

# PENNSYLVANIA BULLETIN

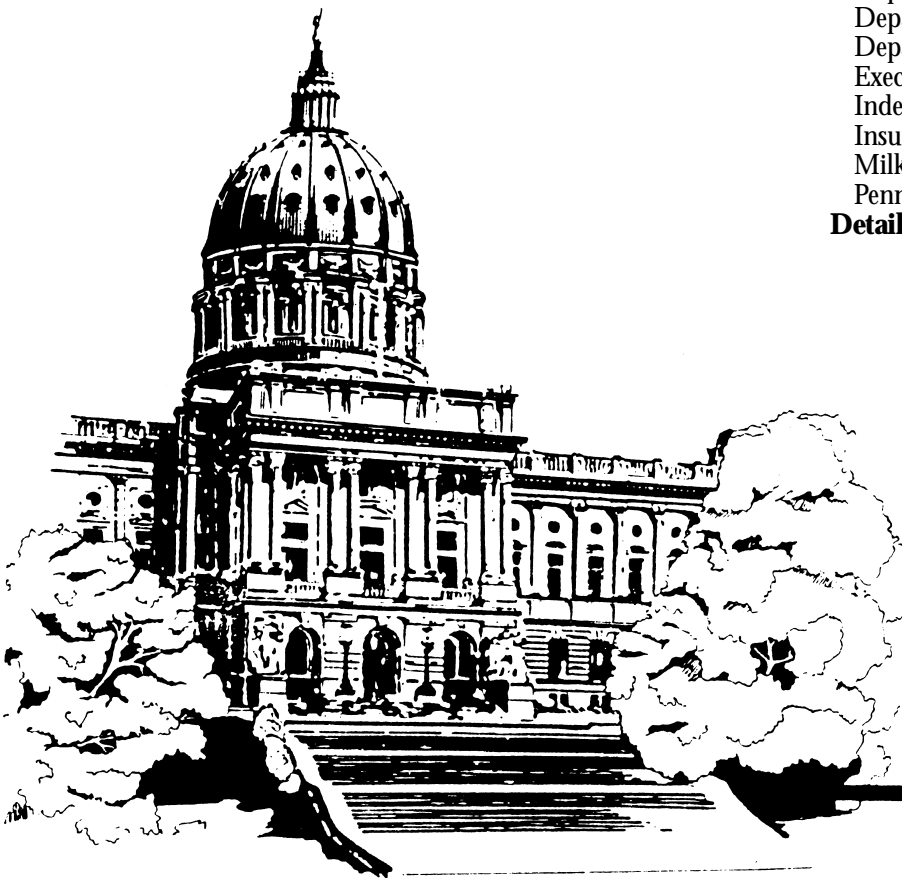
Volume 35  
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for the Subject Index for  
January—December 2004

## Part I

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Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 362, January 2005**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### **Printing Format**

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

### **Fiscal Notes**

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

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

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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 2005.

<b>4 Pa. Code (Administration)</b>	<b>231 Pa. Code (Rules of Civil Procedure)</b>
<b>Statements of Policy</b>	<b>Proposed Rules</b>
9 ..... 20	200 ..... 9
<b>28 Pa. Code (Health and Safety)</b>	<b>246 Pa. Code (Minor Court Civil Rules)</b>
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# THE COURTS

## Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VIII]

Order Amending Revision of Comment to Rule 804(b)(2); No. 346 Supreme Court Rules; Doc. No. 1

### Order

*Per Curiam:*

Now, this 17th day of December, 2004, upon the recommendation of the Committee on Rules of Evidence, this proposal having been published before adoption at 34 Pa.B. 4020 (July 31, 2004) and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of comment is hereby amended in the following form.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective January 31, 2005.

### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE VIII. HEARSAY

#### Rule 804. Hearsay Exceptions; Declarant Unavailable.

\* \* \* \* \*

(b) *Hearsay Exceptions.* The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant is unavailable as a witness:

\* \* \* \* \*

(2) *Statement Under Belief of Impending Death.* A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

### Comment

Pa.R.E. 804(b)(2) is similar to F.R.E. 804(b)(2), except that the Pennsylvania rule applies in all cases, not just in homicide cases and civil actions. This is a departure from prior Pennsylvania law, which applied the exception only to statements made by the victim in a criminal prosecution for homicide.

The rationale for this exception [ to ] from the hearsay rule was set forth in *Commonwealth v. Smith*, 454 Pa. 515, 314 A.2d 224, 225 (Pa. 1973):

\* \* \* \* \*

The common law [ has ] traditionally, but illogically, excepted a dying declaration [ to ] from the hearsay rule in a criminal prosecution for homicide, but not in a criminal prosecution for another crime, or in a civil case. Prior Pennsylvania case law followed the common law. See *Commonwealth v. Antonini*, 69 A.2d 436 (Pa. Super. 1949).

Reasoned analysis [ dictates ] dictated a change. If a dying declaration is trustworthy enough to be introduced

against a defendant charged with murder, it [ should be ] is trustworthy enough to be introduced against a defendant charged with attempted murder, robbery, or rape. It [ should ] is also [ be ] trustworthy enough to be introduced against a party in a civil case.

In *Crawford v. Washington*, 541 U. S. 36, 124 S.Ct. 1354 (2004), the Supreme Court interpreted the Confrontation Clause in the Sixth Amendment of the United States Constitution to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule. However, in footnote 6, the Supreme Court said that there may be an exception, *sui generis*, for those dying declarations that are testimonial.

\* \* \* \* \*

### FINAL REPORT REVISING

#### Comment

#### Pa. R.E. 804(b)(2)

#### Comment Changes

The Introductory Comment to Article VIII, Hearsay calls attention to the role of the Sixth Amendment to the United States Constitution in determining the admissibility of hearsay evidence against a defendant in a criminal case.

The proposed revision of Comment to Pa.R.E. 804(b)(2) comes about as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, 541 U. S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004) interpreting the confrontation clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant. One possible exception would be a dying declaration (Pa.R.E. 804(b)(2)). The proposed change cites *Crawford v. Washington* as confirming this exception.

Heretofore this issue was governed by the earlier United States Supreme Court in *Ohio v. Roberts*, 446 U. S. 56 (1980), now overruled by the *Crawford* opinion.

[Pa.B. Doc. No. 05-1. Filed for public inspection December 30, 2004, 9:00 a.m.]

\_\_\_\_\_

### [225 PA. CODE ART. VIII]

Order Amending Revision of the Introductory Comment to Article VIII, Hearsay; No. 347 Supreme Court Rules; Doc. No. 1

### Order

*Per Curiam:*

Now, this 17th day of December, 2004, upon the recommendation of the Committee on Rules of Evidence, this proposal having been published before adoption at 34 Pa.B. 4021 (July 31, 2004) and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of comment is hereby amended in the following form.



This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective January 31, 2005.

**Annex A**  
**TITLE 225. RULES OF EVIDENCE**  
**ARTICLE VIII. HEARSAY**  
**Introductory Comment**

The Federal Rules of Evidence list 24 exceptions [ to ] from the hearsay rule in which the availability of the declarant is immaterial, five exceptions in which the declarant must be unavailable, and four exceptions [ to ] from the definition of hearsay (which are, in reality, exceptions [ to ] from the hearsay rule), for a total of 33.

The Pennsylvania Rules of Evidence, while following the federal numbering system as far as possible, recognize fewer exceptions, and arrange them more logically. Article VIII of the Pennsylvania Rules of Evidence lists 16 exceptions [ to ] from the hearsay rule in which the availability of the declarant is immaterial, five exceptions in which the declarant must be unavailable, and three exceptions in which the testimony of the declarant is necessary, for a total of 24.

**Defendant's Constitutional Right of Confrontation in Criminal Cases**

The hearsay rule is applicable both in civil and criminal cases. In a criminal case, however, hearsay that is offered against a defendant under an exception [ to ] from the hearsay rule may sometimes be excluded because its admission would violate the defendant's right "to be confronted with the witnesses against him" under the Sixth Amendment [ to ] of the United States Constitution, or "to be confronted with the witnesses against him" under Article I, § 9 of the Pennsylvania Constitution.

\* \* \* \* \*

*In Crawford v. Washington*, 541 U. S. 36, 124 S.Ct. 1354 (2004), the Supreme Court, overruling its prior opinion in *Ohio v. Roberts*, 446 U. S. 56 (1980), interpreted the Confrontation Clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule, except, perhaps, if the hearsay qualifies as a dying declaration (Pa. R.E. 804(b)(2)).

