporting of upset conditions that result in excess air emissions in the City of Warren, **Warren County**. An administrative amendment to the Title V Operating Permit was issued.

**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, (724) 769-1100.*

**30743711. NPDES Permit No. PA0033511, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit from RAG Cumberland Resources, LP., Permit issued December 2, 2004.

**30753712. NPDES Permit No. PA0215724, Emerald Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine No. 1 Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES permit from RAG Emerald Resources, LP. No additional discharges. Permit issued December 2, 2004.

**30960701. NPDES Permit No. PA0215201, Emerald Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine No. 1 Coal Refuse Disposal Area No. 2 in Franklin Township, **Greene County** and related NPDES permit from RAG Emerald Resources, LP. No additional discharges. Permit issued December 2, 2004.

**30010701. NPDES Permit No. PA0235440, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box No. 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine No. 2 Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit from RAG Cumberland Resources, LP. No additional discharges. Permit issued December 2, 2004.

**30921301. NPDES Permit No. PA0213900, River Processing Corporation** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to transfer the permit for the Monongahela Resource Mine in Jefferson Township, **Greene County** and related NPDES permit from RAG River Processing Corp. No additional discharges. Permit issued December 2, 2004.

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

**32940109 and NPDES Permit No. PA0212954. KMP Associates**, 1094 Lantz Road, Avonmore, PA 15618, SMP Transfer to KMP Associates, Inc., 1094 Lantz Road,

Avonmore, PA 15618 in Young Township, **Indiana County**, affecting 133.1 acres. Receiving stream: UT to and Whiskey Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 18, 2004. Permit issued: November 22, 2004.

**56040103 and NPDES Permit No. PA0249581. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563-8164, commencement, operation and restoration of a bituminous surface mine in Southampton Township, **Somerset County**, affecting 55.8 acres. Receiving streams: unnamed tributaries to North Branch Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 23, 2004. Permit issued: November 23, 2004.

**56950111 and NPDES Permit No. PA0213225. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, surface mining permit revision to add coal acres that are currently approved for mining under adjacent Cooney Brothers SMP No. 56930102 to this Sherpa SMP No. 56950111 in Shade Township, **Somerset County**, affecting 248.5 acres. Receiving streams: unnamed tributary to Shade Creek and Shade Creek classified for the following uses: cold water fisheries. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stoneycreek surface water intake. Application received August 18, 2004. Permit issued November 23, 2004.

**11850107 and NPDES Permit No. PA0597341. Cooney Brothers Coal Company**, P. O. Box 246, Creson, PA 16630, permit transfer to AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650 in Portage Township, **Cambria County**, affecting 85.7 acres. Receiving streams: unnamed tributary to and Spring Run; unnamed tributary to and Trout Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River surface water intake. Application received June 7, 2004. Permit issued December 2, 2004.

**32000103 and NPDES Permit No. PA0235300. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit transfer from S & M Mining, Inc. for continued operation of a bituminous surface and auger mine in Cherryhill Township, **Indiana County**, affecting 64.0 acres. Receiving streams: unnamed tributaries of Allen Run and Penn Run, and Allen Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company Two Lick Creek Surface Water Intake. Application received December 17, 2003. Permit issued December 2, 2004.

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

**63020101 and NPDES Permit No. PA0250104. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit revised to include auger mining at an existing bituminous surface mining site located in Somerset Township, **Washington County**, affecting 261.6 acres. Receiving streams: unnamed tributary to Center Branch of Pigeon Creek to Pigeon Creek to the Monongahela River. Application received: September 22, 2004. Permit revision issued: December 2, 2004.

**03990109 and NPDES Permit No. PA0202673. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Permit renewal issued for continued reclamation

only of a bituminous surface/auger mining site located in Wayne Township, **Armstrong County**, affecting 58.0 acres. Receiving streams: unnamed tributaries to the South Fork Pine Creek and to the South Fork Pine Creek itself. Application received: August 30, 2004. Reclamation only renewal issued: December 2, 2004.

**03980108 and NPDES Permit No. PA0202371. Stitt Coal Co., Inc.** (R. D. 1, Box 197A, Ford City, PA 16226). Permit renewal issued for continued operation and reclamation of a bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 24.6 acres. Receiving streams: unnamed tributaries and Garretts Run. Application received: September 13, 2004. Permit issued: December 3, 2004.

**26950102 and NPDES Permit No. PA0201197. Bridgeview Coal Company** (Route 40, Box 257, Farmington, PA 15437). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Wharton Township, **Fayette County**, affecting 221.0 acres. Receiving streams: unnamed tributaries 2, 3, 6 and 10 Stony Fork and unnamed tributary 1 Little Sandy Creek. Application received: August 31, 2004. Reclamation only renewal issued: December 6, 2004.

**03890109 and NPDES Permit No. PA0591700. Rosebud Mining Company** (R. R. 9, Box 279A, Kittanning, PA 16201). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Perry Township, **Armstrong County**, affecting 56.0 acres. Receiving streams: unnamed tributary to the Allegheny River. Application received: August 5, 2004. Reclamation only renewal issued: December 6, 2004.

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

**33010107 and NPDES Permit No. PA0242012. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous strip operation in Snyder Township, **Jefferson County** affecting 348.0 acres. Receiving streams: Rattlesnake Creek and Unnamed Tributaries to Toby Creek. Application received: October 22, 2001. Permit Issued: November 19, 2004.

**16040102 and NPDES Permit No. PA0242551. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214). Commencement, operation and restoration of a bituminous strip operation in Richland Township, **Clarion County** affecting 155.1 acres. Receiving streams: Unnamed tributary to Turkey Run. Application received: July 16, 2004. Permit Issued: November 22, 2004.

**16713021 and NPDES Permit No. PA0602680. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip operation in Redbank, Clover & Beaver Townships, **Clarion and Jefferson Counties** affecting 135.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Pine Creek and Pine Creek, unnamed tributaries to Redbank Creek, unnamed tributaries to Runaway Run. Application received: October 12, 2004. Permit Issued: December 2, 2004.

**33940102 and NPDES Permit No. PA0211923. Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242). Renewal of an existing bituminous strip and auger operation in Knox Township, **Jefferson County** affecting 101.0 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Lick Run. Application received: August 9, 2004. Permit Issued: December 2, 2004.

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

**49851603T2. Mid-Valley Coal Sales, Inc.**, (1380 Tioga Street, Coal Township, PA 17866), transfer of an existing coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream: none. Application received November 25, 2004. Transfer issued December 1, 2004.

#### *Noncoal Permits Actions*

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

**24042801. North Star Aggregates, Inc.** (P. O. Box 51, Penfield, PA 15849) Commencement, operation and restoration of a small noncoal sandstone operation in Horton Township, **Elk County** affecting 5.0 acres. Receiving streams: Little Toby Creek. Application received: August 2, 2004. Permit Issued: November 29, 2004.

**20870304. Heritage Excavating & Stone** (P. O. Box 462, Wampum, PA 16157) Revision to an existing sandstone operation to include NPDES Permit No. PA0242578 in South Shenango Township, **Crawford County** affecting 37.8 acres. Receiving streams: Unnamed tributary to Shenango River. Application received: October 7, 2004. Permit Issued: November 19, 2004.

**25940302. McDonald Sand & Gravel, Inc.** (11425 Neiger Rd., Girard, PA 16417) Transfer of an existing sand and gravel operation from Bedrock Sand & Gravel, Inc. in Girard Township, **Erie County** affecting 93.7 acres. Receiving streams: Two unnamed tributaries to Elk Creek. Application received: April 7, 2004. Permit Issued: December 2, 2004.

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

**58040863. Algerd Choplosky, Jr.** (R. R. 1, Box 1598, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: tributary to White Creek. Application received October 18, 2004. Permit issued November 30, 2004.

**50042801. Ilene Rock**, (273 Pontius Lane, Loysville, PA 17047), commencement, operation and restoration of a shale quarry operation in Saville Township, **Perry County** affecting 5.0 acres, receiving stream: none. Application received February 10, 2004. Permit issued December 1, 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*

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

**45044037. Rick Rufe Drilling & Blasting**, (R. R. 6 Box 63608, Saylorsburg, PA 18353) and Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting for Baner at Marshalls Creek in Middle Smithfield Township, **Monroe County** with an expiration date of December 17, 2005. Permit issued November 29, 2004.



**09044040. Rock Work, Inc.** (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at Flowers Mill II at Five Ponds in Warminster Township, **Bucks County** with an expiration date of December 21, 2005. Permit issued November 29, 2004.

**09044041. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Claridon Court in Richland Township, **Bucks County** with an expiration date of December 21, 2005. Permit issued November 29, 2004.

**45044038. E. R. Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting at Stroudsburg Middle School in Stroud Township, **Monroe County** with an expiration date of December 23, 2005. Permit issued November 29, 2004.

**39044019. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Corrado Homes Phases 1 and 2 in Lower Macungie Township, **Lehigh County** with an expiration date of December 24, 2005. Permit issued November 29, 2004.

**45044039. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorsburg, PA 18353), and Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting at Estates at Great Bear in Middle Smithfield Township, **Monroe County** with an expiration date of December 25, 2005. Permit issued November 29, 2004.

**46044040. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Macoby Run in Upper Hanover Township, **Montgomery County** with an expiration date of December 22, 2005. Permit issued November 29, 2004.

**22044029. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Hershey Foods Reese Plant Unloading Pit in Derry Township, **Dauphin County** with an expiration date of January 30, 2005. Permit issued November 29, 2004.

**06044047. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for a new home on Pendergast Road in Spring Township, **Berks County** with an expiration date of December 31, 2004. Permit issued November 29, 2004.

**09044043. Dynatec Drilling & Blasting** (7 Industrial Drive, P. O. Box 603, Cliffwood Beach, NJ 07721), construction blasting at Hilltown Ridge/Reserve at Hilltown in Hilltown Township, **Bucks County** with an expiration date of June 20, 2005. Permit issued November 29, 2004.

**22044030. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Northwood Crossing Development in Susquehanna Township, **Dauphin County** with an expiration date of January 31, 2005. Permit issued November 29, 2004.

**40044105. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), well-fracking in Lehman Township, **Luzerne County** with an expiration date of December 31, 2004. Permit issued November 29, 2004.

**45044113. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for a new home in Stroud Township, **Monroe County** with an expiration date of November 27, 2005. Permit issued November 30, 2004.

**28044046. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), con-

struction blasting at the Jim Moors Project in Antrim Township, **Franklin County** with an expiration date of December 31, 2005. Permit issued December 2, 2004.

**28044047. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Scott Greene Estates Lot 88 in Greene Township, **Franklin County** with an expiration date of December 31, 2005. Permit issued December 2, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-4200.*

**14044028. Glenn O. Hawbaker, Inc.** (P. O. Box 135, State College, PA 16804), for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 244 days. Permit issued: November 24, 2004.

**17044002. Whitetail Contracting** (P. O. Box 220, Woodland, PA 16881), for reclamation blasting, located in Karthaus Township, **Clearfield County**, with an expected duration of 2 years and 9 months. Permit issued: December 2, 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**

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

**E08-416. Burlington Township**, R. R. 3, Box 118, Towanda, PA 18848. Bridge replacement in Burlington Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle N: 6.75 inches; W: 11.75 inches).

To: 1) remove the existing single span concrete steel bridge with steel I-Beams, concrete abutments and wingwalls and steel pipe parapet. This structure has a 20 foot span, 7 foot rise and a hydraulic opening of 106 square feet; 2) construct and maintain a single span reinforced concrete rigid frame on a 57-degree skew left hand ahead with a span length of about 26 feet, and an underclearance of about 9.4 feet; and 3) place approximately 50 linear feet of upstream and downstream left and right stream bank class R-7 and R-4 borrow excavation rock.

The project is located over Wallace Run on T-558 about 0.2 mile north of the intersection of T-558 and Covered Bridge Road.

The project will not impact wetlands while impacting approximately 170 feet of waterway and disturbing 0.4 acre of earth. Wallace Run is a Warm Water Fisheries stream.

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

To remove an existing single span steel pony truss bridge and construct and maintain a single span prestressed concrete box beam bridge having a normal span of 43.45 feet, with a minimum underclearance of 6.38 feet on a skew of 58° over Schwaben Creek and to construct, maintain and remove a temporary crossing consisting of 4-36 inch diameter culvert pipes and clean R-4 rock, all of which is located along T-444 0.25 miles north of the intersection of SR 3010 and T-444 in Washington Township, Northumberland County. This project proposes to permanently impact 45 linear feet of Schwaben Creek, which is, designated a Trout Stocked Fishery stream and does not propose to impact any jurisdictional wetlands.

**E49-282. Milton Area Industrial Development Association**, One South Arch Street, Milton, PA 17847. Standard Joint Water Obstruction and Encroachment Permit, in Milton Borough, **Northumberland County**, ACOE Susquehanna River Basin District (Milton, PA Quadrangle N: 18.1 inches; W: 14.1 inches).

To develop in accordance with the attached plans to develop Phase II of the Belford addition, which encompasses approximately 50 acres of land. The development will include new roadways, road reconstruction and utility line extension. The project will permanently impact

1.15 acres of forested nontidal wetlands for the widening of Marsh Road and 0.49 acre of emergent nontidal wetlands for a new road (across wetland No. 14). The project will also disturb 138 linear feet of stream to place two 41-foot box culverts and a 42-foot arch culvert in unnamed tributaries; and temporarily impact 4,185 square feet of wetlands and 75 linear feet of stream for utility line crossings and placement of stormwater piping. The applicants stated purpose is to accommodate the growing needs of the local economy by providing developable lots to eliminate the current traffic patterns through the nearby town of Montandon, Milton Borough, Northumberland County.

**E60-165. Alan C. Wagner and Leon M. Botts**, 300 Market Street, Mifflinburg, PA 17844. Black Run Country Estates Road Crossing, in Buffalo Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 22.6 inches; W: 2.8 inches).

To construct, operate and maintain a road crossing Black Run to provide access to single residential dwelling. The road crossing shall be constructed with three 4-foot diameter metal culvert pipes having a maximum length of 40 feet. Culvert pipe installation and future road crossing maintenance shall be completed during stream low flow and in dry work conditions by dams and pumping or fluming stream low around the work area. The private road crossing is located along the southern right-of-way of Buffalo Township Road No. 410 approximately 3,000 feet west of SR 1001 and T-410 intersection. Construction of the road crossing will permanently impact 0.08 acre of wetland associated to Black Run, for which the permittee shall provide for 0.08 acre of wetland replacement by making a monetary contribution of \$500 to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Project, ID Number 95-096.

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

**E37-163, PA Department of Transportation**, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853. SR 4005, Section L02 Over McClanahan Run, in Pulaski Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 17.75 inches; W: 5.06 inches).

To remove the existing structure and to construct and maintain an approximately 32.0-foot long, 24-foot wide by 11-foot high precast concrete pipe arch culvert in McClanahan Run (WWF) on SR 4005, Section L02, approximately 270 feet northwest of intersection T-605 (Heather Heights Road) and SR 4005. Project also includes widening and reconstruction of the roadway for approximately 260 feet.

**WATER QUALITY CERTIFICATIONS**

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

**Notice of Final Action on Request for Certification Under Section 401 of the Federal Water Pollution Control Act**

Certification Request initiated by and applicant, PPL Holtwood, LLC, Two North Ninth Street, Allentown, Pennsylvania 18101. Wallenpaupack Hydroelectric Project (FERC Project No. 487, Project), on Lake Wallenpaupack, in Hawley Borough, Wayne and Pike Counties, ACOE Philadelphia District, Hawley Quadrangle N: 16.25 inches; W: 0.75 inch (discharge), source water (Lake Wallenpaupack) is approximately 3.5 miles upstream.