In short, when hearsay is offered against a defendant in a criminal case, the defendant may interpose three separate objections: (1) admission of the evidence would violate the hearsay rule, (2) admission of the evidence would violate defendant's right to confront the witnesses against him under the Sixth Amendment [ to ] of the United States Constitution, and (3) admission of the evidence would violate defendant's right [ of confrontation ] "to be confronted with the witnesses against him" under Article I, § 9 of the Pennsylvania Constitution.

**FINAL REPORT REVISING**  
***The Introductory Comment***  
***Article VIII, Hearsay***  
**Comment Changes**

The Introductory Comment to Article VIII, Hearsay calls attention to the role of the Sixth Amendment to the

United States Constitution in determining the admissibility of hearsay evidence against a defendant in a criminal case.

The proposed change comes about as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, 541 U. S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004) interpreting the confrontation clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant. One possible exception would be a dying declaration (Pa.R.E. 804(b)(2)).

Heretofore this issue was governed by the earlier United States Supreme Court in *Ohio v. Roberts*, 446 U. S. 56 (1980), now overruled by the *Crawford* opinion.

[Pa.B. Doc. No. 05-2. Filed for public inspection December 30, 2004. 9:00 a.m.]

**Title 231—RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**[231 PA. CODE CH. 200]**

**Amendment of Rule 223.2 Governing Juror Note Taking; Proposed Recommendation No. 198**

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 223.2 governing note taking by jurors be amended by deleting subdivision (e) as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than March 4, 2005 to:

Harold K. Don, Jr.,  
 Counsel  
 Civil Procedural Rules Committee  
 5035 Ritter Road, Suite 700  
 Mechanicsburg, Pennsylvania 17055

or E-Mail to  
 civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 223.2. Conduct of the Jury Trial. Juror Note Taking.**

\* \* \* \* \*

**[ (e) This rule is rescinded as of December 31, 2005. ]**

**Explanatory Comment**

Rule 223.2 governing juror note taking was promulgated July 30, 2003, effective September 1st of the same year. The rule was experimental and contained a sunset provision, subdivision (e), which provided for the rescission of the rule on December 31, 2005.

The rule has now been in effect for more than a year and the response of the bench and bar has been overwhelmingly favorable. Consequently, it is proposed that subdivision (e) of Rule 223.2 be rescinded and the rule be made permanent.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-3. Filed for public inspection December 30, 2004, 9:00 a.m.]

**Title 246—MINOR  
COURT CIVIL RULES**

**PART I. GENERAL**

**[246 PA. CODE CHS. 200, 300 AND 500]**

**Order Amending Rule 209 and Rescinding Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 213 Magisterial Doc. No. 1**

The Minor Court Rules Committee has prepared a Final Report explaining the Supreme Court of Pennsylvania's Order amending Rule 209 and rescinding Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective July 1, 2005. These rule changes consolidate into one rule all provisions relating to continuances in district justice civil proceedings. The changes also provide for technical or "housekeeping" amendments to Rule 209. The Final Report follows the Court's Order.

**Order**

*Per Curiam:*

And Now, this 16th day of December, 2004, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 34, *Pennsylvania Bulletin*, page 480 (January 24, 2004), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.D.J. No. 209 be, and hereby is, amended in the following form, and Pa.R.C.P.D.J. Nos. 320 and 511 be, and hereby are, rescinded.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2005.

**Annex A**

**TITLE 246. MINOR COURT CIVIL RULES**

**PART I. GENERAL**

**CHAPTER 200. RULES OF CONSTRUCTION;  
GENERAL PROVISIONS**

**Rule 209. [Grounds for continuances generally] Continuances.**

**A. Continuances may be granted for cause or by agreement.**

**B. Continuances shall be to a specific time and date. The district justice shall note continuances on the docket and shall promptly give or mail to the parties written notice of continuances.**

**C. Except for good cause shown,**

**(1) not more than one continuance shall be granted to each party, and**

**(2) the aggregate of all continuances shall not extend the date of the hearing:**

**(a) beyond 90 days from the date of filing the plaintiff's complaint in proceedings commenced pursuant to Rule 303, or**

**(b) beyond 30 days from the date of filing the plaintiff's complaint in proceedings commenced pursuant to Rule 502.**

**D. In all proceedings governed by these rules the [The] following shall constitute cause for granting a continuance [under these rules]:**

**(1) [The] the scheduling of [counsel] a party's attorney of record to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether[:]**

**(a) as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board, or the Supreme Court;**

\* \* \* \* \*

**(2) [The] the scheduling of [counsel] a party's attorney of record to appear at any proceeding involving the discipline of a justice, judge, or district justice under Section 18 of Article V of the Constitution of Pennsylvania, whether[:]**

**(a) as counsel for a justice, judge, or district justice before the special tribunal provided for in 42 Pa.C.S. § 727, the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board;**

**(b) as a member of the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board.**

**Official Note: [This rule sets forth certain grounds for the granting of a continuance under the various provisions of these rules relating to continuances, including Rule 320 and Rule 511.] This rule was amended in 2005 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in [this rule] subdivision D, of course, are not intended to be the only grounds on which a continuance will be granted.**

**CHAPTER 300. CIVIL ACTION**

**Rule 320. [Continuances] (Rescinded).**

**[Continuances of not more than thirty (30) days may be granted for cause or by agreement. Con-**

tinuances shall be for a specific time and date and shall be noted on the original complaint form. A Notice of Continuance form stating the time and date of hearing shall be mailed to all parties. Not more than two continuances shall be granted to either party. See Rule 209. ]

**Official Note:** [ A limitation was placed upon the number of continuances to insure the expeditious handling of actions before district justices and to prevent a clogging of their dockets. ] See Rule 209 governing continuances.

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 511. [ Continuances ] (Rescinded).

[ Continuances may be granted for cause or by agreement. Continuances shall be to a specific time and date and shall be noted on the original complaint form. Continuances shall not be granted to extend the date of the hearing beyond thirty (30) days from the date the plaintiff's complaint is filed or, if the defendant files a cross-complaint, beyond twenty (20) days from the date that complaint is filed, whichever is the longer period from the filing of the plaintiff's complaint. The district justice shall promptly give written or other notice of a continuance to the parties on a Notice of Continuance form, but if a party has an attorney of record named in the complaint form, the notice, unless given at the hearing in the presence of the party, shall be given to the attorney instead of to the party. See Rule 209. ]

**Official Note:** [ The limitations in this rule are intended to insure expedition in the processing of these cases. ] See Rule 209 governing continuances.

#### FINAL REPORT<sup>1</sup>

#### *Amending Rule 209 and Rescinding Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices*

##### Continuances

On December 16, 2004, effective July 1, 2005, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania amended Rule 209 and rescinded Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.<sup>3</sup>

##### I. Background and Discussion

In an ongoing effort to simplify and consolidate certain district justice rules, the Committee undertook a review of the rules relating to continuances. The Committee noted that there are currently three separate rules relating to continuances: Rule 209 (relating to grounds for continuances generally), Rule 320 (relating to continu-

ances in civil actions), and Rule 511 (relating to continuances in possessory actions). The Committee was concerned about unnecessary duplication and confusion resulting from having three continuance rules. In addition, some members of the Committee expressed concern about the restrictions on the length of continuances, particularly in Rule 511, being unnecessarily complicated.

Accordingly, the Committee recommended that all provisions relating to continuances be consolidated in existing Rule 209,<sup>4</sup> and that Rules 320 and 511 be rescinded.

##### II. Proposed Rule Changes

###### A. Rule 209

As indicated above, the Committee recommended that all provisions relating to continuances be consolidated in Rule 209. Subdivision A of the amended Rule retains the existing provisions from Rules 320 and 511 that continuances may be granted for cause or by agreement. Likewise, Subdivision B retains the existing provisions that continuances must be to a time and date certain, and that the district justice must note continuances on the docket and notify the parties.

Subdivision C of the amended Rule incorporates the limitations on continuances from Rules 320 and 511 with some changes. Specifically, the Rule provides that generally not more than one continuance may be granted to each party. In addition, the aggregate of all continuances is limited to extending the date of the hearing:

- not more than 90 days from the filing of the plaintiff's complaint in civil actions, or
- not more than 30 days from the filing of the plaintiff's complaint in possessory actions.

The Committee believes these time limitations are reasonable and will ensure that district justice cases proceed expeditiously, while allowing sufficient time for necessary continuances and taking into consideration the time frames for scheduling the original hearing date,<sup>5</sup> service,<sup>6</sup> and the filing of cross-complaints.<sup>7</sup> The introductory clause of Subdivision C also provides that the limitations on continuances apply except for good cause shown, giving the district justice discretion to grant continuances outside the limitations when necessary.

Subdivision D of the amended Rule incorporates, with only minor editorial changes, the existing provisions of Rule 209 relating to continuances because of scheduling conflicts with a party's attorney who must participate in attorney or judicial disciplinary proceedings.

###### B. Rules 320 and 511

In light of the amendments to Rule 209, the Committee further recommended that Rule 320 (relating to continuances in civil actions) and Rule 511 (relating to continuances in possessory actions) be rescinded.

[Pa.B. Doc. No. 05-4. Filed for public inspection December 30, 2004, 9:00 a.m.]

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Report.

<sup>2</sup> Recommendation No. 1 Minor Court Rules 2004.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 213, Magisterial Docket No. 1 (December 16, 2004).

<sup>4</sup> The placement of this Rule in Chapter 200 (Rules of Construction; General Provisions) makes it applicable to both civil actions (Chapter 300) and possessory actions (Chapter 500).

<sup>5</sup> See Rules 305 and 504.

<sup>6</sup> See Rules 307 and 506.

<sup>7</sup> See Rules 315 and 508.

# Title 255—LOCAL COURT RULES

## FAYETTE COUNTY

### Local Rule 1042; No. 2834 of 2004

#### Order

*And Now*, this 10th day of December, 2004, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that Local Rule 1042 is adopted as set forth in the attachment.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

#### **Rule 1042. Mediation of Medical Professional Liability Actions.**

(a) A mediation conference may be requested at the F.C.R. 202 status conference or any time thereafter upon agreement and motion of the parties. The conference shall be confidential and no record shall be made thereof.

(b) (1) Except as provided in Pa.R.C.P. 1042.21(a)(2), each party shall pay, pro rata, an initial non-refundable mediation fee of \$500.00 per session. The fee shall be made payable to the Prothonotary for deposit in the Fayette County Medical Professional Liability Trustee Account and shall be submitted at the time the motion seeking a conference is filed. The receipt for payment shall be attached to the motion upon presentation to the assigned Judge through Motions Court or a mediator will not be appointed.

(2) A session shall consist of a time period of three (3) hours or less.

(c) The mediator will be appointed in seriatim fashion by the Court Administrator from a list approved by the Court and shall consist of lawyers from Fayette County who have experience in medical professional liability litigation and who shall receive the mediation fee of \$500.00 per session.

(d) The mediator shall conduct the session for the purpose of effectuating a settlement within sixty (60) days from the date of appointment.

(e) The attendance of trial counsel, the parties, and a representative of the insurance carrier for the Defendant(s) at all scheduled sessions shall be mandatory. Failure to attend will cause the session to be rescheduled with attorney fees and expenses assessed against the nonappearing person.

(f) At least ten (10) days prior to the session, each party shall provide the mediator and the parties with a statement which must include the following:

- (1) the party's position regarding liability and damages;
- (2) a listing of all legal issues involved, with citation of applicable legal authority;
- (3) medical reports;
- (4) expert reports;
- (5) an itemized list of damages; and
- (6) the last informal settlement posture and rationale.

If a party fails to timely provide the required statement, the session will be rescheduled with attorney's fees and expenses assessed against the offending party.

(g) If the initial session is insufficient to complete the conference, then subsequent sessions may be scheduled as necessary. In such event, the parties shall pay, pro rata, a non-refundable \$500.00 fee for each subsequent session, except if the mediation has been directed pursuant to Pa.R.C.P. 1042.21(a)(2), in which case the moving party shall pay the entire fee. The total fee for all subsequent sessions shall be paid to the Prothonotary for deposit in the Fayette County Medical Professional Liability Trustee Account immediately upon the conclusion of the final conference session.

(h) In the event a party withdraws from mediation resulting in the termination of the process, that party shall be responsible for the total cost of the mediation fee.

(i) (1) If the case is not settled, the mediator shall, within ten (10) days of the final conference session, file with the Prothonotary a report setting forth the following:

- (i) Plaintiff's final settlement demand;
- (ii) Defendant's/Additional Defendant's final settlement offer;
- (iii) The mediator's assessment of liability;
- (iv) The mediator's assessment of damages;
- (v) The mediator's opinion regarding the potential range of a verdict and settlement value of the case;
- (vi) The mediator's recommendations regarding settlement of the case; and
- (vii) The number of sessions conducted.

(2) The Prothonotary shall seal and make confidential the report of the mediator and shall provide a copy of the report to the assigned Judge.

(3) The Prothonotary shall pay the amount due to the mediator within ten (10) days of the filing of the report.

(4) If the case is settled, the mediator shall, within five (5) days of the final conference session, file a report indicating such settlement and the number of sessions conducted. Additionally, a written settlement agreement shall be executed by a person(s) having the authority to

do so and filed with the Prothonotary who shall discontinue the action. The agreement shall be sealed if requested by the parties.

[Pa.B. Doc. No. 05-5. Filed for public inspection December 30, 2004, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Joe Carl Ashworth having been suspended indefinitely from the practice of law in the state of Maryland, the Supreme Court of Pennsylvania issued an Order dated December 13, 2004 suspending Joe Carl Ashworth from the practice of law in this Commonwealth consistent with the order of the Court of Appeals of Maryland filed June 9, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-6. Filed for public inspection December 30, 2004, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that Kathleen M. Quigley, a/k/a Kathleen M. Vella, having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated December 13, 2004 suspending Kathleen M. Quigley, a/k/a Kathleen M. Vella, from the practice of law in this Commonwealth for a period of three months, effective January 12, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-7. Filed for public inspection December 30, 2004, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 18]

### Public Swimming and Bathing Places

The Department of Health (Department) amends Chapter 18 (relating to public swimming and bathing places) which includes requirements relating to certification of lifeguards and criteria to be followed by recreational swimming establishments regarding lifeguards.

#### I. Purpose of the Final-Form Rulemaking

The act of June 18, 1998 (P. L. 531, No. 75) (Act 75), amending the Public Bathing Law (act) (35 P. S. §§ 672—680d), directed the Department to select and identify authorities to certify lifeguards and to promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment when the recreational swimming establishment is open to the public. The Department prepared this final-form rulemaking in consultation with established certifying authorities and the operators of recreational swimming establishments.

This final-form rulemaking requires that all lifeguards in this Commonwealth obtain certification from a certifying authority recognized by the Department and establish the minimum criteria that a lifeguard certifying authority must include in its training program for its program to be recognized by the Department. Further, this final-form rulemaking names the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. (Ellis and Associates) as recognized lifeguard certifying authorities. Finally, this final-form rulemaking establishes criteria which recreational swimming establishments must follow to have an adequate number of lifeguards present to ensure the safety of patrons.

The Department published proposed rulemaking at 32 Pa.B. 4581 (September 21, 2002), and provided a 30-day public comment period. The Department received 9 public comments to the proposed rulemaking and 12 additional comments from the Independent Regulatory Review Commission (IRRC). The Department's responses to these comments appear in the summary of this final-form rulemaking.

#### II. Summary

One commentator raised a concern that the requirement in § 18.42(c) (relating to certified lifeguards), which requires a minimum of two lifeguards be "present and available to aid bathers whenever the recreational swimming establishment is being used by bathers," is too restrictive for small, low volume pools. The commentator suggested that, when two lifeguards are not available, "a competent and qualified employee at least 18 years of age and specifically trained to assist lifeguards in an emergency, must be present and assist the lifeguard on-duty should an aquatic emergency arise."

The provision cited by the commentator applies to only very small recreational swimming establishments (5,000 square feet or less) in which only one certified lifeguard would be required at waterside during general swim activities. The Department believes that it is essential to ensure the safety of the bathers that there is a certified

lifeguard available to act as a backup in the event that an emergency or other event occurs that removes the sole certified lifeguard from protecting the bathers. Furthermore, Act 75 only grants the Department the authority to require certified lifeguards at recreational swimming establishment. Regulations requiring an assistant lifeguard or other type of personnel at the recreational swimming establishment would be beyond the scope of the statutory authority granted to the Department.

Another commentator suggested that basing the lifeguard regulations on the size of the facility is not consistent with industry standard, as required by Act 75. According to the commentator, regulations requiring a lifeguard coverage plan, taking into account surveillance and response time, would be consistent with industry standards. IRRC also asked the Department to explain why it had not proposed amendments based on the "10/20 rule" for surveillance by lifeguards and how the lifeguard coverage requirement of one lifeguard per 4,000 square feet of water surface area was consistent with the intent of Act 75.

The Department issued a proposed rulemaking published at 29 Pa.B. 820 (February 13, 1999) requiring that all recreational swimming establishments draft a lifeguard coverage plan based on the "10/20 rule." The "10/20 rule" means that each lifeguard can scan his assigned area in less than 10 seconds, and can respond to any emergency within the lifeguards assigned areas within 20 seconds. At that time, both the Senate Public Health and Welfare Committee and IRRC questioned the use of a lifeguard coverage plan. The Public Health and Welfare Committee stated, "Operators of recreational swimming establishments are entitled to know with reasonable certainty the requirements they need to satisfy to comply with Department regulation, and they are entitled to know those requirements in advance of opening to the public." No other state has adopted the "10/20 rule" for determining lifeguard coverage in its regulations because the term is too subjective for regulatory language. All states that require lifeguards at swimming pools use more objective criteria such as the size of the facility, the number of bathers or a combination of both.