Date of Initial *Pennsylvania Bulletin* Notice: Volume 34, No. 40, on October 2, 2004

*Project Description:* PPL Holtwood, LLC has requested a Section 401 State Water Quality Certification for the operation of the Wallenpaupack Hydroelectric Project near Hawley Borough in Wayne and Pike Counties. The Project is used primarily to meet the peak demands within Pennsylvania-New Jersey-Maryland Interconnection, with limitations on generation set by both natural inflows to the lake and seasonal recreational demands. The Project operates on an annual storage basis, which is achieved through the use of seasonal "target" lake elevations that are at times specifically constrained by the license terms and conditions. With both generator units, a total outflow ranging up to 1,800 cfs were typically started and shut down simultaneously, and were operated at a relatively fixed generation level over the course of the day. PPL Holtwood, LLC expect to continue to operate the project under its current peaking mode of operation, to continue to provide ancillary power services as previous, and to continue to operate for recreational, environmental, drought, and flood control needs with certain modifications and enhancements: implementation of a new monthly lake elevation target schedule during normal (non-drought periods); implementation of a revised drought operation plan; implementation of a deferred trout temperature regulation program for the Lackawaxen River (from river mile 4 through 10 not to exceed a maximum of 77°F); implementation of restricted weekend generation during the spring trout seasons; implementing operation and testing of recently installed turbine draft tube aeration system for downstream dissolved oxygen (DO); curbing the range of area regulation operations during six summer weekdays to enhance weekday whitewater boating opportunities; and scheduling of two weekend whitewater boating flow releases.

*Applicable Conditions:* On September 23, 2003, the Department of Environmental Protection (Department) certified that there is reasonable assurance that the Lake Wallenpaupack Hydroelectric Project (Project) owned and operated by PPL Holtwood, LLC (Owner), on the Lackawaxen River will comply with section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341) and 25 Pa. Code Chapters 93 and 96. Notice of the Department's September 23, 2003 certification was published on November 1, 2003 in the *Pennsylvania Bulletin*, Vol. 3, No. 44. On October 23, 2003 the Owner appealed the Department's September 23, 2003 certification to the Pennsylvania Environmental Hearing Board. As a result of settlement negotiations, the Department modifies the September 23, 2003 certification as follows:

1. The following paragraph has been added to paragraph 2a of the certification:

"The pH of the discharge may be less than the standard/range as specified in 25 Pa. Code 93.7 if the Owner can demonstrate that the pH of the discharge is not less than the pH of the lake water as measured at the penstock tap in the powerhouse building. The Department will accept simultaneous sampling as a component of such a demonstration."

2. Paragraph 2b of the certification has been modified to read as follows:

"The Owner shall conduct annual in-stream benthos monitoring in the years 2006, 2007, and 2008 at two stations, Station 1 above the discharge approximately 600 feet and Station 2 below the discharge approxi-

mately 1300 feet, in accordance with the *PADEP—RBP Benthic Macroinvertebrate Sample Collection and Processing Methodology for Cause/ Effect Surveys* attached hereto as Appendix A. Thereafter, the Owner shall conduct in-stream benthos monitoring as set forth in this paragraph once every five years. The station locations are fixed and should not change without prior approval from PADEP. The Owner will follow the sample collection protocol set forth in Appendix A for a stream greater than 50 feet in width. Samples must be collected between August 1 and October 31 during normal to low stream flow conditions. The benthic macroinvertebrate report shall be submitted by February 1st of the following year to PADEP."

*Final Action on Request:* The Pennsylvania Department of Environmental Protection ("PADEP") hereby certifies that there is reasonable assurance that the Lake Wallenpaupack Hydroelectric Project ("Project"), owned and operated by PPL Holtwood, LLC ("Owner"), located on the Lackawaxen River, Pennsylvania, will comply with Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341) and Pennsylvania's Water Quality Standards (25 Pa. Code Chapters 93 and 96) provided that the Project is operated and monitored in a manner consistent with the conditions contained herein.

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## SPECIAL NOTICES

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### Submission Date for Grant Applications Under the Solid Waste-Resource Recovery Development Act

The Department of Environmental Protection (Department) announces that it is accepting Resource Recovery Demonstration Grant applications from counties, municipalities and municipal authorities within this Commonwealth under the Pennsylvania Solid Waste-Resource Recovery Development Act (act). Projects must be capable of demonstrating, for a minimum of 2 years, the production of energy or the recovery of materials from solid waste (except sewage sludge). Grant applications must meet the terms and conditions established in 25 Pa. Code Chapter 76 adopted under Act 198.

Priority in selecting successful applicants during this application solicitation will be given to unique and innovative resource recovery projects not previously demonstrated or currently being demonstrated in this Commonwealth. Priority in selecting successful applicants during this application solicitation will also be given to demonstration projects involving regional cooperative projects involving more than one county or municipality. Other types of resource recovery projects may also be considered. All projects must be capable of being replicated in other areas of this Commonwealth.

Applicants must provide a business plan and market commitments for energy or materials produced by the demonstration project. All projects should be capable of reaching full scale production within 12 months of notice of a grant award.

A lead municipality or county serving as the development agency for regional projects must have resolutions from other participating counties or municipalities in support of the project. Counties and municipalities may sponsor cooperative projects with private sector entities provided that a minimum of 5% equity in the project is maintained by the development agency for the term of the demonstration period.

The Department will award no more than three grants from applications received during this grant solicitation period. The Department will award no more than \$100,000 for any demonstration project selected for funding. A minimum of 25% local matching funds is required including at least a 5% equity share in the project by the applicant.

The deadline for submission of grant applications is 3 p.m. April 7, 2005. Applications must be on forms provided by the Department. Applications received by the Department or postmarked after the deadline will not be considered during this application solicitation.

Counties and municipalities must contact the appropriate Department Planning and Recycling Coordinator in the following list to obtain a grant application. A pre-application conference with the Department Regional Planning and Recycling Coordinator is required. Inquiries concerning this notice should be directed to John Lundsted, Recycling Technical Assistance Coordinator, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

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### Regional Planning and Recycling Coordinators

#### *Southeast Region*

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

DEP, Bureau of Land Recycling and Waste Management  
2 East Main Street  
Norristown, PA 19401

Calvin Ligons  
Ann Ryan  
MaryAlice Reisse  
(484) 250-5960  
fax (484) 250-5961  
cligons@state.pa.us  
aryan@state.pa.us  
mreisse@state.pa.us

#### *Northeast Region*

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

DEP, Bureau of Land Recycling and Waste Management  
2 Public Square  
Wilkes-Barre, PA 18711-0790

Chris Fritz  
(570) 826-2516  
fax (570) 826-5448  
cfritz@state.pa.us

#### *Southcentral Region*

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

DEP, Bureau of Land Recycling and Waste Management  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200

Mark Vottero  
(717) 705-4706  
fax (717) 705-4930  
mvottero@state.pa.us

#### *Northcentral Region*

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

DEP, Bureau of Land Recycling and Waste Management  
208 W. 3rd Street, Suite 101  
Williamsport, PA 17701

Patrick Brennan  
(570) 327-3727  
fax (570) 327-3420  
pbrennan@state.pa.us

*Southwest Region*

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

DEP, Bureau of Land Recycling and Waste Management  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Sharon Svitek  
Bob Emmert  
Stephen Sales  
(412) 442-4000  
fax (412) 442-4194  
ssvitek@state.pa.us  
remmert@state.pa.us  
ssales@state.pa.us

*Northwest Region*

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

DEP, Bureau of Land Recycling and Waste Management  
230 Chestnut Street  
Meadville, PA 16335-3481

Guy McUmbert  
(814) 332-6848  
fax (814) 332-6117  
gmcumber@state.pa.us

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**Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988**

The Department of Environmental Protection (Department) hereby announces the submission deadline for 2004 Host Municipality Inspector Program Reimbursement Applications as March 31, 2005. Reimbursements are available to municipalities pursuant to the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

All reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery, or commercial hazardous waste storage, treatment and disposal facilities located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If your municipality does not receive but requires an application, or if you have any questions about this program, please contact the Program Development Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870, or visit [www.dep.state.pa.us](http://www.dep.state.pa.us), PA Keyword "Municipal Waste."

The deadline for submitting applications is 4:30 p.m. on March 31, 2005. Applications received by the Department after the deadline will not be considered.

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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of November 2004 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Sandra Bender	929 Mt. Zion Road Lebanon, PA 17046	Laboratory
Lynne Bookey	Box 2315, Gold Key Lake Milford, PA 18337	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kevin Buckley	2575 Giant Oaks Drive Upper St. Clair, PA 15241	Testing
Roger Burens, Jr.	241 King Manor Drive Suite D King of Prussia, PA 19406	Mitigation
Clerkin Home Inspections, LLC	1114 Bergan Road Oreland, PA 19075	Testing
Daryl Festa	634 North Avenue Pittsburgh, PA 15209	Testing
Rick Hynes	1037 Carnes School Road Seneca, PA 16346	Mitigation
Herbert Ingram, II	53 Jackson Avenue Lancaster, PA 17603	Testing
Paul Inman	675 Estelle Drive Lancaster, PA 17601	Testing
JCN Radon Services, Inc.	R. R. 2, Box 46A Sunbury, PA 17801	Mitigation
Stanley Kuhn	2843 North Front Street Harrisburg, PA 17110	Testing
Allan Lenhardt	R. R. 3, Box 406 Bloomsburg, PA 17815	Testing & Mitigation
Chris Matteson	912 Bruton Cove Hummelstown, PA 17036	Testing
Max Pedergrana	104 Montana Drive Kulpmont, PA 17834	Testing
Linda Platz	2006 West 51st Street Erie, PA 16509	Testing
Theresa Pulone	107 Maple Shade Avenue Washington Crossing, PA 18971	Testing
Radon Specialists, Inc.	800 Sunset Lane Stroudsburg, PA 18360	Testing
Ray Remsnyder	2843 North Front Street Harrisburg, PA 17110	Testing
Raymond Rowe	735 Municipal Street Pittsburgh, PA 15204	Mitigation
Lloyd Scarborough	429 Hillside Avenue Morrisville, PA 19067	Testing
Kenneth Struder Pennsylvania Home Inspections	P. O. Box 72722 Thorndale, PA 19372	Testing & Laboratory
Todd Ziegler	826 North Lewis Road Limerick, PA 19468	Mitigation

**Alaron Corporation, New Beaver Borough, Lawrence County; Phase I Hazardous Waste Treatment Facility Siting Application; Notice of Completeness Determination, Public Information Meeting and Public Hearing**

The Department of Environmental Protection (Department) has determined the Phase I Commercial Hazardous Waste Treatment Facility Siting Application submitted by Alaron Corporation, 2138 State Route 18, Wampum, PA to be administratively complete. The purpose of a Phase I application is solely to determine whether the proposed site complies with this Commonwealth's exclusionary siting criteria for hazardous waste treatment facilities. Subsequent to this determination of administrative completeness, the Department will conduct a technical review of the application to determine whether the proposed site complies with the exclusionary siting criteria at 25 Pa. Code §§ 269a.21—269a.29. If the site does not meet the applicable criteria, a hazardous waste treatment facility may not be permitted there. If the site does meet the applicable siting criteria, the applicant must submit a detailed permit application, before a permit could be issued for construction and operation.

The Department conducted a public information meeting on Tuesday, December 7, 2004. The meeting was held from 7 p.m. to 9 p.m. at the New Beaver Borough Building, New Galilee, PA.

An additional public information meeting has been scheduled for 6 p.m., Tuesday, January 18, 2005, at the New Beaver Borough Building; 778 Wampum-New Galilee Road; New Galilee, PA 16141, for those interested persons who were unable to attend the December 7, 2004, meeting.

This information meeting will be held just prior to a public hearing regarding this application, which has been scheduled for 7 p.m. on Tuesday, January 18, 2005, at the same location. The Department will provide an overview of the application review process, siting criteria, and the opportunities for public participation in the process. The meeting will include time for public questions on the process and the application. General information about the application and the permit review process will be distributed prior to the meeting.

The public hearing is intended to allow for public testimony on the Phase I application. The Department will record testimony and receive written comments at the hearing. The Department will also accept written comments on the application from December 7, 2004, until February 4, 2005. Written comments should be sent to the Hazardous Waste Facility Siting Team Leader, Department of Environmental Protection, P. O. Box 8471, Harrisburg, PA 17105-8471. Comments may also be submitted electronically at EPHazWasteSitingTeam@state.pa.us.

To reserve time to testify at this hearing, contact Freda Tarbell, PADEP, Northwest Regional Office at (814) 332-6816.

Copies of the Phase I application will be available for review or copying at the following locations between 8 a.m. and 4 p.m.:

PADEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

PADEP Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8471, (717) 787-6239.

Alaron Corporation, 2138 State Route 18, Wampum, PA 16157, (724) 535-5777 (call for times and appointments).

It is advisable to call ahead for an appointment for review and copying to assure proper assistance. The Department may charge a fee for copying.

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

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### SEWAGE FACILITIES ACT SPECIAL NOTICE

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#### Special Notice Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. 1535, as amended, 35 P. S. § 750.5

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

*Project Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Foxburg Borough	Foxburg Area Water and Sewer Authority P. O. Box 2 Foxburg, PA 16036	Clarion

*Project Description:* The Pennsylvania Infrastructure Investment Authority which Administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project. The Authority proposes to rehabilitate two sections of sewer lines to reduce wet weather flows. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this project. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 04-2240. Filed for public inspection December 17, 2004, 9:00 a.m.]

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#### Submission Date for Grant Applications Under the Solid Waste-Resource Recovery Development Act

The Department of Environmental Protection (Department) announces that it is accepting Resource Recovery Demonstration Grant applications from counties, municipalities and municipal authorities within this Commonwealth under the Pennsylvania Solid Waste Resource Recovery Development Act (35 P. S. §§ 755.1—755.14). Projects must be capable of demonstrating, for a minimum of 2 years, the production of energy or the recovery of materials from solid waste (except sewage sludge). Grant applications must meet the terms and conditions established in Chapter 76 (relating to solid waste—resource recovery development).

Priority in selecting successful applicants during this application solicitation will be given to unique and innovative resource recovery projects not previously demonstrated or currently being demonstrated in this Common-

wealth. Priority in selecting successful applicants during this application solicitation will also be given to unique and innovative resource recovery demonstration projects involving regional cooperative projects that involve more than one county or municipality. Other types of resource recovery projects may also be considered. All projects must be capable of being replicated in other areas of this Commonwealth.

Applicants must provide a business plan and market commitments for energy or materials produced by the demonstration project. Projects should be capable of reaching full scale production within 12 months of notice of a grant award.

A lead municipality or county serving as the development agency for regional projects must have resolutions from other participating counties or municipalities in support of the project. Counties and municipalities may sponsor cooperative projects with private sector entities provided that a minimum of 5% equity in the project is

maintained by the development agency for the term of the demonstration period.

The Department will award no more than three grants from applications received during this grant solicitation period. The Department will award no more than \$100,000 for any demonstration project selected for funding. A minimum of 25% local matching funds is required including at least a 5% equity share in the project by the applicant.

The deadline for submission of grant applications is 3 p.m. on April 7, 2005. Applications must be on forms provided by the Department. Applications received by the Department or postmarked after the deadline will not be considered during this application solicitation.

Counties and municipalities must contact the appropriate Department Planning and Recycling Coordinator to obtain a grant application. Contact information for these coordinators is available on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: "Recycling"; choose "Contacts," "Regional Recycling Coordinators"). A pre-application conference with the Department Regional Planning and Recycling Coordinator is required. Inquiries concerning this notice should be directed to John Lundsted, Recycling Technical Assistance Coordinator, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 04-2241. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Alle Kiski Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Alle Kiski Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: Table 7.5 § 7.9.D7 (relating to station outlets for oxygen in the ER).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [dditlow@state.pa.us](mailto:dditlow@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other

accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-2242. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Application of The Good Samaritan Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Good Samaritan Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.9.D8 (relating to trauma/cardiac rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [dditlow@state.pa.us](mailto:dditlow@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-2243. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Application of The Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administering of drugs).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-2244. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Application of The Pennsylvania Eye Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Pennsylvania Eye Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.2.b3, 9.5.F2 and 9.5.F3 (relating to treatment rooms; outpatient surgery change areas; and post-anesthesia recovery room for out-patient surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-2245. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Application of Wilkes-Barre General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the Wilkes-Barre General Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-2246. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Health Policy Board Meetings

The Health Policy Board has set its calendar for the year 2005. The meeting dates are scheduled as follows:

March 16, 2005  
June 15, 2005  
September 21, 2005  
December 21, 2005

All meetings will begin at 10 a.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

These meetings are subject to cancellation without notice.

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Joseph May at (717) 772-5298 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-2247. Filed for public inspection December 17, 2004, 9:00 a.m.]



### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Wednesday, February 2, 2005, from 9:30 a.m. to 2:30 p.m. in 125N, Training Room A, Commonwealth Keystone Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

This meeting is subject to cancellation without notice.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-2248. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Lutheran Home at Kane  
100 High Point Drive  
Kane, PA 16735

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Tandem Health Care of North Strabane  
100 Tandem Village Road  
Canonsburg, PA 15317

Bradford County Manor  
R. D. 3, Box 322  
Troy, PA 16947

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previ-

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

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

[Pa.B. Doc. No. 04-2249. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

#### Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program publishes notice of the maximum allowable prices. Effective January 1, 2005, through March 31, 2005, the maximum allowable prices the Department of Health will pay for a WIC allowable food are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.20
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$2.02
1/2 gal. Kosher Milk	\$2.86
4 oz. Kosher Infant Juice	\$0.69
8 oz. Kosher Infant Cereal	\$1.92
1 doz. Grade A Eggs	\$1.87
1 lb. Fresh Carrots	\$1.10
14 to 16 oz. Canned Carrots	\$1.10
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.32
1 lb. Dry Beans or Peas	\$1.55
1 oz. Adult WIC Cereal	\$0.39
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.43
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.41
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.02
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.32
16 oz. Alimentum Advance Powder Formula	\$26.82
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.00
13 oz. Isomil Advance Concentrate Formula	\$4.70
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.80
12.9 oz. Isomil Advance Powder Formula	\$14.42
12.9 oz. Isomil 2 Advance Powder Formula	\$14.42

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Isomil with Iron Concentrate Formula	\$4.36
12.9 oz. Isomil with Iron Powder Formula	\$13.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.07
13 oz. Nutramigen Lipil Concentrate Formula	\$7.04
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.87
16 oz. Nutramigen Lipil Powder Formula	\$24.42
8 oz. Pediasure Ready-to-Feed Formula	\$2.24
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.34
13 oz. Similac Advance Concentrate Formula	\$4.38
32 oz. Similac Advance Ready-to-Feed Formula	\$6.20
12.9 oz. Similac Advance Powder Formula	\$13.66
12.9 oz. Similac 2 Advance Powder Formula	\$13.66
13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.39
12.9 oz. Similac with Iron Powder Formula	\$12.95
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.74
12.8 oz. Similac Neosure Advance Powder Formula	\$15.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check. However, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-2250. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting from 10 a.m. to 3 p.m. on Thursday, January 20, 2005, at the Dixon University Center, Richards Hall Recital Room, 2986 North Second Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, at (717) 783-5436. For speech and/or hearing impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-2251. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Per Diem Rates for Residents of Pennsylvania State Veterans' Homes

The following per diem rates for residents of Pennsylvania State Veterans' Homes are effective January 1, 2005, through December 31, 2005:

#### Hollidaysburg Veterans' Home

Nursing Care	\$230.81
Personal Care	\$140.11

#### Pennsylvania Soldiers' and Sailors' Home

Nursing Care	\$237.74
Personal Care	\$127.28

#### Southeastern Veterans' Center

Nursing Care	\$224.59
Personal Care	\$154.44

#### Gino J. Merli Veterans' Center

Nursing Care	\$231.57
Personal Care	\$112.97

#### Southwestern Veterans' Center

Nursing Care	\$202.23
Personal Care	\$140.99

#### Delaware Valley Veterans' Home

Nursing Care	\$254.73
Personal Care	\$124.27

MAJOR GENERAL JESSICA L. WRIGHT,  
*Adjutant General*

[Pa.B. Doc. No. 04-2252. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Pricing of Pharmacy Claims

The purpose of this notice is to announce that effective January 1, 2005, EDS, the Department of Public Welfare's (Department) contractor for the Provider Reimbursement and Operations Management Information System (PROMISE™), will assume responsibility for drug

cost determination in pricing claims for pharmacy services. The Department is not changing its payment methodology for pharmacy services as specified in 55 Pa. Code §§ 1121.55 and 1121.56 (relating to method of payment; and drug cost determination), but this administrative change may affect payment for some pharmacy services.

PROMISE™ is the new HIPAA-compliant claims processing and management information system implemented by the Department in March 2004. The PROMISE™ contract was awarded to EDS through a competitive bid consistent with Commonwealth procurement guidelines and requirements. PROMISE™ incorporates claims processing and information management activities for the Office of Medical Assistance Programs, including administration of the Drug Reference File. The Drug Reference File includes the complete list of all drugs covered under the Medical Assistance Program and drug-related data used to process and price pharmacy claims.

Before March 2004, the Department administered the Drug Reference File. The process to support updates of drug-related data on the Drug Reference File, including updates to Average Wholesale Price (AWP) and State Maximum Allowable Cost (MAC), as specified in 55 Pa. Code § 1121.56(b), required the Department to create and forward to the pricing service on a monthly basis a tape of the Drug Reference File. The pricing service refreshed all of the drug-related data and returned the file to the Department. The Department then forwarded the tape to the Medical Assistance Management Information System (MMIS) front-end claims contractor (replaced by PROMISE™), and the MMIS contractor loaded the tape information into its system for pharmacy claims processing and payment.

Advances in information technology have made it unnecessarily administratively burdensome, time consuming, costly and inconsistent with current industry standards for the Department to continue to administer the Drug Reference File. The incorporation of information management activities such as the administration of the Drug Reference File into the PROMISE™ contract has enabled the Department to increase administrative efficiencies by eliminating multiple tape exchanges with both the pricing service and the claims processor on a monthly basis. As a component of administering the Drug Reference File under PROMISE™, EDS contracts directly with all three Nationally recognized pricing services, thereby also eliminating the need for the Department to contract directly with a pricing service.

When EDS assumes responsibility for drug cost determination for all pharmacy claims effective January 1, 2005, the methodology for determining drug cost, specified in 55 Pa. Code § 1121.56, will not change. Drug cost will continue to be based on the lower of the Estimated Acquisition Cost (EAC) (AWP minus 10%) or the State MAC. The EAC will also continue to be updated on a monthly basis. The only change will be that AWP is determined by reviewing all three Nationally recognized pricing services, and choosing the lowest AWP calculation among the three, rather than limiting review to one pricing service. Despite changes in the baseline AWP which may result in a lower payment for some drugs, the Department's payment methodology will continue to be recognized as one of the most generous methodologies among public and private payers in the Commonwealth and Nationally.

### *Fiscal Impact*

Savings for this change is estimated at \$7.917 million (\$3.712 million in State funds) during Fiscal Year 2004-2005 and at \$25.464 million (\$11.710 million in State funds) during Fiscal Year 2005-2006.

### *Contact Person*

Interested persons are invited to submit written comments to this notice by December 28, 2004, to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-405. No fiscal impact; (8) recommendations adoption. This public notice provides for estimated savings to the Medical Assistance—Outpatient Appropriation of \$3,712,000 during the remainder of Fiscal Year 2004-05 and \$11,710,000 for Fiscal Year 2005-06.

[Pa.B. Doc. No. 04-2253. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Captain Cash 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 Captain Cash.

2. *Price:* The price of a Pennsylvania Captain Cash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Captain Cash instant lottery game ticket will contain one play area featuring a "CAPTAIN'S NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "CAPTAIN'S NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN) and Pirate Symbol (PIRATE).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,000 (TWO THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500, \$2,000 and \$25,000. A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Captain Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

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

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

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

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pirate Symbol (PIRATE), and a prize symbol of \$500 (FIV HUN) appears to the right of the Pirate Symbol (PIRATE) on a single ticket, shall be entitled to a prize of \$500.

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

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

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

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

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of

\$20 (TWENTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pirate Symbol (PIRATE), and a prize symbol of \$20 (TWENTY) appears to the right of the Pirate Symbol (PIRATE) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pirate Symbol (PIRATE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears to the right of the Pirate Symbol (PIRATE) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pirate Symbol (PIRATE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears to the right of the Pirate Symbol (PIRATE) on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pirate Symbol (PIRATE), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears to the right of the Pirate Symbol (PIRATE) on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pirate Symbol (PIRATE), and a prize symbol of \$2<sup>00</sup> (FOR DOL) appears to the right of the Pirate Symbol (PIRATE) on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CAPTAIN'S NUMBERS" play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

*When Any Of Your Numbers  
Match Either Captain  
Number; Win With Prize(s)  
Of:*

	<i>Win:</i>	<i>Odds Of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 × 2	\$2	30	200,000
\$2	\$2	30	200,000
\$2 w/Pirate	\$2	30	200,000
\$1 × 4	\$4	50	120,000
\$4	\$4	50	120,000
\$4 w/Pirate	\$4	50	120,000
\$1 × 5	\$5	150	40,000
\$5	\$5	150	40,000
\$5 w/Pirate	\$5	75	80,000
\$2 × 5	\$10	500	12,000
\$5 × 2	\$10	500	12,000
\$10	\$10	375	16,000
\$10 w/Pirate	\$10	75	80,000
\$5 × 4	\$20	300	20,000
\$20	\$20	150	40,000
\$20 w/Pirate	\$20	150	40,000
\$5 × 8	\$40	1,714	3,500
\$10 × 4	\$40	1,714	3,500
\$20 × 2	\$40	1,714	3,500
\$40	\$40	1,714	3,500
\$40 w/Pirate	\$40	1,714	3,500
\$10 × 6 + \$20 × 2	\$100	24,000	250
\$20 × 5	\$100	30,000	200
\$40 × 2 + \$5 × 4	\$100	30,000	200
\$100	\$100	24,000	250
\$100 w/Pirate	\$100	30,000	200
\$100 × 5	\$500	120,000	50
\$500	\$500	120,000	50
\$500 w/Pirate	\$500	120,000	50
\$500 × 4	\$2,000	1,200,000	5
\$2,000	\$2,000	1,200,000	5
\$2,000 w/Pirate	\$2,000	1,200,000	5
\$25,000	\$25,000	1,200,000	5

Pirate = Win prize shown automatically

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Captain Cash, prize money from winning Pennsylvania Captain Cash 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 Captain Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

Pennsylvania Captain Cash or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-2254. Filed for public inspection December 17, 2004, 9:00 a.m.]

### **Pennsylvania Keep On Scratchin' 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 Keep On Scratchin'.

2. *Price:* The price of a Pennsylvania Keep On Scratchin' instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Keep On Scratchin' instant lottery game ticket will contain one play area featuring a "WINNING NUMBER" area and a "GROUNDHOG NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBER" area

are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "GROUNDHOG NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), and Keystone Symbol (KEYSTN).

4. *Prize Symbols:* The prize symbols and their captions located in the "GROUNDHOG NUMBERS" area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$100 (ONE HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100 and \$5,000. A player can win up to five times on a ticket.

6. *Second Chance Drawing:* The Pennsylvania Lottery will conduct a Second Chance Drawing for nonwinning Pennsylvania Keep On Scratchin' instant lottery tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Keep On Scratchin' instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$5,000 (FIV THO) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$100 (ONE HUN) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$80\$ (EIGHTY) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$40\$ (FORTY) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching

"GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$20\$ (TWENTY) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$20.

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

(j) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$10.

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

(l) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$2 (TWO DOL) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols is a Keystone Symbol (KEYSTN), and a prize symbol of \$1 (ONE DOL) appears under the Keystone Symbol (KEYSTN) on a single ticket, shall be entitled to a prize of \$1.

(s) Holders of tickets upon which any one of the "GROUNDHOG NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of Free (TICKET) appears under the matching "GROUNDHOG NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Keep on Scratchin' instant game ticket or one Pennsylvania Lottery instant

game ticket of equivalent sale price which is currently on sale.

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

*When Any Of The Groundhog Numbers Match The Winning Number, Win With Prize(s) Of:*

<i>Of:</i>	<i>Win</i>	<i>Approximate Odds Of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
Free	Ticket	30	400,000
\$1	\$1	30	400,000
\$1 w/Keystone	\$1	15	800,000
\$2	\$2	60	200,000
\$2 w/Keystone	\$2	26.09	460,000
\$1 x 2	\$2	60	200,000
\$4	\$4	300	40,000
\$4 w/Keystone	\$4	120	100,000
\$1 x 4	\$4	300	40,000
\$2 x 2	\$4	300	40,000
\$5	\$5	37.5	320,000
\$1 x 5	\$5	300	40,000
\$5 w/Keystone	\$5	300	40,000
\$10	\$10	600	20,000
\$10 w/Keystone	\$10	200	60,000
\$2 x 5	\$10	600	20,000
\$5 x 2	\$10	600	20,000
\$20	\$20	1,500	8,000
\$20 w/Keystone	\$20	1,500	8,000
\$4 x 5	\$20	1,500	8,000
\$5 x 4	\$20	1,500	8,000
\$10 x 2	\$20	1,500	8,000
\$40	\$40	48,000	250
\$40 w/Keystone	\$40	48,000	250
\$10 x 4	\$40	48,000	250
\$20 x 2	\$40	48,000	250
\$80	\$80	240,000	50
\$80 w/Keystone	\$80	240,000	50
\$20 x 4	\$80	240,000	50
\$100	\$100	240,000	50
\$20 x 5	\$100	240,000	50
\$5,000	\$5,000	2,400,000	5

Keystone = Wins prize shown automatically

10. *Second Chance Drawing Requirements:*

(a) To be eligible for the Second Chance Drawing, players must mail exactly ten (10) nonwinning Pennsylvania Keep On Scratchin' instant lottery tickets in an envelope no larger than 4 1/8 by 9 1/2 inches addressed to Pennsylvania Lottery, Second Chance Drawing, P. O. Box 999, Middletown, PA 17057-0999. The player shall affix proper postage to the entry.

(b) Envelopes containing less than or more than ten (10) nonwinning Pennsylvania Keep On Scratchin' instant lottery tickets shall be disqualified.

(c) Nonwinning Pennsylvania Keep On Scratchin' instant lottery tickets received in an envelope larger than 4 1/8 by 9 1/2 inches shall be disqualified. The only exception is for nonwinning Pennsylvania Keep On Scratchin' instant lottery tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Keep on Scratchin' instant lottery tickets submitted to the Keep On Scratchin'

Second Chance Drawing address will not be paid or honored.

(e) The back of each nonwinning Pennsylvania Keep On Scratchin' instant lottery ticket entered in the Second Chance Drawing must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

(f) To be eligible for the Second Chance Drawing nonwinning Pennsylvania Keep On Scratchin' instant lottery tickets must be received by the Pennsylvania Lottery no later than February 4, 2005.

11. *Second Chance Drawing Procedures:*

(a) The Second Chance Drawing will be held at Lottery Headquarters the week of February 7, 2005. The odds of an entry's being selected in the Second Chance Drawing depend upon the number of entries received.

(b) To be eligible for the Second Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each Second Chance entry is entered into the Second Chance Drawing. The Lottery assumes no responsibility for a lost or misplaced entry not entered into the Second Chance Drawing.

(2) If a Second Chance entry is rejected during or following the Second Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting the Second Chance Drawings.

(1) All entries received at Lottery Headquarters on or before February 4, 2005, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer will be used to select 3 of the numbered containers from which the winners will be selected, one from each container. The randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the 3 designated containers will entitle its owner to the Keep On Scratchin' prize package.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) The payment of a prize awarded in the Second Chance drawing to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age). There is no cash equivalent for the prize awarded in the Second Chance drawing.

#### 12. *Second Chance Prize Description:*

(a) *Keep On Scratchin' Prize Package.* Each prize package will consist of the following: Appearance in a television commercial with Gus, the Lottery's instant games mascot, produced in either Philadelphia or Pittsburgh during the 2005 calendar year; transportation within Pennsylvania for the winner and one guest to and from the shoot; two nights' stay in one room with two double beds in the hotel used by the commercial's production crew; food per diems; \$500 cash; talent fee payment in accordance with current fee structure; and a photograph with Gus.

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

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Keep On Scratchin', prize money from winning Pennsylvania Keep on Scratchin' 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 Keep On Scratchin' 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.

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

16. *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 Keep On Scratchin' or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-2255. Filed for public inspection December 17, 2004, 9:00 a.m.]