The Department considered numerous proposals for lifeguard coverage standards and consulted with various stakeholders and industry experts, including Dr. Tom Griffiths of Penn State University, the American Red Cross, Ellis and Associates, the Pennsylvania Recreation and Park Society, Pia Consulting and various individual operators of swimming pools and water parks. Additionally, the Department reviewed regulations of other states, and studies conducted by the New York State Department of Health and Pia Consulting. After consulting with these individuals and entities and reviewing studies and regulations of other states, the Department concluded that the requirement of one lifeguard for every 4,000 square feet meets the goal of the "10/20 rule," while also providing the operators of recreational swimming establishments an objective standard by which they can determine if they are in accordance with Act 75.

IRRC further asked if the Department had considered allowing the swimming establishments to use either the "10/20 rule" or square footage of water surface area to determine the required number of lifeguards under a Department-approved plan.

The Department's first proposed rulemaking concerning lifeguards would have required recreational swimming establishments to draft and submit to the Department lifeguard coverage plans. That proposed rulemaking was also questioned because commentators were concerned that a lifeguard coverage plan would not provide a sufficient degree of certainty that recreational swimming establishments are safe. IRRC noted that, "The regulations should specify the required number of lifeguards for a particular facility based on the size of facility, participants on site, support staff, and scheduled activities." The proposed rulemaking at 32 Pa.B. 4581 was drafted in response to these concerns.

Further, it is estimated that there are 2,000 swimming pools in this Commonwealth that meet the definition of "recreational swimming establishment," with more being added each year. The Department does not have the personnel or the resources to review that large a volume of coverage plans to ensure that each one provides adequate protection for the bathers.

IRRC asked if the Department had considered including provisions in the proposed rulemaking which would allow a swimming establishment to petition the Department for a waiver of the standard lifeguard requirements if the facility can demonstrate that an alternative lifeguard coverage plan achieves the adequate level of safety. The Department has not altered the proposed rulemaking in response to this comment. The Department does not have the resources or the personnel to review a large volume of lifeguard coverage plans or waiver requests to ensure that the plans provide an adequate level of safety for the bathers.

Another concern raised by a commentator was that once an entity, such as Ellis and Associates, was designated a lifeguard certifying authority, the Department would not need to consider approval of the authority.

Section 18.42(a) of the final-form rulemaking states, "The Department recognizes the American Red Cross, the YMCA, and Jeff Ellis and Associates, Inc. as lifeguard certifying authorities." These three authorities are therefore recognized as lifeguard certifying authorities in the *Pennsylvania Code* and further approval by the Department would be unnecessary. These three certifying authorities were selected because they account for over 90% of lifeguard certifications in the United States and set the standard by which other certifying authorities are judged. Their inclusion in regulatory language is consistent with standards adopted by other states. The final-form rulemaking allows the Department to determine whether any other lifeguard certifying authority meets the standards set forth in § 18.42(f), as provided for in Act 75.

Another concern raised by that commentator was that the phrase "sufficient to accomplish the task" in § 18.42(c)(1)(ii) was potentially ambiguous. The phrase "sufficient to accomplish the task" was included in the language after stakeholder comments requested clarification on the meaning of "adequate." The phrase "sufficient to accomplish the task" is based on, and consistent with, lifeguard regulations adopted by other states, including New York, when defining the word "adequate." The Department has not revised the regulation in response to the comment.

One commentator stated that the proposed regulations would require unnecessary additional lifeguard hours. The Department disagrees with this assessment and has not changed the regulations. The regulations were drafted to provide adequate lifeguard coverage to ensure the

safety of the bathers at recreational swimming establishments, based on input from stakeholder groups including operators and certifying authorities. As with any new regulatory standard, there are some facilities that do not currently meet the standard, while others already exceed it. In comparison to the regulations adopted by other states, the regulations proposed by the Department are not excessive. In fact, most neighboring states, including New York, New Jersey, Delaware, Maryland and Ohio, have adopted standards for the number of lifeguards that exceed the standards in the Department's regulations. The Department believes that most recreational swimming establishments in this Commonwealth will be able to meet these standards with little or no budgetary difficulty.

A municipality commented that, due to liability and insurance issues, municipalities whose swimming pools would be subject to this final-form rulemaking are, in general, more safety-minded than other swimming pool operators that would be exempted from the regulations. Further, the municipality argued that the transient nature of some of the exempted swimming pools increases the likelihood of injury at these facilities, justifying making these facilities subject to this final-form rulemaking.

The Department has not changed the final-form rulemaking. The Department proposed exemptions from its regulations in accordance with the requirements of Act 75. The definition of a "recreational swimming establishment" in Act 75 details which facilities are exempted from these regulations. A regulation that requires certified lifeguards at the exempted facilities would be beyond the statutory authority granted to the Department by the General Assembly.

Another commentator recommended that the number of lifeguards be determined by the number of bathers in the water, not the size of the facility. The Department did consider regulations based on bather load rather than the size of the facility. After conducting several stakeholder meetings, it was determined that the majority of stakeholder participants opposed basing the number of lifeguards on bather load. These stakeholders considered a standard based on bather load to be unfeasible, especially for the operators of large recreational swimming establishments and the water park industry. Those facilities would be required to have personnel constantly monitoring people getting in and out of the water and adjusting lifeguard coverage accordingly. Therefore, the Department has not changed the final-form rulemaking.

Related to this commentator's concern, IRRC questioned the reliance on square footage for the number of certified lifeguards when there are only a small number of bathers in the facility.

This final-form rulemaking will allow operators to close off unused portions of their recreational swimming establishments with a rope and float line, thereby reducing the square footage of water available to bathers. Furthermore, after consulting with numerous stakeholders, the Department concluded that basing the number of guards on the number of bathers in the pool would be a heavy burden on many stakeholders, especially the operators of larger pools and the water parks. Recreational swimming establishments would be constantly counting the number of people in facility and adjusting their lifeguard coverage accordingly.

Another commentator suggested that the Department clarify the provision that only one certified lifeguard is

required during restricted access swimming periods, such as early morning lap swimming. The commentator suggested that the Department change the proposed rulemaking to state that a minimum of two lifeguards is required "when the establishment is open to the general public for recreational swimming." IRRRC also recommended that the Department clarify this provision. The Department has accepted this recommendation and incorporated it into the final-form rulemaking.

A commentator suggested that the regulations allow for the use of "shallow water guards" at wading pools and other recreational swimming establishments. The American Red Cross certifies shallow water guards in first aid and CPR, but they do not receive deep-water rescue training, which is not needed in wading pools. However, Act 75 only grants the Department the authority to require certified lifeguards at recreational swimming establishments. No mention of shallow water guards is made in the statute. Regulations covering the use of shallow water guards would be beyond the statutory authority granted to the Department by the General Assembly. The Department did not revise the regulations in response to this comment.

IRRC also made several additional comments. IRRRC first raised a concern about the definition of the term "bather." IRRRC suggested that the final-form rulemaking clarify whether "bather" includes a person in the pool area who does not intend to swim, such as a parent who accompanies a child to the pool.

The complete definition of "bather" in the proposed rulemaking is, "Any person using a recreational swimming establishment in the water or adjoining deck area for the purpose of swimming, water sports, or other recreational activity." This definition was taken from the National Spa and Pool Institute. The scope of the definition is limited to only those people "in the water or adjoining deck area." The deck area of a swimming pool is defined by the Public Bathing Place Manual, Part I, Section 5.9 as an area around the pool perimeter 4 feet in width, extending to between 6 and 8 feet behind a diving board. The only people who would be on the deck area would either be getting into or out of the water or waiting in line at water features such as slides or diving boards. These individuals may require assistance from a certified lifeguard in the event of accident or injury or may provide a distraction to the lifeguard. A parent who accompanies a child to the pool, but does not intend to swim and is outside of the deck area, is not considered a bather.

Second, IRRRC requested that the Department renumber the paragraphs in § 18.42. IRRRC stated,

Section 18.42(a)(1) paragraph lists the three organizations that the Department recognizes as lifeguard certification authorities. Paragraph (a)(1) outlines the requirements that other organizations that want to become lifeguard certifying authorities, must follow to obtain qualification. For clarity, Paragraph (a)(1) should be renumbered to become Paragraph (b), with Subparagraph (2) through Subparagraph (4) being renumbered and placed under the new Paragraph (b). Current Paragraphs (b), (c) and (d) should also be renumbered accordingly.

The Department has accepted this recommendation and has incorporated it into the final-form rulemaking.

IRRC next requested clarification on the meaning of "present and available" in proposed § 18.42(c)(1). IRRRC asked if that phrase required that two lifeguards be present at waterside at all times or if the location of

lifeguards depends on the square footage of the recreational swimming establishment. For recreational swimming establishments where more than one lifeguard is required at waterside, for example, when there is more than 5,000 square feet in water surface area, then two or more lifeguards must be at waterside at all times. For smaller recreational swimming establishments, only one lifeguard must be at waterside, while the other must only be somewhere in the facility where that lifeguard can be called upon to stand in for the primary lifeguard in the event of an emergency.

IRRC also raised a question about the provision in proposed § 18.42(c)(1)(iii), which states that the Department may require additional certified lifeguards under certain circumstances, such as when the shape or size of the pool prevents the lifeguard from monitoring the assigned area. IRRRC asked if the Department would make this determination as part of the initial permitting process.

For new recreational swimming establishments, this determination will be made during the initial permit application process during the operational inspection and prior to the issuance of an operating permit. During the operational inspection, the inspector will review issues such as surveillance, visibility of bathers and response time with the operator to determine if additional lifeguards may be required to ensure safety of the bathers. However, since existing facilities have been constructed that may be required to have additional lifeguards at waterside, it is likely that the Department may have to notify some existing recreational swimming establishments that more lifeguards are required. If this is necessary, the operator will receive a written notice informing it of the need for additional lifeguard coverage during the annual inspection of the facility.

Further, IRRRC commented regarding the provision in proposed § 18.42(c)(3), which requires one certified lifeguard at special events such as swim meets, swim team practices, learn-to-swim programs, lifeguard training and other special events where access to the recreational swimming establishment was limited. IRRRC requested that the Department clarify whether the certified lifeguard is required to be an employee of the recreational swimming establishment or if the group holding the special event can provide the certified lifeguard.

The Department does not believe that the question of who employs the lifeguard is relevant to the issue of bather safety, which is the concern the rulemaking is intended to address. So long as the lifeguard is qualified and certified according to the requirements of § 18.42, the issue of who provides the lifeguard should be negotiated between the owner of the recreational swimming establishment and organizers of the event on a case-by-case basis.

### III. *Affected Persons*

This final-form rulemaking will affect all swimming and bathing facilities in this Commonwealth that meet the definition of recreational swimming establishment. These establishments include swimming pools, water rides, wave pools and swimming beaches that are not otherwise excluded by the statutory definition of a recreational swimming establishment. This final-form rulemaking will enhance the safety of the public when it uses recreational swimming establishments.

### IV. *Cost and Paperwork Estimates*

This final-form rulemaking will have little fiscal impact on the Commonwealth, local government, the private



sector and the general public. Based on current hiring practices, the Department of Conservation and Natural Resources has estimated it may incur \$200,000 in expenses for additional lifeguard salaries.

Most recreational swimming establishments, as defined by Act 75, currently employ lifeguards to protect the safety of their patrons. Many recreational swimming establishments have lifeguard coverage ratios that exceed the regulatory standard; other recreational swimming establishments use a lifeguard coverage ratio that is below the regulatory standard. The exact cost incurred as a result of this final-form rulemaking will depend on the current practices of the individual recreational swimming establishment and the number of additional lifeguards, if any, that will be required to meet the standard. The costs incurred will primarily be in the form of lifeguard salaries. This final-form rulemaking will not significantly increase paperwork.

V. *Effective Date/Sunset Date*

This final-form rulemaking will be effective on January 1, 2005. No sunset date has been established. The Department will monitor the effectiveness of the regulations on a continual basis, primarily through the annual sanitary inspections conducted by the Department.

VI. *Statutory Authority*

The Department's authority to promulgate regulations related to public swimming and bathing places is established under the act, the Local Health Administration Law (16 P. S. §§ 12001—12028) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

VII. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 4581, to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee for review and comment.

The Department received nine public comments during the public comment period. In preparing the final-form rulemaking, the Department has considered all comments received from the public and IRRC.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5(j.2)), on November 17, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 18, 2004, and approved the final-form rulemaking. The Office of Attorney General approved the final-form rulemaking.

VIII. *Contact Person*

Questions regarding this final-form rulemaking may be submitted to Dennis C. Wilson, Environmental Health Administrator, Department of Health, Bureau of Community Health Systems, Room 628 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-4366. Persons with disabilities may submit questions in alternative formats such as audio tape, Braille or by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons who require an alternative format of this document may contact Dennis Wilson at the address or telephone numbers listed previously so that necessary arrangements may be made.

IX. *Findings*

The Department finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

X. *Order*

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

(a) The regulations of the Department, 28 Pa. Code Chapter 18, are amended by amending §§ 18.1 and 18.42 to read as set forth in Annex A.

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

(c) The Secretary shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House and the Senate Committees for their review and action as required by law.

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

(e) This order shall take effect on January 1, 2005.

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

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6476 (December 4, 2004).)*

**Fiscal Note:** 10-155 FINAL. (1) General Fund; (2) Implementing Year 2004-05 is \$67,000; (3) 1st Succeeding Year 2005-06 is \$200,000; 2nd Succeeding Year 2006-07 is \$200,000; 3rd Succeeding Year 2007-08 is \$200,000; 4th Succeeding Year 2008-09 is \$200,000; 5th Succeeding Year 2009-10 is \$200,000; (4) 2003-04 Program—\$51,207,000; 2002-03 Program—\$60,559,000; 2001-02 Program—\$61,133,000; (7) Department of Conservation and Natural Resources State Parks Operations; (8) recommends adoption. No additional costs to the Department of Health. The Department of Conservation and Natural Resources will incur increased costs, as outlined previously, for additional lifeguards to meet requirements. The 2004 General Appropriation Act includes these additional costs.

**Annex A**

**TITLE 28. HEALTH AND SAFETY**

**PART II. LOCAL HEALTH**

**CHAPTER 18. PUBLIC SWIMMING AND BATHING PLACES**

**GENERAL PROVISIONS**

**§ 18.1. Definitions.**

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

*Air gap*—The unobstructed vertical distance through the free atmosphere between the lowest opening from a

pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

*Backflow*—The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from a source other than the approved source.

*Bather*—A person using a recreational swimming establishment in the water or adjoining deck area for the purpose of swimming, water sports or other recreational activity.

*Bather load*—The total number of bathers in a recreational swimming establishment.

*Bathing beach*—A body of natural water, impounded or flowing, of a size in relation to the bathing load that the quality and quantity, confined or flowing, need be neither mechanically controlled for the purpose of purification nor contained in an impervious structure.

*Certified lifeguard*—An individual who has a current certificate in lifeguarding, issued by a lifeguard certifying authority, as recognized by the Department of Health in a notice published yearly in the *Pennsylvania Bulletin*.

*Cross connection*—A physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other steam, gas, a chemical or water of unknown or questionable safety, whereby there may be a flow from one system to the other, the direction depending on the pressure differential between the two systems.

*Department*—The Department of Health of the Commonwealth.

*Garbage*—Putrescible wastes, except sewage and body waste, including animal and vegetable offal.

*Local health department*—Each county department of health under the Local Health Administration Law (16 P. S. §§ 12001—12028), and each department of health in a municipality approved for a Commonwealth grant to provide local health services under section 25 of the Local Health Administration Law (16 P. S. § 12025).

*Maximum bather load*—The maximum number of bathers that the recreational swimming establishment is designed to accommodate, as defined in the plans and specifications submitted as part of the permit application using the guidelines set forth in the Department's publication, *Public Bathing Place Manual*.

*National Electrical Code*—The National Electrical Code published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

*Person*—An individual, partnership, corporation, association, municipality, county, authority, the Commonwealth or other private or public entity.

*Public bathing place*—An outdoor or indoor place used for amateur, professional or recreative swimming or bathing whether or not a fee is charged for admission or for the use of the place, exclusive of a bathing place at a private, single-family residence which is used solely by the owner of the residence, his family and their personal guests.

*Recreational swimming establishment*—A facility that is designed, constructed or designated for use by individuals for the primary purpose of swimming, if a fee is charged for admission.

(i) The term includes swimming pools, water rides, wave pools and swimming beaches and other outdoor swimming facilities.

(ii) The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements that include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy and residential swimming facilities used solely by the owner of a residence, the owner's family and personal guests.

*Refuse*—Nonputrescible wastes generally regarded and classified as rubbish, trash, junk and similar designations which have been rejected by the owner or possessor thereof as useless or worthless to him.