### Pennsylvania Strike It Rich 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 Strike It Rich.

2. *Price:* The price of a Pennsylvania Strike It Rich instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Strike It Rich instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38



(THYEGT), 39 (THYNIN), 40 (FORTY), Safe Symbol (SAFE), Gold Bar Symbol (GBAR) and 5X Symbol (5TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$20,000 (TWY THO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$200, \$250, \$400, \$500, \$1,000, \$5,000, \$20,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,960,000 tickets will be printed for the Pennsylvania Strike It Rich instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

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

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$20,000 (TWY THO) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$20,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$1,000 (ONE THO) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$1,000 (ONE THO) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$500 (FIV HUN) appears

under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$200 (TWO HUN) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$500 (FIV HUN) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$500.

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

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

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$200 (TWO HUN) appears under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$250 (TWOHUNFTY) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$250.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$250.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$200 (TWO HUN) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$100 (ONE HUN) appears under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$200.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$40\$ (FORTY) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$200.

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

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

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$50\$ (FIFTY) appears under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$50\$ (FIFTY) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$25\$ (TWY FIV) appears under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

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

(gg) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$20\$ (TWENTY) appears under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30\$ (THIRTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$30\$ (THIRTY) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(kk) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$25\$ (TWY FIV) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$25.

(ll) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(mm) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe Symbol (SAFE), and a prize symbol of \$20\$ (TWENTY) appears under the Safe Symbol (SAFE) on a single ticket, shall be entitled to a prize of \$20.

(nn) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar Symbol (GBAR), and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the Gold Bar Symbol (GBAR) on a single ticket, shall be entitled to a prize of \$20.

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

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

*When Any Of Your Numbers  
Match Any Of The Winning  
Numbers, Win With Prize(s)  
Of:*

*Approximate No. Of  
Winners Per 3,960,000  
Tickets*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	
\$10 × 2	\$20	75	52,800
\$10 w/Gold Bar	\$20	25	158,400
\$20 w/Safe	\$20	75	52,800
\$20	\$20	30	132,000
\$25 w/Safe	\$25	25	158,400
\$25	\$25	37.50	105,600
\$10 × 3	\$30	75	52,800
\$30 w/Safe	\$30	150	26,400
\$30	\$30	75	52,800
\$10 × 4	\$40	150	26,400
\$20 × 2	\$40	150	26,400
\$20 w/Gold Bar	\$40	150	26,400
\$40 w/Safe	\$40	150	26,400
\$40	\$40	150	26,400
\$10 × 5	\$50	150	26,400
\$25 × 2	\$50	300	13,200
\$25 w/Gold Bar	\$50	150	26,400
\$10 w/5X	\$50	150	26,400
\$50 w/Safe	\$50	300	13,200
\$50	\$50	150	26,400
\$10 × 10	\$100	150	26,400
\$20 × 5	\$100	300	13,200
\$20 w/5X	\$100	150	26,400
\$50 w/Gold Bar	\$100	150	26,400
\$100 w/Safe	\$100	300	13,200
\$100	\$100	150	26,400
\$10 × 20	\$200	2,400	1,650
\$20 × 10	\$200	2,400	1,650
\$25 × 8	\$200	2,400	1,650
\$40 w/5X	\$200	2,400	1,650
\$100 w/Gold Bar	\$200	2,400	1,650
\$100 × 2	\$200	2,400	1,650
\$200 w/Safe	\$200	2,400	1,650
\$200	\$200	2,400	1,650
\$25 × 10	\$250	2,000	1,980
\$50 × 5	\$250	2,000	1,980
\$50 w/5X	\$250	2,000	1,980
\$250 w/Safe	\$250	2,000	1,980
\$250	\$250	2,000	1,980
\$20 × 20	\$400	3,333	1,188
\$25 × 16	\$400	4,000	990
\$100 × 4	\$400	4,000	990
\$200 × 2	\$400	4,000	990
\$200 w/Gold Bar	\$400	4,000	990
\$400 w/Safe	\$400	4,000	990
\$400	\$400	4,000	990
\$25 × 20	\$500	10,000	396
\$50 × 10	\$500	10,000	396
\$100 × 5	\$500	10,000	396
\$200 w/Gold Bar + 100	\$500	10,000	396
\$100 w/5X	\$500	10,000	396
\$500 w/Safe	\$500	10,000	396
\$500	\$500	10,000	396
\$50 × 20	\$1,000	30,000	132
\$100 × 10	\$1,000	30,000	132
\$200 × 5	\$1,000	30,000	132
\$200 w/5X	\$1,000	30,000	132
\$500 × 2	\$1,000	30,000	132
\$500 w/Gold Bar	\$1,000	30,000	132
\$1,000 w/Safe	\$1,000	30,000	132
\$1,000	\$1,000	30,000	132
\$500 × 10	\$5,000	120,000	33
\$1,000 × 5	\$5,000	120,000	33
\$1,000 w/5X	\$5,000	120,000	33
\$5,000	\$5,000	120,000	33

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:*

\$1,000 × 20	\$20,000
\$20,000 w/Safe	\$20,000
\$20,000	\$20,000
\$1,000,000	\$1,000,000

Safe = Win prize automatically.  
 Gold Bar = Win double the prize shown.  
 5X = Win 5 times the prize shown.

<i>Approximate Odds of 1 In:</i>	<i>Approximate No. Of Winners Per 3,960,000 Tickets</i>
1,320,000	3
1,320,000	3
1,320,000	3
1,320,000	3

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Strike It Rich, prize money from winning Pennsylvania Strike It Rich 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 Strike It Rich instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-2256. Filed for public inspection December 17, 2004, 9:00 a.m.]

**Realty Transfer Tax Revised 2003 Common Level Ratio; Real Estate Valuation Factors**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2003. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2005, to June 30, 2005. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Bucks	8.07
* Cambria	3.07
** Cumberland	1.00

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
** Lancaster	1.00
* Lebanon	6.10
** Lycoming	1.00
* McKean	1.11
* Northumberland	3.73
** Venango	1.00
** Wayne	1.00

\* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2005.

\*\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2005.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-2257. Filed for public inspection December 17, 2004, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**

**Application for Lease of Right-of-Way**

The Department of Transportation (Department) gives notice that under 67 Pa. Code § 495.4(d) (relating to application procedure) an application to lease highway right-of-way has been submitted to the Department by Fusion, Inc. d.b.a. Roadway Inn of 110 Limekiln Road, New Cumberland, PA seeking to lease highway right-of-way located at Ramp "CD" for I-83, Limekiln Road Exit, Fairview Township, York County, 12,606 square feet +/- adjacent to SR/LR 333, Section 19, for the purpose of public parking.

Interested persons are invited to submit, within 30 days from publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Barry G. Hoffman, P. E., District Engineer, Engineering District 8-0, 2140 Herr Street, Harrisburg PA 17103-1699.

Questions regarding this application or the proposed use should be directed to George Achenbach, Right-of-Way Representative, 2140 Herr Street, Harrisburg, PA 17103-1699, (717) 772-5117.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 04-2258. Filed for public inspection December 17, 2004, 9:00 a.m.]

**Finding  
Lackawanna County**

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to construct SR 6247, Section 000, The Valley View Business Park Highway, a new roadway that will traverse the Valley View Business Park in Lackawanna County.

The purpose of this roadway project is to provide access to the Valley View Business Park and to serve as a collector between SR 0247 and SR 1012 and preserve the functional hierarchy of the highway system. The proposed SR 6247 will support regional and local planning and economic development initiatives proposed for the area.

The proposed action is to construct a new two-lane roadway providing access from State Route 247 (SR 0247) in Jessup Borough to Salem Road (SR 1012) in Archibald Borough in Lackawanna County. Alternative A2, the preferred alternative, begins on SR 0247 south of the SR 0247 interchange with SR 0006, traverses the Valley View Business Park property, crosses SR 0006, then utilizes an existing roadway within the PEI Power Park that intersects with SR 1012 north of the SR 1012 interchange with SR 0006 in Archibald Borough. Alternative A2 also includes an interchange with SR 0006. The proposed design of SR 6247 is to have a pavement width of 24 feet with 10 foot wide shoulders and a posted speed limit of 35 miles per hour. Intersection improvements including turn lanes and signals will be required at SR 0247, SR 1012 and ramps to SR 0006.

Alternatives were evaluated through an Environmental Assessment as required by the National Environmental Policy Act and Section 2002 of Act 120. Alternative A2 has been identified as the alternative that satisfies the needs associated with this project and generates the least impact to the social, cultural, and natural environment in the study area. The Alternative A2 alignment has the least impacts for Jessup and Archibald Boroughs by reducing the widening required along SR 0247 and SR 1012. It also maximizes positive improvements to support local and regional economic development initiatives by providing better access to the project area. It provides a direct interchange with SR 0006, the Robert P. Casey Highway, improving direct access, enhancing employment opportunities, and aiding economic development. This alternative would also be most compatible with local and regional planning.

Alternative A2 will impact the Dolph Sunnyside Industrial District, a Section 2002 resource eligible for listing on the National Register of Historic Places. Under Section 106 of the National Historic Preservation Act, it has been determined that the construction of Alternative A2 will have an adverse effect on this Section 2002 resource. The effects will be mitigated through mitigation commitments detailed in an executed Memorandum of Agreement between the Federal Highway Administration and the Pennsylvania State Historic Preservation Officer and concurred with by the Department.

The Deputy Secretary has considered the environmental, economic, social, and other effects of the proposed project as enumerated in section 2002 of The Administrative Code and has concluded that there is no feasible and

prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

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

[Pa.B. Doc. No. 04-2259. Filed for public inspection December 17, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### **Cabot Corporation v. DEP; EHB Doc. No. 2004-252-MG**

Cabot Corporation has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Cabot Corporation for a facility in Douglass Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-2260. Filed for public inspection December 17, 2004, 9:00 a.m.]

### **Milford Township v. DEP and Mary T. Bauman, Permittee; EHB Doc. No. 2004-254-MG**

Milford Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Mary T. Bauman for a facility in Milford Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-2261. Filed for public inspection December 17, 2004, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Environmental Quality Board Meeting Cancellation

The December 21, 2004, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, January 18, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: "Participate").

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727 or [nshepherd@state.pa.us](mailto:nshepherd@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 04-2262. Filed for public inspection December 17, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designation

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At its next meeting on January 24 and 25, 2005, the Commission will consider adding Deep Creek Dam, Montgomery County, to the list of waters regulated and managed under 58 Pa. Code § 65.10 (relating to Early Season Trout Stocked Waters Program), effective January 1, 2006. The Commission, at this time, is soliciting public input concerning this designation. Persons with comments, objections or suggestions concerning the designation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000,

Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

[Pa.B. Doc. No. 04-2263. Filed for public inspection December 17, 2004, 9:00 a.m.]

### 2005 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

At its meeting on January 24 and 25, 2005, the Commission intends to consider additions to its list of Class A Wild Trout Streams. The Commission will not consider the removal of any streams from the list at that time.

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

### Additions

The Commission will consider adding the following waters to the current list of Class A Wild Trout Waters:

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Berks	Ontelaunee Creek	From headwaters downstream to SR 4024 bridge	2.8 miles
Berks	UNT Monocacy Creek	From dam 40 meters upstream, SR 2023 downstream to mouth	0.4 miles
Berks	Willow Creek	From 375 meters upstream T-707 bridge downstream to mouth	0.9 miles
Blair	Halter Creek	From confluence with Plum Creek downstream to mouth	2.2 miles
Blair	Plum Creek	From SR 0164 bridge downstream to mouth	3.4 miles
Blair/Bedford	Bobs Creek	From SR 3001 bridge downstream to confluence with Rhodes Run	4.4 miles
Cambria	Cedar Run, Bg	From headwaters downstream to Beaverdam Run Reservoir backwater	1.1 miles
Cameron	Muley Run	From headwaters downstream to mouth	3.8 miles
Cameron/Elk	Bell Draft	From headwaters downstream to mouth	5.6 miles
Cameron/ McKean	Waldy Run	From headwaters downstream to mouth	4.8 miles
Lawrence	Hell Run	From T-395 downstream to mouth	1.9 miles
Luzerne	Beth Run	From headwaters downstream to mouth	1.9 miles
Luzerne/ Wyoming	Sorber Run	From headwaters downstream to mouth	3.1 miles
Lycoming	Bar Bottom Hollow	From headwaters downstream to mouth	2.2 miles
Monroe	Wolf Swamp Run	From outlet of Wolf Lake downstream to mouth	2.1 miles
Potter	Kettle Creek, Little	From headwaters downstream to confluence with Hoppe Hollow	2.5 miles
Potter	Sunken Br	From Betty Patch Trail crossing downstream to mouth	1.8 miles
Wyoming	Hettesheimer Run	From headwaters downstream to mouth	1.6 miles
Wyoming	Roaring Run	From headwaters downstream to confluence with Roaring Run, South Branch	2.6 miles
Wyoming	Roaring Run	From confluence with Roaring Run, South Branch downstream to mouth	2.4 miles
Wyoming	Roaring Run, South Branch	From headwaters downstream to mouth	2.0 miles
Wyoming	Windfall Run	From headwaters downstream to mouth	1.7 miles
Wyoming	York Run	From headwaters downstream to mouth	2.3 miles

### Removals

None

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

[Pa.B. Doc. No. 04-2264. Filed for public inspection December 17, 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 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>
7-391	Environmental Quality Board Concentrated Animal Feeding Operations and Other Agricultural Operations 34 Pa.B. 4353 (August 7, 2004)	11/5/04	12/6/04
7-390	State Conservation Commission Nutrient Management 34 Pa.B. 4361 (August 7, 2004)	11/5/04	12/6/04
16-32	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties 34 Pa.B. 5552 (October 9, 2004)	11/8/04	12/8/04
16A-4615	State Board of Dentistry Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II 34 Pa.B. 5596 (October 9, 2004)	11/8/04	12/8/04
16A-5412	State Board of Pharmacy Drug Therapy and Injectable Medications, Biologicals and Immunizations 34 Pa.B. 5598 (October 9, 2004)	11/8/04	12/8/04
15-425	Department of Revenue Local Option Small Games of Chance 34 Pa.B. 5563 (October 9, 2004)	11/8/04	12/8/04

### **Environmental Quality Board Regulation # 7-391 (IRRC # 2412)**

#### **Concentrated Animal Feeding Operations and Other Agricultural Operations**

**December 6, 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 Environmental Quality Board (EQB) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 5, 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.

#### **Chapter 91. General Provisions**

##### **1. Section 91.1. Definitions.—Economic impact; Reasonableness; Clarity.**

###### *Earthen waste storage pond*

This definition allows the use of linings made of "other material acceptable to the Department." The EQB should specify in the body of the regulation the criteria the Department uses to determine what other materials are

acceptable. Also, how will the regulated community know what other materials have been approved for use?

###### *Setback*

This definition states "a specified distance from surface waters or potential conduits to surface waters where manure, litter and process wastewater may not be land applied." The same definition appears in Section 92.1. There are two concerns.

First, the measuring points for setbacks are not clearly stated. Commentators are unsure of how to measure this distance and questioned whether the distance is measured from the edge of the surface water or the bank. To allow consistent measurement of setback distances, the regulation should establish where the distance to be measured begins.

Second, the regulation does not specify what will be considered "surface waters or potential conduits to surface waters." Commentators are concerned that this includes intermittent streams, natural swales and roadside drainage. We agree that "potential conduits to surface waters" would encompass any area where surface water drains. This in turn restricts the land area available for application of manure. A definition of "surface waters or potential conduits to surface waters" is needed to clarify the regulation's intent.



**2. Section 91.36. Pollution control and prevention at agricultural operations.—Protection of the public health, safety and welfare; Economic impact; Reasonableness.**

*Manure Management Manual and Pennsylvania Technical Guide*

Subsection (a)(1) requires compliance with the “Manure Management Manual and the Pennsylvania Technical Guide.” The Environmental Protection Agency (EPA) made the following comment:

Overall EPA is also concerned that many of the technical guidance documents use terms such as “should” that arguably do not require the permittee to implement those recommendations. EPA understands that many of these manuals were written as specific guidance for the agricultural community where cost share funds are available through USDA conservation programs and as such DEP may need to develop its own Technical Standards that are regulatory. Please describe further how these “requirements” can be made enforceable NPDES permit conditions consistent with federal requirements.