*Rope and float line*—A continuous line, at least 1/4 inch in diameter, that is supported by buoys and attached to opposite sides of a swimming pool.

*Sewage*—A substance which contains the waste products or excrements or other discharges from the bodies of human beings or animals and a noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

*Sewerage system*—A community or individual system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of sewage or industrial wastes.

*Source*—A well, spring, cistern, infiltration gallery, stream, reservoir, pond or lake from which, by any means, water is taken either intermittently or continuously for use by the public.

*Swimming pool*—A body of water of a size in relation to the bathing load that the quality and quantity of the water confined must be mechanically controlled for the purpose of purification and contained in an impervious structure.

*Turnover period*—The number of hours required to completely replenish the water in a pool, or recirculate a quantity of water equal to the capacity of the pool.

*Wading pool*—A body of water designed for use by children which is not deeper than 3 feet and of a size in relation to the bathing load that the quality and quantity of the water confined must be mechanically controlled for the purpose of purification and contained in an impervious structure.

*Waters of this Commonwealth*—Rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs and other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

*Water supply*—A source or sources of water, as well as, water treatment, storage, transmission and distribution facilities.

## GENERAL SAFETY

### § 18.42. Certified lifeguards.

(a) *Recognized lifeguard certifying authorities.* The Department recognizes the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. as lifeguard certifying authorities.

(1) Other organizations that intend to qualify as certifying authorities shall submit materials, on an an-

nual basis, to the Department to establish that their lifeguard training courses satisfy the criteria in subsection (b).

(2) The materials shall be submitted to the Department on or before June 30 of each year and shall include a completed form entitled "Application for Recognition as a Lifeguard Certifying Authority" in the submission.

(3) This form is available from the Department.

(4) The Department will publish a list of approved certifying authorities annually, on or before December 1 of each year, in the *Pennsylvania Bulletin*.

(b) *Requirements for a lifeguard certifying authority.* The Department will consider approval of a lifeguard certifying authority if the certifying authority's lifeguard training course satisfies the following requirements:

(1) The course is conducted pursuant to a written training plan, instructor's manual and text book.

(2) The course provides for confirmation of course completion for certification in cardiopulmonary resuscitation.

(3) The course provides for certification in first aid.

(4) The course includes a system for evaluating swimming ability.

(5) The course provides for instruction in lifeguarding responsibilities.

(6) The course provides a method for testing and certification.

(7) The course includes a certificate which expires, in no longer than 3 years, if renewal criteria are not satisfied.

(8) The instructors of the course have successfully completed a training course that includes:

(i) Certification in lifeguard instruction.

(ii) Student evaluation.

(iii) Program planning.

(iv) Cardiopulmonary resuscitation.

(v) Conducting practice first aid and rescue sessions.

(c) *Required number of lifeguards.* A recreational swimming establishment shall have on duty an adequate number of certified lifeguards to protect the safety of users. To ensure an adequate number of certified lifeguards, the operator of a recreational swimming establishment shall comply with the following requirements:

(1) At least one certified lifeguard for every 4,000 square feet of water surface area, plus one certified lifeguard for any fraction thereof, equal to or greater than 1,000 square feet, shall be on duty at the waterside at all times the recreational swimming establishment is open to use by bathers for general swim purposes. At no time may there be less than two certified lifeguards present and available to aid bathers when the recreational swimming establishment is open to the general public for recreational swimming.

(i) The water surface area means the total surface area of water accessible to the bathers, including any wading pools.

(ii) The operator may reduce the water surface area by closing portions of the swimming area with a rope and float line, provided that the operator maintains adequate notification and supervision to prevent patrons from entering the closed portions of the swimming area. For the purposes of this section, "adequate" means sufficient

to accomplish the task, but it does not require any additional certified lifeguards above the minimum number established in this section.

(iii) Under circumstances when the ability of a certified lifeguard to survey 4,000 square feet of water surface area is impaired, such as when the size or shape, or both, of the recreational swimming establishment prevents the certified lifeguard from monitoring the assigned area from a designated location, the Department may require additional certified lifeguards to assure the safety of the bathers.

(2) The bather load of the recreational swimming establishment may not exceed the maximum bather load as defined in the permit application.

(3) During periods when swim meets, swim team practices, learn-to-swim programs, lifeguard training, or other special events in which the use of the recreational swimming establishment is restricted to only those persons participating in the special events, at least one certified lifeguard, whose sole duty is to protect the bathers, shall be present at waterside during the event.

(4) When a wading pool is open to the public, the certified lifeguard shall have an unobstructed view of the entire wading pool from a certified lifeguard's assigned station. If the certified lifeguard does not have an unobstructed view, an additional certified lifeguard shall be on duty to guard only the wading pool.

(5) If the recreational swimming establishment has a diving board or water slide, a certified lifeguard shall be on duty to monitor the diving well or catch area when the diving board or water slide is open to the public.

(i) The certified lifeguard shall be stationed within 50 feet of the diving well or slide catch area.

(ii) If the swimming area includes both a diving well and slide catch area, or the recreational swimming establishment has multiple slides or diving boards, the operator may not assign a certified lifeguard to monitor both areas unless that lifeguard is stationed within 50 feet of each and can monitor both areas simultaneously.

(iii) If the diving well or slide catch area is physically separated from the main swimming area, a certified lifeguard shall be assigned to monitor the diving well or slide catch area exclusively, and the operator shall exclude the water surface area of the diving well or slide catch area from the water surface area of the recreational swimming establishment for the purpose of determining the number of additional certified lifeguards required under paragraph (1).

(6) While on duty to watch bathers, a certified lifeguard may not be assigned other tasks which may divert attention from the safety of the bathers, or which are outside the lifeguard's training and certification.

(d) *Violation of certified lifeguard requirement.* The Department may order to be closed to the public any recreational swimming establishment that it finds to be in violation of any of the provisions of subsection (c), until the Department has done the following:

(1) Performed a follow-up inspection.

(2) Found that the facility has met the requirements of subsection (c).

(3) Provided that facility with written authorization to reopen.

[Pa.B. Doc. No. 05-8. Filed for public inspection December 30, 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 14, 2004.

The organization chart at 34 Pa.B. 21 (January 1, 2005) 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. 05-9. Filed for public inspection December 30, 2004, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Liquor Control Board

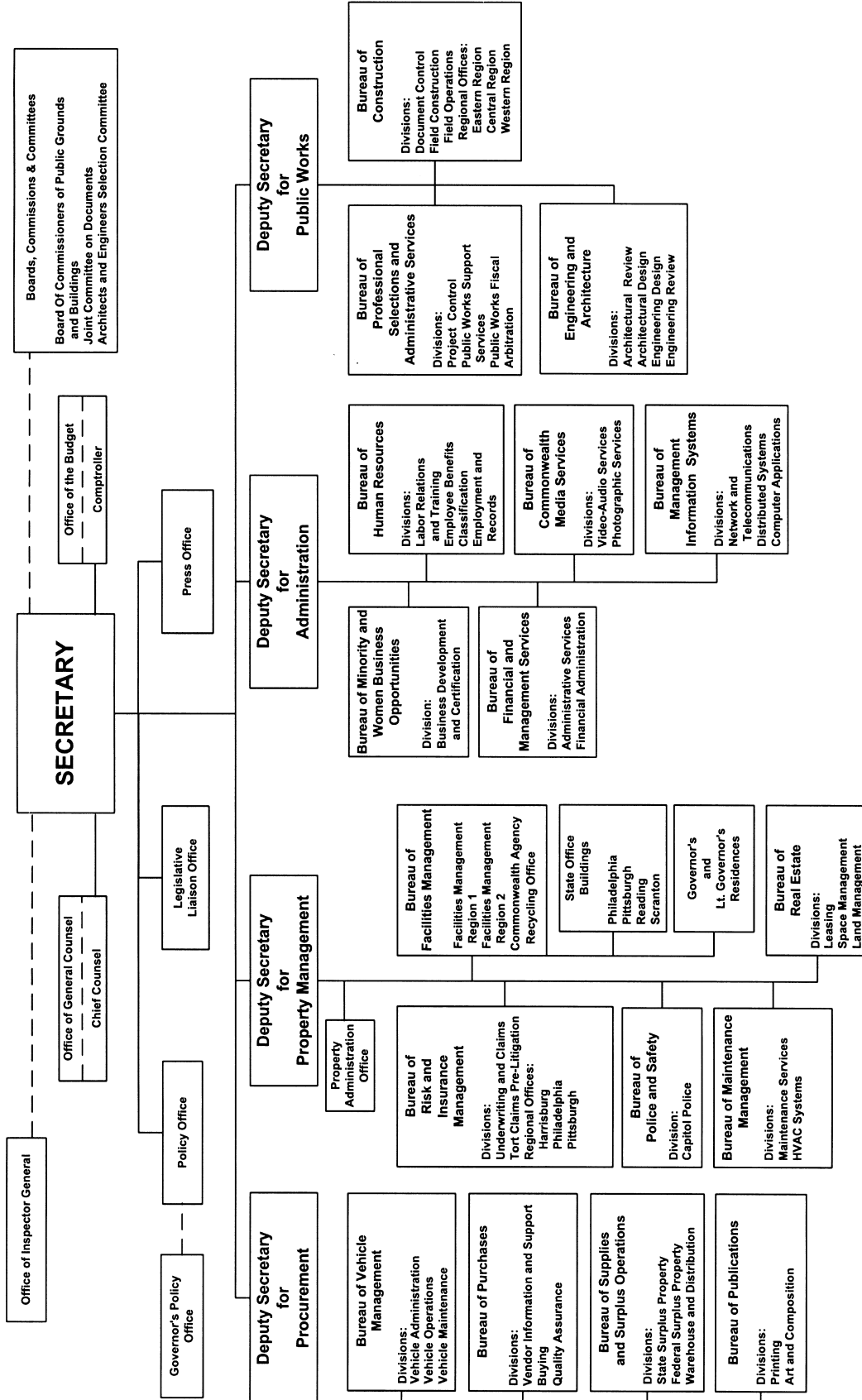
The Executive Board approved a reorganization of the Liquor Control Board effective December 14, 2004.