The EQB should explain the following:

- Why does the regulation refer to the requirements in these documents rather than include the requirements directly in the regulation?
- Is compliance with the standards in these documents required or recommended?
- How will the regulated community receive notice of proposed amendments to these documents and offer input?

*Clay-lined earthen waste storage pond*

Subsection (a)(3)(i)(A) establishes a water quality management permit requirement for a manure storage facility that is a “clay-lined earthen waste storage pond.” The definition of “earthen waste storage pond” allows the use of other liners such as plastic or concrete. Why is Subsection (a)(3)(i)(A) limited to clay linings?

*Freeboard requirements*

Subsection (a)(5) includes minimum requirements for freeboards. Commentators believe that while these requirements are appropriate for outdoor storage facilities that may be subject to the elements, they are excessive for indoor storage facilities. The EQB should consider amending the freeboard requirements to differentiate between indoor and outdoor storage facilities.

*Water quality management permit*

Subsection (a) concludes with Paragraph (7) which states:

The Department may require a water quality management permit for any manure storage facility, based on relevant criteria such as proximity to special protection waters or impaired waters under Chapter 93, or the risk of pollution.

This requirement is vague because it does not directly specify or limit what “relevant criteria” the Department will use. The regulation should clearly establish the circumstances that will require a water quality management permit.

*Appropriate vegetated buffers and setbacks*

Subsection (b)(2) requires that “appropriate vegetated buffers and setbacks established by the Department shall be followed to protect and maintain water quality.” The

final-form regulation should cross-reference the portion of the regulation where the Department has established these requirements.

*Timely review of permit applications*

These requirements will apply to existing operations and in certain instances will require permits. Commentators questioned how long it will take to get a permit approved and how to appeal the rejection of an application. The EQB should include in the regulation a cross-reference to the appeal procedures and explain how long it will take to review and approve permits.

**Chapter 92. National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance**

**3. Section 92.1. Definitions.—Feasibility; Clarity.**

*CAFO—Concentrated animal feeding operation*

In the Preamble, the EQB states, “The primary purpose of the proposed rulemaking is to allow the Commonwealth to maintain delegation of the National Pollutant Discharge Elimination System (NPDES) CAFO program, which was revised by the Federal government in 2003.” However, the EQB did not adopt the federal definition. Instead, it explained several amendments to its existing Concentrated Animal Feeding Operation (CAFO) definition and asked for public comment on the amendments. Commentators, including the EPA, expressed concern that the proposed definition is not consistent with the federal definition. Many questioned why it does not include medium size facilities. The EQB should explain how Pennsylvania’s definition of “CAFO” will maintain delegation of the NPDES CAFO program, and why Pennsylvania’s definition needs to differ from the federal definition.

Also, the definition includes “any other agricultural operation designated as a CAFO by the Department based on risk of pollution of surface waters using relevant criteria such as the size, location and management plan of the operation.” The definition should include cross-references to the “relevant criteria” the Department will review in consideration of whether to invoke the CAFO designation.

*Poultry*

The term “poultry” should be defined because other definitions, such as “AEU-Animal equivalent unit” and “Agricultural operation,” use the phrase “livestock or poultry.”

**4. Section 92.5a. CAFOs—Reasonableness; Economic impact.**

Subsection (d)(1)(i) requires a plan to include “buffers and manure application setbacks for the CAFO of no less than 100 feet from downgradient surface water, or vegetated buffer no less than 35 feet in width.” Why are these distances appropriate?

Subsection (d)(1)(ii) references the requirements in Section 91.36(b)(2). However, as mentioned above, Section 91.36(b)(2) does not specify or cross-reference these requirements.

**State Conservation Commission Regulation # 7-390  
(IRRC # 2413)**

**Nutrient Management**

**December 6, 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 State Conservation Commission (SCC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 5, 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. General.—Fiscal impact; Reasonableness; Clarity.**

*Funding*

In the preamble, the SCC notes that newly defined concentrated animal operations (CAOs) will have to develop and implement approved nutrient management plans. The SCC states that there will be funding for the development and implementation of the plans. Please describe the funding presently available and the funding expected to be available. Will all operations required to comply with the regulations qualify for funding?

*Manure exporting*

The SCC estimates that this regulation will result in approximately 500 newly designated CAOs. Many of the existing 840 CAOs rely on the exportation of manure as a component of their nutrient management plans. With the addition of 500 new CAOs, does the SCC anticipate that there will be enough exporters to take the manure off-site for spreading at another location? If not, what options will be available for CAOs that cannot find another location to export the manure?

*Phosphorous index*

Commentators have asserted that the phosphorous index does not provide adequate protection for water resources. Other commentators have suggested that a differentiation be made between phosphorous balancing and phosphorous indexing. Please explain why the phosphorous index is the best option, and how it will adequately protect water resources.

*Incorporation by reference of other documents*

The regulation appears to incorporate by reference the standards and requirements in the following documents:

- *Pennsylvania Technical Guide*
- *Manure Management Manual*
- *Pennsylvania Agronomy Guide*
- *Pennsylvania Soil and Water Conservation Technical Guide*
- *Agronomy Facts 54-Pennsylvania's Nutrient Management Act: Who Will Be Affected?*, published by the Pennsylvania State University
- *Recommended Soil Testing Procedures for the Northeastern United States, Bulletin # 493*, published by the University of Delaware
- *Soil Test Recommendations Handbook For Agronomic Crops*, Penn State Agricultural Analytical Services Laboratory
- *Penn State Fact Sheets F254 through F257*
- *NRAES-89 Liquid Manure Application System Design Manual*
- *Soil Test Recommendations Handbook For Agronomic Crops*, Penn State Agricultural Analytical Services Laboratory

The SCC should explain the following:

- Why does the regulation refer to the requirements in these documents rather than include the requirements directly in the regulation?
- Is compliance with the standards in these documents required or recommended?
- How will the regulated community receive notice of proposed amendments to these documents and offer input?

**2. Section 83.201. Definitions.—Reasonableness; Clarity.**

*Existing agricultural operation*

The last sentence of this definition refers to “a significant increase in the scope or magnitude of the operation.” How will an owner know when a significant increase in the scope or magnitude of the operation has occurred? The final-form regulation should specify the criteria the SCC will use to determine what qualifies as “significant.”

*Nutrient balance sheet*

This definition references the nitrogen needs of crops and the residual nitrogen from nutrient sources. Given that the regulation requires phosphorous to be included in the development of a nutrient management plan, why is phosphorous not referenced in this definition?

This definition also contains the phrase “using procedures acceptable to the Commission [SCC].” The final-form regulation should cross-reference the sections of the SCC’s regulations that contain these procedures.

**3. Section 83.202. Scope.—Clarity.**

Paragraph (1) includes new language, “. . . or other agricultural operations directed by the Commission [SCC] or the Department to follow the CAO criteria established under the act.” What are the “other agricultural operations” described in this paragraph? What criteria will the SCC or the Department use to decide if these other operations will be required to follow the CAO criteria?

**4. Section 83.261. General.—Clarity.**

Paragraph (7) provides that “operators and specialists who sign plans may be subject to penalties for any false information contained in the plans.” A cross-reference to the section containing the penalties should be added to the final-form regulation.

**5. Section 83.291. Determination of available nutrients.—Fiscal impact; Reasonableness; Clarity.**

Subsection (b)(3)(i) states, “. . . manure analyses shall be performed using accepted manure sampling and chemical analysis methods as specified by the Commission [SCC].” Are these accepted practices found in regulation? A cross-reference to the acceptable sampling and chemical analysis methods should be added to the final-form regulation.

Commentators believe that annual manure tests required in Subsection (b)(3)(iii) will be costly, particularly for growers with multiple manure types. How much do these tests cost? What is the basis for requiring annual testing? Did the SCC include the cost of this testing in its fiscal analysis?

**6. Section 83.292. Determination of nutrients needed for crop production.—Clarity.**

Subsection (e)(1) includes the phrase, “other Commission [SCC] approved procedures.” What are these procedures? Are they located elsewhere in the SCC’s regula-

tion? The SCC should include a cross-reference to these materials in the final-form regulation.

**7. Section 83.294. Nutrient application procedures.—Conflict with existing regulations; Reasonableness; Clarity.**

*Subsection (f)*

This subsection contains setbacks that apply to manure spreading. Commentators have noted that to be consistent with federal regulations for concentrated animal farm operations (40 C.F.R. § 412.4(c)(5)), Pennsylvania's regulations must require a setback of 100 feet from sinkholes for manure spreading regardless of whether or not the manure is incorporated into the soil. Why wasn't this federal requirement included?

Commentators have noted that the use of fertilizer within the 100-foot setback is not prohibited. Is commercial fertilizer use permitted within the 100-foot setback, and if so, why?

*Subsection (g)*

This subsection addresses the winter application of manure. Several commentators have stated that spreading manure on frozen or snow-covered ground should be prohibited. Commentators assert that the nutrients are not sufficiently utilized for crop growth since there is no plant growth during the winter season. Since the nutrients are not absorbed by plants, they are concerned that winter application of manure could result in pollution of surface waters. Are the restrictions in the regulation sufficient to protect water quality?

*Subsection (h)*

There are two concerns with this subsection. First, the language is vague. This subsection states that in-field stacking of manure is permissible if the manure is applied "prior to the beginning of the next growing season." The final-form regulation should clearly specify for how long in-field stacking is permissible.

Second, this subsection includes a vague reference to "criteria approved by the Commission [ SCC ]." A cross-reference to the approved criteria should be included in the final-form regulation.

**8. Section 83.301. Excess manure utilization for CAOs.—Reasonableness; Clarity.**

Subsection (a)(1) requires the plan to include signed agreements "between the CAO and each importing operator agreeing to accept the manure from the exporting operation." Similarly, Subsection (b)(1) requires signed agreements between the CAO and the broker. Would the signed agreements be in place, and therefore available for inclusion in the plan, when the CAO submits the plan? If an agreement expires or the importer or broker goes out of business, is the CAO required to formally update the nutrient management plan?

Subsection (a)(5) requires the plan to list the name of the commercial hauler/applicator that will be used. Is the specific hauler/applicator that will be used for the duration of the plan always known when the plan is drafted?

Subsection (a)(5)(i) references "other means acceptable to the Commission [ SCC ]" for demonstrating knowledge of regulatory requirements. The final-form regulation should identify what qualifies as "other means acceptable to the Commission [ SCC ]." The same clarification should be made in Subsection (b)(1)(i).

In Subsection (a)(5)(ii), the regulation should specify how "substantial compliance" is determined. The same clarification should be made in Subsection (b)(1)(ii).

In Subsections (a)(5)(iv) and (b)(1)(iv), the regulation should specify what the "other requirements" are and where they can be found.

Subsection (a)(6) refers to certification under "a certification program approved by the Commission [ SCC ] or as required by statute." Subsection (b)(2) contains the same language. The final-form regulation should specify where the regulated community can access a list of the approved certification programs. Additionally, if there are statutory provisions which require certification under a certain program, citations to those statutory provisions should be included in the final-form regulation.

**9. Section 83.311. Manure Management.—Clarity.**

*Subsection (e)*

Paragraph (6) states "Animal access to surface water in these areas shall be controlled." It is unclear if this provision is intended to completely prohibit animal access or to restrict it in some manner. The final-form regulation should specify the degree of control that is required.

*Subsection (i)*

This subsection requires the siting, design and installation of manure storage facilities to meet the requirements in Section 83.351, the *Manure Management Manual* and the *Pennsylvania Technical Guide*, "as they relate to water quality protection." Since these are large documents, specific citations to the water quality protection requirements would improve clarity.

**10. Section 83.312. Site specific emergency response plans.—Reasonableness; Clarity.**

Subsection (d) states, "It is recommended that the operator provide a copy of the emergency response plan to the local emergency management agency that would assist during a major discharge, leak or spill event." This "recommendation" is a reasonable measure that could assist in containing a major discharge, spill or leak. However, as written, it is unenforceable because it is not mandatory. The SCC should revise this section to require that the plan be provided to the local emergency management agency.

**11. Section 83.321. Stormwater control.—Clarity.**

Subsection (a) authorizes the nutrient management specialist to confer with "others with expertise with nutrient runoff control." The SCC should specify who "others" refers to and what level of expertise is required.

**12. Section 83.342. Recordkeeping relating to application of nutrients.—Reasonableness; Clarity.**

Subsection (b)(2) requires manure testing once a year for each manure group. How did the SCC determine that once a year is the appropriate interval for manure testing? What level of variance in manure analysis will require a plan update?

**13. Section 83.362. Plan implementation.—Clarity.**

Subsection (c) uses the phrase "significantly changed" in reference to nutrient content and soil tests. The final-form regulation should specify how "significantly changed" is determined.

**14. Section 83.371. Plan amendments.—Clarity.**

Subsection (a)(4) requires a plan amendment if figures used in the plan "are inconsistent with those contained in the *Pennsylvania Agronomy Guide* and associated fact sheets and manuals." Clarity would be improved by specifically identifying the "associated fact sheets and manuals."

Subsection (a)(8) requires a plan amendment if “additional lands are brought into the operation.” The final-form regulation should specify if a plan amendment is required when lands are sold or no longer available for lease or renting.

**15. Section 83.391. Identification of agricultural operations and acreage.—Reasonableness; Clarity.**

*Subsection (a)*

Paragraph (3) requires a signature “which meets the signature requirements of the Commission [ SCC ].” The signature requirements should be specified or cross-referenced in this section.

*Subsection (d)*

This subsection requires the plan to include signed exporter/importer and exporter/broker agreements. Would the signed agreements be in place, and therefore available for inclusion when the voluntary animal operation (VAO) submits the plan? If an agreement expires or the importer or broker goes out of business, is the VAO required to formally update the plan?

**16. Section 83.401. Determination of available nutrients.—Clarity.**

Subsection (b)(3)(i) states, “manure analyses shall be performed using accepted manure sampling and chemical analysis methods as specified by the Commission [ SCC ].” Where are these methods specified? They should be included in the final-form regulation.

**17. Section 83.411. Alternative manure utilization plans.—Clarity.**

Subsection (a)(5)(i) references “other means acceptable to the Commission [ SCC ]” for demonstrating knowledge of regulatory requirements. The final-form regulation should identify what qualifies as “other means acceptable to the Commission [ SCC ].” The same clarification should be made in Subsection (b)(1)(i).

In Subsection (a)(5)(ii), the regulation should specify how “substantial compliance” is determined. The same clarification should be made in Subsection (b)(1)(ii).

In Subsections (a)(5)(iv) and (b)(1)(iv), the regulation should specify what the “other requirements” are and where they can be found.

**18. Section 83.421. Manure management.—Clarity.**

Subsection (a) contains the phrase “or others with expertise with nutrient runoff control.” The SCC should specify who the “others” may be and what level of expertise is required.

**19. Section 83.422. Site specific emergency response plans.—Reasonableness.**

Subsection (d) recommends providing the emergency response plan to the local emergency management agency. Consistent with our comment on Section 83.312(d), the SCC should revise this section to require that the plan be provided to the local emergency management agency.

**20. Section 83.481. Plan amendments.— Clarity.**

Subsection (a)(3) requires a plan amendment if figures used in the plan “are inconsistent with those contained in the *Pennsylvania Agronomy Guide* and associated fact sheets and manuals.” The final-form regulation should specifically identify the “associated fact sheets and manuals.”

Subsection (a)(9) requires a plan amendment if “additional lands are brought into the operation.” The final-form regulation should specify if a plan amendment is required when lands are sold or no longer available for lease or renting.

**21. Miscellaneous clarity issues.**

- As printed in the *Pennsylvania Bulletin*, in Section 83.204(b), there appears to be a bracket missing after the word “requirements.” The bracket should be inserted upon final publication in the *Pennsylvania Bulletin*.

- As printed in the *Pennsylvania Bulletin*, in Section 83.312(e), there appears to be a missing right parenthesis between the words “facilities” and “shall.” The parenthesis should be inserted upon final publication in the *Pennsylvania Bulletin*.

- In Sections 83.291(b)(2) and 83.401(b)(2), the term “AEUs” is deleted and replaced with “animal units.” We request the SCC explain why it is proposing this change.

**Bureau of Professional and Occupational Affairs  
Regulation # 16-32 (IRRC # 2435)**

**Schedule of Civil Penalties**

**December 8, 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 Bureau of Professional and Occupational Affairs (Bureau) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 8, 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 43b.8. Schedule of civil penalties—real estate and cemetery brokers, real estate schools.—Clarity.**

Section 43b.8 lists violations under 49 Pa. Code, Chapter 35, pertaining to real estate and cemetery brokers and real estate schools. This section references 49 Pa. Code § 35.305(c), and provides penalties for the “failure of salesperson or associate broker to include the business name and telephone number of the broker *in at least equal size* on an advertisement.” (Emphasis added.) The House Professional Licensure Committee (House Committee) indicated this phrase is confusing. It is unclear whether the name and phone number have to be in equal size to each other, or to the remainder of the advertisement. We share the House Committee’s concern, and request that the Bureau clarify its intent in the final-form regulation.

**2. Section 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.—Reasonableness.**

Section 43b.9 lists penalties for violations under 63 P. S. §§ 818.19(29) and 818.19(30). Under Section 818.19(29), a wholesale auction which permits an unlicensed or revoked or currently suspended dealer or vehicle business to buy, sell or represent a vehicle at auction is subject to a fine of \$1000 for the third offense and formal action for subsequent offenses. However, under Section 818.19(30), a dealer who commits the same offense is subject to a \$1000 fine for the second offense, and formal action for the third offense. The House Committee questioned the difference in penalties for

auctions and dealers. We share the House Committee's concern and request that the Bureau explain the disparity.

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**State Board of Dentistry Regulation # 16A-4615  
(IRRC # 2436)**

**Biennial Renewal Fees—Dentist, Restricted  
Anesthesia Permit II**

**December 8, 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 State Board of Dentistry (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 8, 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 33.3. Fees.—Fiscal impact; Reasonableness.**

In its Preamble, the Board states that there have been significant increases in actual expenses over estimated expenses in the areas of hearing expenditures, board administration, and legislative and regulatory analysis. To increase revenues for operating expenses, the Board is proposing to increase the biennial renewal fee for dentists from \$100 to \$250. The Board also notes that it is declining to raise licensure renewal fees for dental hygienists and expanded function dental assistants based on the assessment that additional fees, "... can be more equitably borne by dentists rather than their employees. . . ." The Board also indicated a need to cover the costs incurred through the Professional Health Monitoring Program, disciplinary hearings and other Board related programs. We question the Board's decision not to consider moderate increases for other license groups who impact program and disciplinary costs.

**2. Section 33.339. Fees for issuance of permits.—Consistency with existing regulations; Reasonableness; Clarity.**

The Board's Regulation # 16A-4614, submitted to this Commission on March 30, 2004, proposed revisions to Section 33.339 similar to the revisions in this proposal. Deletion of existing references in Section 339 is consistent with other amendments to Regulation # 16A-4614. Therefore, the Board should submit its final-form of Regulation # 16A-4614 concurrently with Regulation # 16A-4615.

Additionally, we note the proposed fee renewal of a restricted permit II is set in the amount of \$15 in Regulation # 16A-4614 and in the amount of \$50 in Regulation # 16A-4615. The increased amount for the fee should be reflected in the final-form of # 16A-4614 when it is submitted in final-form.

Finally, when the Commission submitted comments on Regulation #16A-4614, we noted that Paragraphs (1)(ii) and 2(ii) in Section 33.339 set the permit renewal fees at \$200 for an unrestricted permit and a restricted permit I. Although these fees represent a \$100 reduction from the renewal fees in the Board's existing regulations, the revised fee levels for renewals are still twice as much as the \$100 fee for an initial unrestricted permit or restricted permit I. We questioned why the renewal fees are

twice as much as the initial issuance fees. The question is applicable to this proposal as well.

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**State Board of Pharmacy Regulation # 16A-5412  
(IRRC # 2437)**

**Drug Therapy and Injectable Medications,  
Biologicals and Immunizations**

**December 8, 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 State Board of Pharmacy (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 8, 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. Comments from the House Professional Licensure Committee.—Consistency with the statute; Reasonableness; Implementation procedure; Need; Clarity.**

The House Professional Licensure Committee (House Committee), in a letter dated November 10, 2004, identified several concerns and questions with this regulation. We share many of the concerns identified by the House Committee. Some of these issues are also discussed further in the following paragraphs. The Board should carefully revise the final-form regulation in order to address the concerns and recommendations of the House Committee.

**2. Section 27.1. Definitions.—Consistency with the statute; Reasonableness; Need; Clarity.**

*Drug Order*

The House Committee noted that the existing regulations of the Board include a definition of the term "drug order" (see 49 Pa. Code § 27.1). In several places, the proposed regulation uses the term "order." The House Committee recommends that if the term "order" has the same meaning as the defined term "drug order," then the regulation should use the term "drug order" in place of "order." We agree.

*Institution*

The statutory definition of "institution" in Section 2(15) of the Pharmacy Act (63 P. S. § 390-2(15))(Act) reads:

"Institution" means a health care facility as defined in section 103 of the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," which offers care and medical treatment to *patients who require food, board and overnight sleeping facilities*. [Emphasis added.]

The definition of this term in the proposed regulation does not mirror the definition in the Act. It includes "ambulatory surgical facilities" and "cancer treatment centers using radiation therapy on an ambulatory basis." We question the basis for the inclusion of these facilities in this definition since the statutory definition in the Act limits the term "institution" to a facility that "offers care and medical treatment to patients who require food, board and overnight sleeping facilities." The final-form regulation should use the definition in the Act or reference the statutory definition.

*Use of statutory definitions*

In its comments, the House Committee recommended that a definition of "managing drug therapy" be added to this regulation. This term is defined in Section 2(14) of the Act (63 P. S. § 390-2(14)). In addition, the proposed regulation contains a definition of the "practice of pharmacy" that is practically, but not completely, identical to the statutory definition in Section 2(11) of the Act (63 P. S. § 390-2(11)). The final-form regulation should include the two definitions from the Act or reference the statutory definitions for these two terms.

**3. Section 27.301. Written protocol.—Protection of public health and safety; Reasonableness; Clarity.**

Subsections (a)(5) and (a)(6) require that the physician be notified within 72 hours of each intervention or "changes in dose, duration or frequency of medication prescribed." The House Committee and Pennsylvania Academy of Family Physicians (PAFP) commented that this timeframe should be shortened given the effect these changes may have on a patient. Section 9.1(3)(9) of the Act requires that the Board by regulation:

Establish an *appropriate* time frame, not to exceed seventy-two hours, within which the licensed pharmacist must notify the licensed physician of any changes in dose, duration or frequency of medication prescribed. [Emphasis added.]

Although the Act provides a maximum of 72 hours, we question whether the proposed timeframe is appropriate. PAFP states that the use of the maximum appears "somewhat inconsistent with good medical documentation practices." The Board should shorten the timeframe or explain why its use of the maximum timeframe is consistent with good medical practice.

**4. Section 27.401. Qualifications for authority.—Reasonableness, Implementation procedure; Clarity.**

Section 9.2(a) of the Act states that the Board must, by regulation, establish education and training standards and practice guidelines for pharmacists to be authorized to administer injectable medications. The House Committee expressed concern that Section 27.401(2) in the proposed regulation does not match the statutory requirement. We note that the language of Sections 27.401(2) and (3) are similar to Sections 9.2(a)(1) and (2) of the Act. However, Section 9.2(a)(1) of the Act begins as follows:

Satisfactory completion of an academic and practical curriculum approved by the Board that includes the current guidelines and recommendations of the Centers for Disease Control and Prevention [CDC] . . . the American Council on Pharmaceutical Education [ACPE] or a similar health authority or professional body. . . .

The Act appears to envision an academic and practical curriculum established and approved by the Board. On the other hand, the proposed regulation simply requires completion of a course of education and training which includes the current guidelines of the CDC, or a similar body accredited by the ACPE or approved by the Board. We have two concerns.

First, the Board needs to identify the specific minimum education and training requirements that must be included in an approved course. This type of provision could include specific topic contents for courses and minimum hour requirements for course work and training. Examples of these provisions can be found in existing regulations for other licensees seeking additional author-

ity at 49 Pa. Code § 23.202 (relating to optometrists) and 49 Pa. Code § 21.283 (relating to certified registered nurse practitioners).

Second, both the proposed regulation and the Board's existing regulations are silent concerning the procedure that a course provider would follow to apply for approval by the Board. Examples of such procedures can be found in the existing regulations at 49 Pa. Code § 39.13 (relating to nursing home administrators) and 49 Pa. Code § 23.84 (relating to optometrists). The Board should add procedures to its regulation that explain how course providers may apply for its approval.

**5. Section 27.402. Application and renewal procedures.—Clarity.**

Section 9.1(d) of the Act (63 P. S. § 390-9.1(d)) requires that pharmacists obtain and maintain professional liability insurance coverage in the minimum amount of \$1 million when they are parties to written agreements for management of drug therapy. The House Committee recommends that this regulation require pharmacists to submit proof of insurance to the Board. Section 9.1(d)(2) of the Act identifies the types of evidence of insurance that would be satisfactory.

Section 27.402 of the proposed regulation addresses application and renewal procedures for the authority to administer injectable medications. This section should be amended in the final-form regulation to reference the statutory requirements for liability coverage and require submittal of proof of insurance to the Board.

**6. Section 27.405. Recordkeeping.—Clarity.**

PAFP suggests amending the recordkeeping requirement from two years to seven years. It claims a seven-year period is more appropriate for medical records. The Board should make this change in the final-form regulation or justify the two-year requirement.

**7. Section 27.406. Notification requirements. Protection of public health and safety; Consistency with existing regulations; Reasonableness; Clarity.**

The House Committee recommended that the regulation require a physician be contacted as soon as possible when there is an adverse reaction by the patient. In addition, PAFP questioned the reasonableness of the timeframes of 72 hours under an order and 14 days under a written protocol. PAFP wrote that "[n]either of the notification periods seems to be consistent with good medical care."

The proposed timeframes are also inconsistent with existing regulations for hospitals at 28 Pa. Code § 109.65 (relating to recording of drugs administered). Section 109.65(b) reads in part:

Any medication error or apparent drug reaction shall be reported *immediately* to the practitioner who ordered the drug. Any entry of the medication given in error or the apparent drug reaction, or both, shall be properly recorded in the medical record of the patient. Any adverse drug reaction shall be *immediately* noted on the medical record of the patient in the most conspicuous manner possible, in order to notify everyone treating the patient throughout the duration of his hospitalization of his drug sensitivity and thereby prevent a recurrence of adverse reaction . . . . [Emphasis added.]

We have two concerns with this Section 27.406 of the proposed regulation.

First, the Board should change the timeframes in the proposed regulation to require a pharmacist to report an adverse reaction or medication error as soon as practicable, but no later than 24 hours.

Second, the Board should consider reducing the 72-hour and 14-day time periods for notice as warranted to maintain good medical care.

**Department of Revenue Regulation # 15-425  
(IRRC # 2438)**

**Local Option Small Games of Chance**

**December 8, 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 Revenue (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 8, 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. Chapter 901.—Local Option Small Games of Chance.—Statutory authority; Reasonableness; Economic impact; Need for the regulation.**

*Applicability*

The existing regulations include provisions that require licensing authorities that do not adopt rules related to the administration of small games of chance to comply with Chapter 901. Those provisions are being deleted. The Department is now providing that certain sections of Chapter 901 are “. . . for the benefit of and suggested use by the licensing authorities.”

Section 319 of the Local Option Small Games of Chance Act (Act) (10 P. S. § 319) authorizes the Department to promulgate regulations on specific subject matters. Promulgating rules for licensing authorities is not one of the subject matters.

The Department explained the historical basis for recommending regulations for use by licensing authorities and acknowledged that it cannot enforce these regulations. Since the Department does not have the statutory authority to promulgate regulations for licensing authorities, we recommend that those provisions be deleted from this proposed rulemaking and the rest of Chapter 901 as well.

To provide guidance to licensing authorities, we suggest that the Department work with the licensing authorities to develop a model rule that addresses the provisions contained throughout the Chapter. This model rule could be distributed to the regulated community, and easily amended should the need arise.

*Enforcement*

The provisions contained in Subchapter I, relating to enforcement, pertain to the Department, licensing authorities and district attorneys. The Act does not grant enforcement authority to the Department. As currently written, Subchapter I reiterates Subsection 323(a) of the Act relating to the powers of the district attorney. The remainder of the Subchapter provides guidance on actions that “may” be taken by the affected parties.

We question the need for including enforcement provisions in the regulation. The Department has acknowledged that the provisions contained in Subchapter I are designed for informative purposes. The purpose of a

regulation is to place specific duties or obligations on an agency and the regulated community. Subchapter I does not perform this function and should be deleted.

If the Department believes the regulation should include enforcement provisions, we recommend that a section be added that simply references Section 323 of the Act.

*Suspension*

Sections 901.117, 901.151 and 901.214 relate to the denial, suspension or revocation of licenses. These all include the following provision: “There is no right to appeal a suspension.” Section 901.168, relating to appeals, is being amended to delete the right to appeal a suspension. The Chair of the Senate Finance Committee submitted comments on behalf of the Senate Committee questioning the rationale of this policy. We agree and also question the reasonableness and economic impact of it. If a certificate or license is suspended, that entity could no longer conduct business until they remedy the situation, even if they disagree with the basis for the suspension. This would financially harm the holder of a certificate or license.

We understand, through our discussion with the Department, another option is available. Rather than suspending a manufacturer’s or distributor’s license, the Department could send a notice of violation, describing the infraction and providing a time limit for its correction. This is a more reasonable approach, and it should be included in the final-form regulation.

*Submittal of final-form regulation*

Our comments related to Applicability and Enforcement recommend the deletion of many of the sections contained in this proposed rulemaking and the remainder of Chapter 901 relating to licensing authorities and eligible organizations. If the Department decides to retain these sections, we have addressed concerns with the proposed language in these sections in the comments that follow.

**2. Section 901.1. Definitions.—Consistency with the act; Clarity.**

*“Fraternal organization,” “license,” “raffle” and “weekly drawing”*

These terms are inconsistent with the definitions found in Section 313 of the Act. For consistency, the final-form regulation should either include a citation to the Act for the definitions of these terms, or use the definitions of these terms found in the Act.

*“Veteran’s organization”*

The term “home association” is included in this definition. This term is unclear. Therefore, we recommend that this term be defined.

**3. Section 901.23. Restriction of sales.—Need; Clarity.**

*Subsections (a), (b) and (c)*

Subsection (a), relating to manufacturers, instructs applicants to register with the Department. Subsections (b) and (c), relating to distributors and eligible organizations, respectively, require them to obtain licenses, but do not explain where an applicant should apply. For consistency, the final-form regulation should add provisions to Subsections (b) and (c) that instruct applicants where to apply for licenses.

Additionally, Subsection (a)(3) requires manufacturers to indicate on sales invoices that the games of chance have been approved by the Department. Since only games

of chance that have been approved by the Department can be legally sold in Pennsylvania, we question the need for this provision.

**4. Section 901.28. Inspection of premises.—Reasonableness; Clarity.**

Subsection (a) allows a licensing authority, the Department, or their authorized representative to conduct inspections of manufacturers, distributors and eligible organizations. We have two questions.

First, who are “authorized representatives” of the Department?

Second will the entity have advanced notice from the licensing authority, the Department or the Department’s authorized representative when its premises will be inspected?

**5. Section 901.31. Examination of records.—Reasonableness; Need; Clarity.**

Section 901.28(a)(3) limits the inspection of premises to matters, areas and records associated with games of chance. Under Section 901.31, is the examination of records limited to reports, books, accounts and inventory related to games of chance or all records? The final-form regulation should clearly indicate if this provision applies to all of the records of a manufacturer, distributor or eligible organization. If it does apply to all records, the Department should provide justification for inspecting material outside the scope of this regulation.

**6. Section 901.36. Federal withholding and reporting requirements.—Clarity.**

**Section 901.37. State withholding and reporting requirements.—Clarity.**

Section 901.36 references “Internal Revenue Service rules” for reporting and withholding gambling and lottery winnings. Section 901.37 references “Commonwealth rules” for reporting and withholding gambling and lottery winnings. The final-form regulation should provide more specific cross-references to the appropriate rules in both of these sections.