The organization chart at 34 Pa.B. 22 (January 1, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

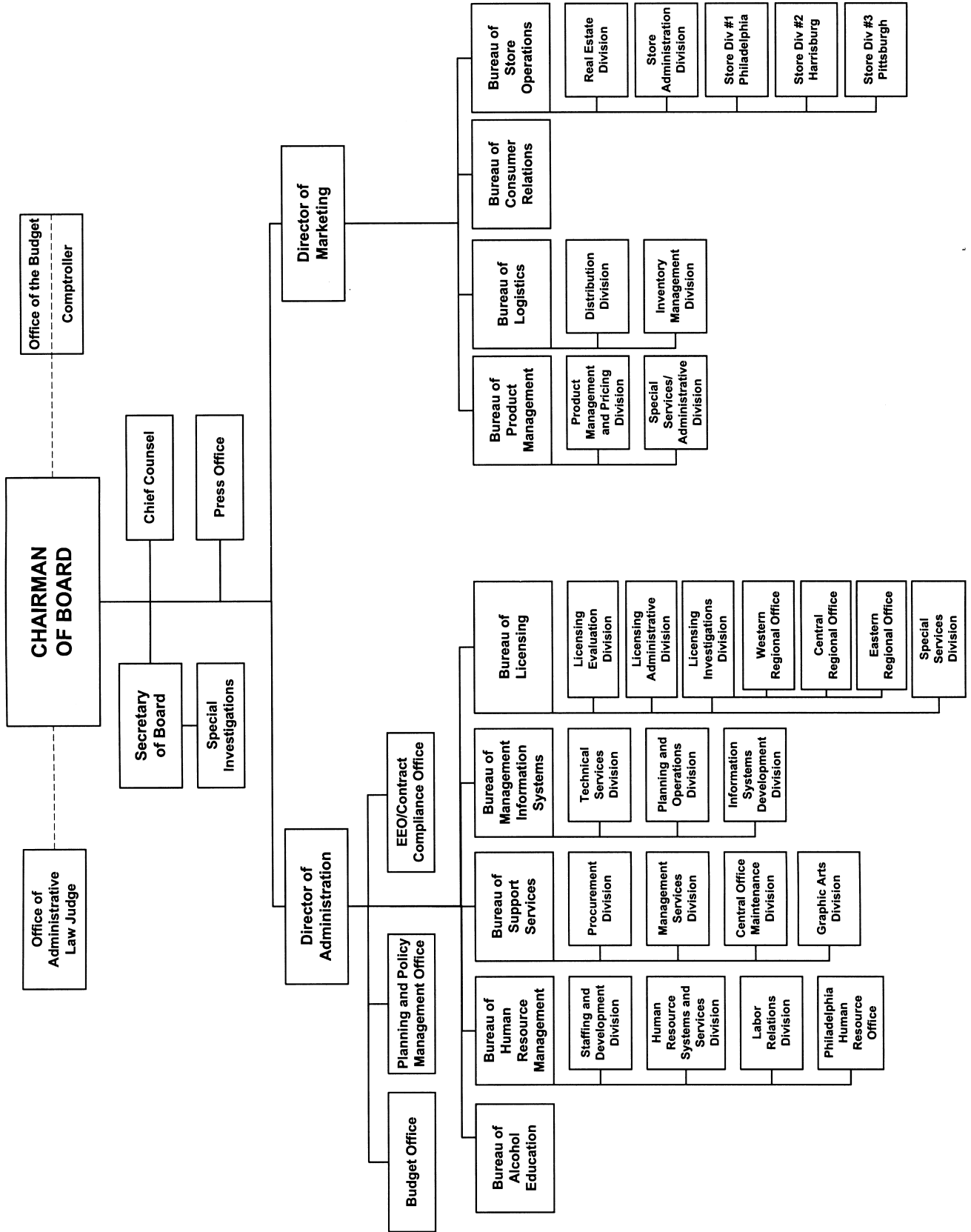
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 05-10. Filed for public inspection December 30, 2004, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES



LIQUOR CONTROL BOARD



# 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 21, 2004.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-16-04	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Effective
Represents reorganization into a mutual holding company to be known as Abington Mutual Holding Company, Jenkintown, PA, a newly formed Commonwealth mutual holding company, and 60% owner of Abington Community Bancorp, Inc., Jenkintown, PA, a newly formed Commonwealth stock holding company. Abington Savings Bank will be a wholly owned subsidiary of Abington Community Bancorp, Inc.			

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-04	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Effective
Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank in conjunction with the reorganization into a mutual holding company form of ownership listed previously.			

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-04	North Penn Bank Scranton Lackawanna County	Arlington Martin Subdivision Route 115 Chestnuthill Township Monroe County	Filed
12-17-04	Stonebridge Bank Exton Chester County	1212 Churchville Road Bel Air Harford County, MD	Approved

#### Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-4-04	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> One East Market Street York York County  <i>From:</i> 49 East Market Street York York County	Effective
12-13-04	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> 1570 Manheim Pike Lancaster Lancaster County  <i>From:</i> 2006 Miller Road East Petersburg Lancaster County	Effective
12-17-04	Northwest Savings Bank Warren Warren County	<i>Into:</i> 1265 West Chestnut Street Washington Canton Township Washington County  <i>From:</i> 125 West Beau Street Washington Washington County	Approved

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-04	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> 2170 West Union Boulevard Bethlehem Lehigh County  <i>From:</i> 1201 Airport Road Allentown Lehigh County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-04	Orrstown Bank Shippensburg Cumberland County	WalMart 1730 Lincoln Way East Chambersburg Franklin County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-20-04	Allegiance Bank of North America Bala Cynwyd Montgomery County	Articles of Amendment provide for the restatement of the Articles of Incorporation in their entirety.	Approved and Effective

**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>
12-15-04	Atlantic Credit Union, Newton Square, and Citadel Federal Credit Union, Thorndale Surviving Institution— Citadel Federal Credit Union, Thorndale	Newton Square	Approved
12-20-04	Franklin Credit Union, Franklin, and Oil Region Federal Credit Union, Oil City Surviving Institution— Franklin Credit Union, Franklin, with a change in corporate title to Franklin-Oil Region Credit Union, Franklin	Franklin	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-13-04	Diamond Credit Union Pottstown Montgomery County	1500 Ethan Drive Wyomissing Berks County	Opened

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-11. Filed for public inspection December 30, 2004, 9:00 a.m.]



# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Proposed Land Exchange

The Department of Conservation and Natural Resources (Department), Bureau of State Parks (Bureau) and Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. are proposing to negotiate an exchange of lands in the Borough of Archbald, Lackawanna County.

The Bureau is proposing to acquire from Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. a 3.84-acre parcel of land located on the northern border of Archbald Pothole State Park and a .038-acre parcel near the main entrance of the park. In return, the Bureau proposes to convey to Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. a 4.22-acre parcel of land in the southwest corner of the park. The purpose of this proposed land exchange is to acquire land identified in the Park Management Plan as a parcel for acquisition.