**7. Section 901.51. Powers and duties.— Consistency with the Act; Clarity.**

*Subsection (a)*

This section lists the powers and duties of the Department under the Act. Subsection (a)(6) states the Department has the power and authority to “Prescribe procedures for the suspension and revocation of licenses and certificates for violations of the act.” Under Section 901.1, relating to definitions, “license” includes both distributor licenses, which are issued by the Department, and small games of chance licenses, which are issued by a licensing authority. The Act does not give the Department the authority to suspend or revoke small games of chance licenses. Therefore, this section should be amended to clarify that the Department can only suspend or revoke distributor licenses.

*Subsection (b)*

This subsection begins with the phrase, “Although not limited to the following . . .” This phrase, is nonregulatory language and should be deleted.

**8. Section 901.102. Registration and game approval forms.—Clarity.**

Under Subsection (b), a manufacturer seeking approval of a game of chance is required to submit a request to the Department. However, the criteria used to evaluate this

request are not included in the regulation. The final-form regulation should include the criteria that will be used to evaluate requests.

**9. Section 901.103. Manufacturer registration application form contents.—Reasonableness; Clarity.**

This section establishes the information that must be contained in an application for registration as a manufacturer. Paragraph (12) requires a notarized affidavit for each dispensing machine indicating that the machine complies with the Act and the regulations of the Department. For clarity, the Department should indicate if this requirement applies to each machine or each type of machine sold by a manufacturer.

In addition, the Senate Committee questioned the need for a notarized affidavit. We agree and request that the Department explain the need for affidavits and especially notarized affidavits.

**10. Section 901.143. Restriction on distributorship interest.—Consistency with the act.**

This section explains the restrictions on being a distributor in the Commonwealth. However, Section 317(g) of the Act contains further criteria. The Department should either add these criteria to this section in the final-form regulation, or include citations to the Act where the other criteria can be found.

**11. Section 901.168. Stay of appeal.—Reasonableness; Clarity.**

Under Subsection (a), “Actions to revoke a registration, license or game approval will be stayed pending the decision of the Secretary when a petition has been filed with the Board.” Subsection (b) states, “During the pendency of the appeal, the certificate, game approval or license will be suspended.” These provisions are unclear. Will a manufacturer or distributor be able to conduct business while they appeal an action? The Department should clarify its intent in the final-form regulation.

**12. Section 901.188. Location.—Clarity.**

Subsection (b) establishes the places eligible organizations may conduct games of chance. It includes the term “historical basis.” The Senate Committee commented that this term is unclear. We agree and recommend that the term be explained in this section.

**13. Section 901.192. Denial, suspension and revocation of an eligible organization license.—Clarity.**

*Subsections (a), (b) and (c)*

These subsections relate to the “denial,” “suspension” and “revocation and denial” of an eligible organization’s license. The final-form regulation should include a cross-reference to the appeal procedures in Sections 901.214 and Section 901.215.

**14. Section 901.196. Limited occasion license requirements, limits and restrictions.—Clarity.**

Subsection (e) establishes a fee of \$10 for a limited occasion license. As noted by the Senate Committee, Section 901.184 already sets the fee. To avoid redundancy, the fee should be deleted from one of these sections.

**15. Section 901.215. Appeals.—Reasonableness; Clarity.**

Subsection (b) relates to the timely filing of an appeal. It states that the date an appeal is received at the licensing authority is the filing date. Why isn’t the postmark date acceptable?



**16. Section 901.504. Persons who may conduct games.—Clarity.**

Section 901.503, relating to compensation, states, “A licensed eligible organization may not pay compensation to a person for conducting games of chance.” Section 901.504 provides the list of those individuals that may conduct games for licensed eligible organizations. The list includes managers, officers, directors, bar personnel or bona fide members. We have two questions.

First, since bar personnel are usually paid by the licensed eligible organization, is there a conflict between this section and Section 901.503 concerning who can conduct games of chance? The Department should explain.

Second, would auxiliary members be allowed to conduct games of chance?

**17. Section 901.701. Games of chance permitted.—Clarity.**

Subsection (b) Subsection (b) states, “A licensed eligible organization shall use games of chance proceeds exclusively for public interest purposes or for the purchase of games of chance permitted by the act or this part.” Could licensed eligible organizations use games of chance proceeds to purchase prizes? The Department should explain.

**18. Section 901.702. Prize limits.—Clarity.**

Subsection (e) relates to prize limit exceptions for daily drawings. It provides an exception for daily drawings that are set up to pay out not less than 100% of the gross revenues generated from such drawing. The last sentence of this subsection states the following: “The limitation in subsection (b) may be exceeded only by the amount of the daily drawing paying 100% of its gross revenues.” This sentence is unclear. The language in Section 315(g) of the Act is clearer. Therefore, the final-form regulation should replace the confusing language in Subsection (e)(2) with the language from Section 315(g) of the Act.

**19. Section 901.708. Persons who may conduct games of chance.—Clarity.**

Similar to our questions related to Section 901.504, we request that the Department explain if allowing bar personnel to conduct games of chance creates a conflict with Section 901.707, and how this section applies to auxiliary members.

**20. Miscellaneous clarity.**

*Nonregulatory language*

Sections 901.107, 901.137 and 901.185 use the term “should.” The word “should” is non-regulatory language that implies the action is optional. The final-form regulation should replace the word “should” with “shall.”

Sections 901.148 and 901.149 state that a distributor “will” notify the Department of certain information. According to Section 6.8 of the Pennsylvania Code & Bulletin Style Manual, the word “will” should be used when the agency pledges to act. The word “shall” should be used when anyone else has a duty to act. Because the distributor has an obligation to act, these sections should be amended accordingly.

Section 901.192 states that the licensing authority “shall” perform certain duties. In this circumstance the licensing authority is the agency. For the reasons noted above, this section should be amended by replacing “shall” with “will.”

Sections 901.905 and 901.906 relate to investigations. These sections state that the Department or licensing

authority “may” investigate a manufacturer, distributor or licensing authority “when it has reason to believe that a violation of the act or this part has occurred or is occurring.” Section 901.907 relates to notice of investigations. It states that the Department and licensing authorities “may” provide information concerning an investigation to each other and the district attorney. The word “may” indicates that these provisions are optional. Since the subject matter of these sections is investigations of violations of the Act, these provisions should be mandatory. Therefore, the word “may” should be changed to “shall” throughout these sections.

*“In this part”*

This proposed rulemaking and the existing language of Chapter 901 use the phrase “in this part.” As noted by the Senate Committee, this phrase should be replaced with the appropriate section or subsection of the regulation. Although the comments of the Senate Committee relate to Section 901.117, we recommend that the phrase “in this part” be replaced throughout Chapter 901.

*“Substantially harmed” and “timely remedied”*

Sections 901.117, 901.151, 901.192 and 901.214 relate to the suspension, denial or revocation of certificates or licenses of manufacturers, distributors and eligible organizations. These sections contain the phrases “substantially harmed” and “timely remedied.” As noted by the Senate Committee, the phrase “substantially harmed” lacks the ability to be measured and thus enforced. We agree with this comment and believe the phrase “timely remedied” also lacks the ability to be measured. The final-form regulation should define the phrase “substantially harmed” or provide examples of what is meant by this phrase. In addition, it should provide specific time periods in which the violations must be remedied.

*Forms*

Variants of the phrase “forms prescribed by the Department” are used throughout the proposed rulemaking and the existing language of Chapter 901. We recommend that the specific forms be referenced by name or number throughout Chapter 901. Additionally, will these forms be available on the Department’s website?

*Notification to district attorneys*

Sections 901.704, 901.709 and 901.751 require eligible organizations to notify district attorneys of certain actions. These sections do not specify when notification should take place. The final-form regulation should include time periods for these notifications.

*Incomplete application forms*

Sections 901.102 and 901.132 pertain to application forms that must be submitted by manufacturers and distributors to the Department. The final-form regulation should include provisions that explain what will happen if the application forms are not complete.

*Annual renewal applications of manufacturers, distributors and eligible organizations*

Sections 901.107, 901.137 and 901.185 have been amended to advise manufacturers, distributors and eligible organizations that they should file their annual applications a specific number of days prior to the expiration of their certificate or license. The original language of these sections required renewal applications to be filed by a certain date. The original language was

clearer. Therefore, we recommend that the original language of these sections be retained.

*Additional clarity concerns*

- In the titles of Sections 901.117 and 901.192, there should be commas between “Denial” and “suspension.”
- The title of Section 901.30 contains the phrase “and the like.” This phrase lacks clarity. The Department should either delete this phrase, or replace it with language found in this section. An example could be “prizes and services” or just “services.”
- Section 901.188 includes a reference to Section 901.181, which is now reserved.
- Section 901.212 includes references to Section 901.211, which is now reserved.
- Section 901.781(g) should include a cross-reference to Section 901.784, relating to claiming prizes.
- Section 901.791(f) should include a cross-reference to Section 901.794, relating to claiming prizes.
- The title of Section 901.905 is “Investigations of manufacturers, distributors and eligible organizations.” The text of this section only relates to investigations of eligible organizations. The title should be amended to “Investigations of eligible organizations.”

[Pa.B. Doc. No. 04-2265. Filed for public inspection December 17, 2004, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

#### Governor's Office

Administrative Circular No. 04-25—Live Christmas Trees and Decorations, Dated November 22, 2004.

Administrative Circular No. 04-26—Appropriation, Authorization, and Expenditure of Federal Funds, Dated December 1, 2004.

Management Directive No. 210.13—Retention and Disposition of Records Created on Electronic Mail (E-mail) Systems, Amended November 29, 2004.

Management Directive No. 210.14—Retention and Disposition of Records Upon Departure of Senior Management Employees, Dated December 7, 2004.

Management Directive No. 210.15—Instant Messaging, Dated November 29, 2004.

Management Directive No. 505.25—Substance Abuse in the Workplace, Amended November 29, 2004.

Management Directive No. 720.3—Emergency Evacuation Plans at Commonwealth Facilities, Amended December 3, 2004.

MARY JANE PHELPS,  
*Director, Pennsylvania Bulletin and Code*

[Pa.B. Doc. No. 04-2266. Filed for public inspection December 17, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe # 0208, 5948 Baum Boulevard, Pittsburgh, PA 15206-3815.

*Lease Expiration Date:* March 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space in a retail environment within 3/4 mile of the intersection of Centre Avenue (Penn Circle) and Highland Avenue, Pittsburgh. The location should have free parking and direct truck loading capability.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph Molhoek, (412) 565-5130

Armstrong County, Wine & Spirits Shoppe # 0307, 206 N. Warren Avenue, Apollo, PA 15613-1130.

*Lease Expiration Date:* September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,100 net useable square feet of new or existing retail commercial space in Apollo or nearby commercial area. The location must have access for rear tractor-trailer deliveries.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Berks County, Wine & Spirits Shoppe # 0615, 19 Douglassville Shopping Center, Douglassville, PA 19518-9663.

*Lease Expiration Date:* November 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 6,000 net useable square feet of new or existing retail commercial space within approximately 1 mile of the intersection of US Route 422 and PA Route 662 in Douglassville, Amity Township.

*Proposals due:* January 14, 2005, at 12 p.m.

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

Cambria County, Wine & Spirits Shoppe # 1104, 101 Park Avenue, Cresson, PA 16630-1166.

*Lease Expiration Date:* April 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,200 net useable square feet of new or existing retail commercial space serving Cresson and surrounding area. The location must have free off-street customer parking and allow for rear tractor-trailer deliveries.

*Proposals due:*

January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Cambria County, Wine & Spirits Shoppe # 1110, 607 West High Street, Ebensburg, PA 15931-1512.

*Lease Expiration Date:* September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in the Ebensburg Central Business District. The location must have free parking and separate loading facilities.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Dauphin County, Wine & Spirits Shoppe # 2212, Jamesway Plaza, 1569 W. Harrisburg Pike, Middletown, PA 17057-4852.

*Lease Expiration Date:* December 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,300 to 3,000 net useable square feet of new or existing retail commercial space along PA Route 230 in Lower Swatara Township.

*Proposals due:* January 14, 2005, 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

Lancaster County, Wine & Spirits Shoppe # 3602, 252 N. Queen Street, 1st Floor, Lancaster, PA 17603-3512.

*Lease Expiration Date:* January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space within the City of Lancaster.

*Proposals due:* January 14, 2005, 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

Lancaster County, Wine & Spirits Shoppe # 3603, Columbia Shopping Center, 36 South 18th Street, Columbia, PA 17512-9595.

*Lease Expiration Date:* February 28, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,900 to 3,500 net useable square feet of new or existing retail commercial space along PA Route 462 in West Hempfield Township or adjacent municipality.

*Proposals due:* January 14, 2005, 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

Lawrence County, Wine & Spirits Shoppe # 3707, Westgate Shopping Center, 2034 W. State Street, New Castle, PA 16101-1240.

*Lease Expiration Date:* October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space near the intersection of Routes 224 and 422 in New Castle.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Mercer County, Wine & Spirits Shoppe # 4306, Hermitage Towne Plaza, 2321 E. State Street, Hermitage, PA 16148-2725.

*Lease Expiration Date:* January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space in a shopping center environment in the Hermitage Commercial District near the intersection of Routes 62 and 18.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Schuylkill County, Wine & Spirits Shoppe # 5404, 630 Centre Street, Ashland, PA 17921-1332.

*Lease Expiration Date:* January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,700 to 2,400 net useable square feet of new or existing retail commercial space within the Borough of Ashland or adjacent municipality.

*Proposals due:* January 14, 2005, 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

Westmoreland County, Wine & Spirits Shoppe # 6501, 105 Harrison Avenue, Greensburg, PA 15601-2304.

*Lease Expiration Date:* September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,200 net useable square feet of new or existing retail commercial space serving downtown Greensburg. The location must have a loading zone and access for tractor-trailer deliveries.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe # 6524, Route 201, 878 Tri County Plaza, Belle Vernon, PA 15012-1951.

*Lease Expiration Date:* September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of Route 201 and Interstate 70.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

York County, Wine & Spirits Shoppe # 6703, South Hanover Shopping Center, 787 Baltimore Street, Hanover, PA 17331-4113.

*Lease Expiration Date:* November 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 4,500 net useable square feet of new or existing retail commercial space within approximately 1 mile of the intersection of PA Route 194 and PA Route 94 in Hanover.

*Proposals due:* January 14, 2005, at 12 p.m.

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

The Liquor Control Board seeks the following new site:

Chester County, Wine & Spirits Shoppe # 1526, Phoenixville, PA 19460.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space near the intersection of Route 23 and Route 113 in Phoenixville.

*Proposals due:* January 14, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** James M. Bradley, (215) 482-9670  
 JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-2267. Filed for public inspection December 17, 2004, 9:00 a.m.]

## MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

### 2005 Mandatory In-Service Training Program

This notice contains the mandatory in-service training program and tuition rates:

**Title of Course:** 05-201 Legal Update

**Hours:** 3 hours required

**Tuition per Officer:** \$16.25

**Description of Course:** This course will address legal changes affecting municipal police officers; that is new criminal and traffic laws, changes in criminal and traffic laws, search and seizure case law, general case law and vehicle case law.

**Title of Course:** 05-325 Recognition of Explosive Materials and Components

**Hours:** 3 hours elective

**Tuition per Officer:** \$13.85

**Description of Course:** Terrorist activities both domestically and internationally have included the use of explosives and improvised explosive devices. While most police officers are not trained to defuse or dispose of explosive devices, they should be trained to recognize essential components of explosive devices. The recognition would be beneficial in detecting thefts of explosive materials and explosive components, recording information when preparing search warrants, and recognizing the items while conducting arrests, searches, vehicle stops and investigatory detentions.

**Title of Course:** 05-323 Clandestine Methamphetamine Labs

**Hours:** 3 hours elective

**Tuition per Officer:** \$13.85

**Description of Course:** According to the Drug Enforcement Administration (DEA), "Meth" is a growing domestic threat in America. It is illegally produced by "cooks" who make powder methamphetamine in small independently operated makeshift or tabletop laboratories. These labs have been described as extremely dangerous "chemical time bombs." This is a suggested course from the PA State Police—Bureau of Drug Law Enforcement. The State Police is experiencing a yearly "doubling effect" of illegal methamphetamine laboratories in this Commonwealth which is consistent with the National trend. The likeli-

hood of a police officer encountering a clan lab during a routine traffic stop or a domestic service call is a real possibility in policing today. This course was designed to train police officers to recognize the signs and potential dangers of clandestine methamphetamine lab.

**Title of Course:** 05-324 Officer Safety XII—Accidental Line-of-Duty Deaths

**Hours:** 3 hours elective

**Tuition per Officer:** \$13.85

**Description of Course:** Over the years, many courses have been given to ensure that officers conduct high-risk car stops in a prescribed manner, handcuff unruly offenders adhering to safety procedures and retain their weapons when dealing with dangerous criminals. However, officers have received little or no training explaining the forces and circumstances that contribute to accidental deaths. Indeed, the number of officers who die accidentally on duty has surpassed the number of officers killed with criminal intent in some years. These numbers become more disturbing and of even greater concern when seen in a broader context. Many officers are involved in various types of on-duty accidents that do not result in death. Unacceptable numbers of these officers become confined to beds, wheelchairs or otherwise totally disabled.

**Title of Course:** 00-601 FATS

**Hours:** 6 hours elective

**Tuition per Officer:** \$90

Maximum of 16 officers per class, three instructors, two assistants.

**Title of Course:** 00-602 FATS

**Hours:** 4 hours elective

**Tuition per Officer:** \$35

Maximum of 8 officers per class, one instructor

COL. JEFFREY B. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 04-2268. Filed for public inspection December 17, 2004, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.413), in connection with the Pennsylvania Municipal Retirement Board's denial of claimant's request concerning the indicated account.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

January 10, 2005    Larry E. Smith    1:30 p.m.  
(Disability Retirement)

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the

proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 04-2269. Filed for public inspection December 17, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 10, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers* for transportation of persons as described under the application.**

**A-00121265. Lee M. Stoltzfus** (17 Ocola Drive, Paradise, Lancaster County, PA 17562)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**Application of the following for *amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-00115810, Folder 1, Am-A. Neil E. Haylett, t/d/b/a Haylett Storage & Services** (338 Grant Street, Franklin, Venango County, PA 16323)—discontinuance of service—household goods in use, from points in the County of Venango, to other points in Pennsylvania, and vice versa.

Public Meeting held  
December 16, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Glen R. Thomas;  
Kim Pizzingrilli

*Pennsylvania Public Utility Commission v. Travel With  
Comfort, Inc., P. O. Box 23105, Philadelphia, PA 19124;  
A-00115561C0402*

#### Order

On February 24, 2004, the Bureau of Transportation and Safety instituted a complaint against Travel With Comfort, Inc., respondent, alleging that it failed to submit to a safety fitness review by a Commission Enforcement Officer, and failed to maintain adequate, efficient and safe service and facilities.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint from the date on which the complaint was served, then the Bureau of Transportation and Safety would request the Commission to enter an order revoking the respondent's certificate of public convenience. The complaint and notice were mailed to respondent on March 12, 2004 by first class mail; and, on April 27, 2004, Enforcement Officer John Jones of the Philadelphia District Office attempted hand delivery of the complaint and notice on respondent. More than thirty (30) days later, no response has been received from respondent.

*Therefore, It Is Ordered That:*

1. The allegations in the Complaint are deemed to be admitted.
2. The Complaint is hereby sustained.
3. The Certificate of Public Convenience, issued to respondent at A-00115561, F.3, is hereby cancelled.
4. Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.
5. Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2270. Filed for public inspection December 17, 2004, 9:00 a.m.]

#### Telecommunications

**A-311229F7018. Frontier Communications of Breezewood, LLC and United States Cellular Corporation.** Joint petition of Frontier Communications of Breezewood, LLC and United States Cellular Corporation

for approval of an interconnection and traffic interchange for commercial mobile radio services agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC and United States Cellular Corporation, by its counsel, filed on November 10, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and traffic interchange for commercial mobile radio services 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 Frontier Communications of Breezewood, LLC and United States Cellular Corporation 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. 04-2271. Filed for public inspection December 17, 2004, 9:00 a.m.]

#### Tentative Order

Public Meeting held  
December 2, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;  
Kim Pizzingrilli

*PromiseVision Technology, Inc. (2004.0268); A-310875*

#### Tentative Order

*By the Commission:*

PromiseVision Technology, Inc. ("PromiseVision" or "the company") has failed to pay its \$447 General Assessment for 2004-2005 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). PromiseVision has also failed to pay its monthly Universal Service Fund Assessment pursuant to 52 Pa. Code §§ 63.161—63.171 since May 2004. PromiseVision is a telecommunications interexchange reseller certificated at A-310875 whose certificate of public convenience was issued on December 16, 1999.

On August 11, 2004, Commission staff sent an invoice to PromiseVision notifying it that its 2004-2005 General Assessment was due. The Commission has not received payment for this invoice. In addition, PromiseVision has not paid its monthly Universal Service Fund Assessment since May 2004. In a letter received by the Commission on September 13, 2004, PromiseVision advised the Commission that the company was dissolved and was no longer providing service to customers within the Commonwealth of Pennsylvania. Although a response letter was sent by the Secretary's Bureau, no further correspondence has been received from PromiseVision. Commission staff thereafter called the company's former consultant who advised that PromiseVision is out of business. A follow up telephone call to another telephone number provided by the former consultant confirmed that the company has gone out of business.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above and because of PromiseVision's failure to pay both its General Assessment for 2004-2005 and its monthly Universal Service Fund Assessment since May 2004, we believe it is appropriate to revoke PromiseVision's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of PromiseVision's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if PromiseVision seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered that:*

1. Revocation of PromiseVision Technology, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by PromiseVision Technology, Inc. at A-310875 shall be canceled, and PromiseVision Technology, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2272. Filed for public inspection December 17, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 12, 2005 Elizabeth Omand 1 p.m.  
(Class T-D)

January 26, 2005	Dennis Clark (Multiple Service)	1 p.m.
	Dana E. Wallace (Change of Option)	2:30 p.m.
February 9, 2005	Belinda Brova (Multiple Service)	1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-2273. Filed for public inspection December 17, 2004, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Michele Tylutke Kennedy, L.P.N.; Doc. No. 0545-  
51-04**

On October 28, 2004, Michele Tylutke Kennedy, license no. PN-081632-L, of Pittston, Luzerne County, was indefinitely suspended based on her failure to pay the civil penalty ordered by the Board.

Individuals may obtain a copy of the final order by writing to Martha H. Brown, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is Martha H. Brown, Board Counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

[Pa.B. Doc. No. 04-2274. Filed for public inspection December 17, 2004, 9:00 a.m.]

# STATE EMPLOYEES' RETIREMENT BOARD

## Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 21, 2005 Duane L. Thomas 1 p.m.  
(Benefit Reduction)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 04-2275. Filed for public inspection December 17, 2004, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

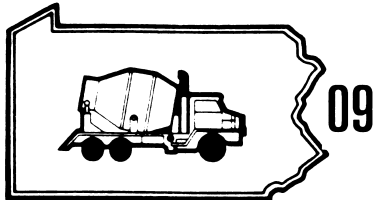
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*



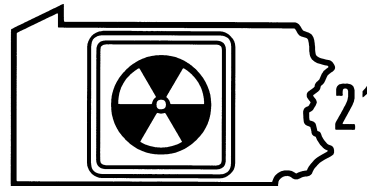
### Construction & Construction Maintenance

**KUCC-0055** Kutztown University is seeking qualified contractors for the work associated with the Renovations to the Passenger Elevator in the Rickenbach Building, DeFrancesco Building and Rohrbach Library at Kutztown University. The project shall consist of the modernization of the existing passenger elevator by overhauling and/or replacement of components to meet current code standards. The electrical work is to include the relocation and addition of electrical components in the elevator machine room and hoistway. Bid packages are available for a non refundable fee of \$75.00 from: Betty Patterson, RPA Associates Inc., 3 Park Plaza, Wyomissing, PA., 19610-2912, Phone: (610) 374-6144. Bid packages are available December 13, 2004 through Pre-Bid. A pre-bid meeting has been scheduled for December 21, 2004, at 1:30 P.M. in Room OM-26, Old Main Building. Bids are to be received no later than 3:00 P.M. on January 13, 2005 in Room 229, Office of Planning and Construction. Bids will be opened on January 13, 2005 at 3:00 PM in the conference room of the Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Construction may begin on May 9, 2005 with completion of work to be on or before August 5, 2005  
**Contact:** Barbara Barish, (610) 683-4602

**CN00012132** This contract will provide manpower, equipment and all general material for the emergency repair of approximately 5,000 linear feet of strong and/or weak post guiderail (and other guiderail components as needed) at accident damage sites located on Interstate 80, within Clearfield County. The contractor shall be responsible for the removal and disposal of damaged guiderail and installation of new guiderail at accident sites within 5 working days after notification by department personnel on an as needed basis. All requests for bid packages must be requested by fax (814) 768-0735 or telephone (814) 765-0403. Attention: Debbie Swank, Purchasing Agent. All bidders must be prequalified to bid on this contract. PA Prevailing Wage does apply.

**Department:** Transportation  
**Location:** Interstate 80, District 2-2, Clearfield County  
**Duration:** One year contract with an option of Two (1-Year) Renewals.  
**Contact:** Debbie Swank, (814) 765-0403



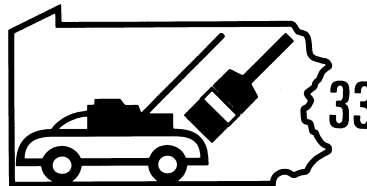
### Hazardous Material Services

**RFP BOI-2004** DEP is seeking Requests for Proposal for assistance in conducting investigations into allegations of environmental wrongdoing by providing necessary equipment and personnel skilled in operating the equipment to safely and efficiently conduct these site searches. Proposals due 12/23/04 at 4:00 p.m. A preproposal conference will be held on Wednesday, December 1, 2004 at 9:00 a.m. in the Susquehanna Conference Room on the first floor of the DEP Southcentral Regional Office Building, located at 909 Elmerton Avenue, Harrisburg, PA. Since facilities are limited, it is requested you limit your representation to two.

**Department:** Environmental Protection  
**Location:** Throughout the Commonwealth  
**Duration:** 5 years  
**Contact:** Michael Zentichko, (717) 787-0453

**020S03 Rebid** Material analysis, waste determination, removal, transport, treatment, and disposal of hazardous/residual waste. To request bid package e-mail to jamielestate.pa.us or fax to 814-765-0424 to attention of Janis Miele your company name, address, contact person, phone, and e-mail address.

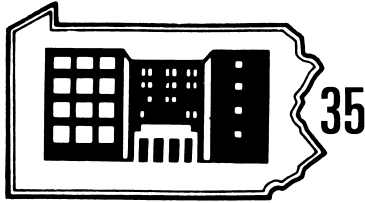
**Department:** Transportation  
**Location:** Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties  
**Duration:** One-year with four separate optional one-year renewals  
**Contact:** Janis Miele, (814) 765-0404



### Property Maintenance

**RFP #2004-09** The Pennsylvania State System of Higher Education, Office of the Chancellor is soliciting proposals for general painting services on an as needed basis at the Dixon University Center located at 2986 North Second Street, Harrisburg, Pennsylvania. For a copy of RFP #2004-09, please contact the issuing office at lvenneri@passhe.edu or go to: <http://www.passhe.edu/content/?/office/finance/procurement/opportunities/2004-09>. Proposals are due at the issuing office on or before January 12, 2005 by 2:00 p.m.

**Department:** State System of Higher Education  
**Location:** Harrisburg PA  
**Duration:** March 1, 2005 - June 30, 2009.  
**Contact:** Linda Venneri, (717) 720-4135



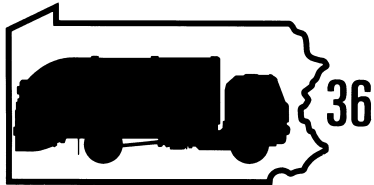
### Real Estate Services

**93782** Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 17,366 useable square feet of office space within the following boundaries: North: Interstate Route 80; South: Business Route 209; East: Bridge Street; West: Tanite Road, Stroudsburg, Monroe County, Pennsylvania. Downtown locations will be considered. For more information on "SFP #93782" which is due on January 31, 2005 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-0952.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Cynthia T. Lentz, (717) 787-0952

**93783** State-Owned Real Estate for Sale - Latrobe Army. The Department of General Services will accept bids for the purchase of 0.32-acres of property and one building located at the northwest intersection of Ridge Avenue and Spring Street, City of Latrobe, Westmoreland County. Bids are due on December 29, 2004. Interested parties wishing to receive a copy of solicitation #93783 should view the Department of General Services' website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate," or contact 717-783-0228.

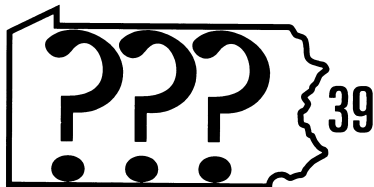
**Department:** General Services  
**Location:** 500 North Office Building, Harrisburg, PA 17125  
**Contact:** Stephen J. Squibb, (717) 783-0228



### Sanitation

**cn00012194** Refuse and trash removal services for 8 locations in Berks County. 2 different size dumpsters 6 and 8 cubic yards.

**Department:** Transportation  
**Location:** 8 Stockpiles in Berks County  
**Duration:** 3 year contract with two 1 year renewals  
**Contact:** Richard Heffner, (610) 929-0766



### Miscellaneous

**CN00012241** The Pennsylvania Commission on Crime and Delinquency (PCCD) is soliciting bids for a Contractor to coordinate with the Bureau of Training Services for the training of Pennsylvania Constables. In brief, this work includes: Review and develop a training curriculum; Research, develop and implement new technologies in training programs; Monitor and evaluate performance; Develop and write policies and procedures. Qualifications mandatory to be considered will be included in bid package. The following are not eligible to submit a bid: current contractors or subcontractors to the PCCD's Constables' Education and Training Program or their employees and/or instructors; and current Constables or Deputy Constables.

**Department:** Commission on Crime and Delinquency  
**Location:** Primary office location is at PCCD in Harrisburg; however, travel throughout the state is required.  
**Duration:** This is a two year contract with a 2 year renewal option.  
**Contact:** John Pfau, (717) 705-3693, ext. 3083

**RFA#2005-ACS-01** PENNSERVE: The Governor's Office of Citizen Service announces the availability of grant funding for operation of AMERICORPS National Service Programs by community-based and faith-based not-for profit organizations, government agencies, and educational institutions. The grants support the administration of volunteer service programs that meet locally-identified needs in the areas of education, public safety, homeland security, the environment and other human services. The Federal program requires a cash and/or in-kind match from successful applicants. Application instructions and guidelines are available on the PENNSERVE website, [www.pennserve.state.pa.us](http://www.pennserve.state.pa.us), or by calling 717-787-1971. All applications are due to PENNSERVE by 4:00 P.M., EST on Wednesday, January 12, 2005.

**Department:** Labor and Industry  
**Location:** 1306 Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120  
**Duration:** One year upon Award  
**Contact:** La-Verna Fountain, (717) 787-1971

**2004-2** In response to Senate Resolution 331, the Legislative Budget and Finance Committee is seeking a contractor to perform a study of the administrative operations and expenditures of the Pittsburgh School District in light of the increased spending levels despite the declining enrollment. The study is to include a performance study of the district's administrative operations and an analysis detailing past and current use of funds, past and current bond obligations, and past and current programs and program requirements of the district. Contractor is expected to participate in public hearings regarding the final report. In compiling this report, it is expected that the contractor will have access to all financial data relating to the past and current administration and operation of the district as well as access to all department heads and their employees. It is further expected that all employees that are requested by the contracted firm to meet with them will be permitted to do so in private with no interference from any supervisor or other employee of the district.

**Department:** Legislative Budget and Finance Committee  
**Location:** 400 Finance Building, P.O. Box 8737, Harrisburg, PA 17105-8737  
**Duration:** The final written report must be completed by June 10, 2005.  
**Contact:** Philip Durgin, Executive Director, (717) 783-1600

[Pa.B. Doc. No. 04-2276. Filed for public inspection December 17, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*