As is the policy of the Department, the public is hereby notified of this exchange. An informational public meeting is scheduled on Thursday, January 13, 2005, at Archbald Borough Building, 400 Church Street, Archbald, PA from 3 p.m. to 5 p.m. This meeting will begin a 30-day period for public inquiry and/or comment which will conclude on February 12, 2005. Those unable to attend the meeting are welcome to provide oral or written comments or questions concerning this proposed exchange to Alex Stout, Park Manager, Lackawanna State Park, R. R. 1 Box 230, Dalton, PA 18414-9785, (570) 945-3239. Oral and/or written comments received by the end of the 30-day public comment period will become part of the official record.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Park Manager Stout at (570) 945-3239 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-12. Filed for public inspection December 30, 2004, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA0081345 (Sewage)	Grier School P. O. Box 308, Route 453 Tyrone, PA 16686	Huntingdon County Birmingham Borough	11A—Little Juniata River	Y
PA0081647 (Sewage)	White Run Regional Municipal Authority 2001 Baltimore Pike Gettysburg, PA 17325-7015	Adams County Mount Joy Township	13D—White Run	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.*

**PA0024651**, Sewage, SIC 4952, **Atglen Borough Sewer Authority**, 120 West Main Street, P. O. Box 250, Atglen, PA 19310.

This proposed facility is located in Atglen Borough, **Chester County**. Description of Proposed Activity: Permit Amendment to include a Maximum Monthly Flow of 0.140 mgd.

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

**Application No. PA 0085537**, Industrial Waste, SIC Code 4941, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114.

This facility is located in Antis Township, **Blair County**. Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Bells Gap Run, is in Watershed 11-A, and classified for Trout Stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Water Authority located on the Juniata River, approximately 120 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 120 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		From 6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
Total Iron	2.0	4.0	5.0
Total Aluminum	3.5	7.0	8.7
Total Manganese	1.0	2.0	2.5

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

The EPA waiver is in effect.

**Application No. PA 0053091**, SIC Code 2033, Industrial Waste, **Giorgio Foods, Inc.**, P. O. Box 96, Temple, PA 19560.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Willow Creek, in Maiden creek Township, **Berks County**.

The receiving stream is classified for CWFs, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Maximum Instantaneous (mg/l)</i>
Flow	Monitor & Report		XXX
pH	6.0 to 9.0 at all times		
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Total Residual Chlorine	0.17	XXX	0.55
Dissolved Oxygen	Minimum of 5.0 at all times		
CBOD <sub>5</sub>	10	20	25
NH <sub>3</sub> -N (5/1 to 9/30)	1.5	3.0	3.5
NH <sub>3</sub> -N (10/1 to 4/30)	4.5	9.0	11.0
Fecal Coliform (5/1 to 9/30)	200	XXX	XXX
Fecal Coliform (10/1 to 4/30)	2,000	XXX	XXX
Color (P.C.)	XXX	100	100
Temperature	As required each month		

Persons may make an appointment to review the Department of Environmental Protection files on this case by calling Mary DiSanto, File Review Coordinator, (717) 705-4732.

The EPA waiver is in effect.

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

**PAS10F079-1R**, Construction Stormwater Discharge, **Department of Transportation**, P. O. Box 342, Clearfield, PA 16830.

The proposed facilities are located in Huston and Patton Townships, **Centre County**. Description of Proposed Activity: Stormwater detention basins, associated with the I-99 construction project, used for treatment of water affected by contact with pyritic materials.

The receiving streams are as follows:

<i>Stream Name</i>	<i>State Water Plan Watershed</i>	<i>Classification</i>
Bald Eagle Creek	9C	TSF
Buffalo Run	9C	HQ-CWF
Waddle Creek	9C	HQ-CWF

The nearest existing downstream public water supply intake for PA American Water Company, located on West Branch Susquehanna River at Milton, PA is 132 river miles below the points of discharge.

The proposed effluent limits for Outfalls 001 and 002, which will discharge to Bald Eagle Creek, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 (standard units)	
total suspended solids	35	70	90
sulfates		monitor/report	
alkalinity		greater than acidity	
arsenic		monitor/report	
Copper		monitor/report	
lead		monitor/report	
aluminum, dissolved		monitor/report	
aluminum, total	1.0	1.5	2.0
iron, dissolved		monitor/report	
iron, total	3.0	6.0	7.0
manganese, dissolved		monitor/report	
manganese, total	2.0	4.0	5.0
nickel		monitor/report	
zinc, dissolved		monitor/report	
zinc, total	0.5	0.75	1.0
cadmium		monitor/report	
chromium		monitor/report	

The proposed effluent limits for Outfalls 003 through 008, which will discharge to Buffalo Run, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.5 to 9.0 (standard units)	
total suspended solids	8	12	16
sulfates	14	21	28
alkalinity		greater than acidity	
arsenic		nondetectable	
copper		nondetectable	
lead		nondetectable	
aluminum, dissolved	0.032	0.048	0.064
aluminum, total	0.061	0.092	0.122
iron, dissolved	0.024	0.036	0.048
iron, total	0.078	0.117	0.156
manganese, dissolved	0.002	0.003	0.004
manganese, total	0.006	0.009	0.012
nickel		nondetectable	
zinc, dissolved	0.006	.009	0.012
zinc, total	0.006	0.009	0.012
cadmium		nondetectable	
chromium		nondetectable	

The proposed effluent limits for Outfall 009, which will discharge to Waddle Creek, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.5 to 9.0 (standard units)	
total suspended solids	28	42	56
sulfates	21	31.5	42
alkalinity		greater than acidity	
arsenic		nondetectable	
copper		nondetectable	
lead		nondetectable	
aluminum, dissolved	0.032	0.048	0.064
aluminum, total	0.061	0.092	0.122
iron, dissolved	0.024	0.036	0.048
iron, total	0.078	0.117	0.156
manganese, dissolved	0.002	0.003	0.004
manganese, total	0.006	0.009	0.012
nickel		nondetectable	
zinc, dissolved	0.006	0.009	0.012
zinc, total	0.006	0.009	0.012
cadmium		nondetectable	
chromium		nondetectable	

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

1. Sampling requirements
2. Requirements for retention of records
3. Recording requirements
4. Testing requirements
5. Quality assurance/quality control requirements
6. Submission of Discharge Monitoring Reports
7. Requirements for management of precipitated solids

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

**PA0002917-A1**, Industrial Waste, SIC, 4911, **Allegheny Energy Supply Company**, LLC, 4350 Northern Pike, Monroeville, PA 15146.

This application is for amendment of an NPDES permit to discharge treated stormwater and leachate from a new ash disposal site (Outfall 015)—Armstrong Power Station in Washington Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River and its tributaries, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Kittanning Suburban Joint Water Authority, located at Kittanning, 6.7 miles below the discharge point.

Outfall 115: new discharge, design flow of 0.080 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Iron			3.5	7.0	
pH (S.U.)	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

Outfall 215: new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Iron			3.5	7.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 215: new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Iron			3.5	7.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 315: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This outfall shall discharge groundwater (subgrade drain from south pond) only.					

Outfall 015: new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This outfall receives and discharges wastewater contributions from Internal Monitoring Points 115, 215 and 315. Specific permit limits and monitoring requirements are imposed at the internal monitoring points.					

Outfall 016: new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Flow			3.5	7.0	
pH	not less than 6.0 nor greater than 9.0				

**PA0205699**, Industrial Waste, SIC, 4941, **Cowanshannock Township Municipal Authority**, P. O. Box 127, Nu Mine, PA 16244.

This application is for renewal of an NPDES permit to discharge filter backwash water from Yatesboro Water Treatment Plant in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Cowanshannock Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Western PA Water Company, located at Allegheny River, 19.18 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0065 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			30		60
Total Iron			1.9		3.8
Aluminum (T)			0.62		1.2
Manganese (T)			1.0		2.0
Copper			0.006		0.012
Total Residual Chlorine			0.014		0.028
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0025992**, Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597.

This application is for renewal of an NPDES permit to discharge treated sewage from Longvue No. 1 STP in McCandless Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Pine Creek, which are classified as a TSF 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 West View Water Authority—Ohio River.

Outfall 001: existing discharge, proposed design flow of 1.9 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5/1 to 10/31)	20	30		40
(11/1 to 4/30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5/1 to 10/31)	1.9	2.8		3.8
(11/1 to 4/30)	2.8	4.2		5.6
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2000/100 ml as a geometric mean			
Total Residual Chlorine				
at 1.2 mgd	0.3			0.9
at 1.9 mgd	0.25			0.75
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0094676**, Sewage, **Twin Lakes Center, Inc.**, 224 Twin Lake Road, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from Twin Lakes Center STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Coxes 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 Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.0059 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5/1 to 10/31)	6.0			12.0
(11/1 to 4/30)	18.0			36.0
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	6,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098469**, Sewage, **Community Bank**, 100 North Market Street, Carmichaels, PA 15320.

This application is for renewal of an NPDES permit to discharge treated sewage from Community Bank Pioneer Office STP in Center Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Fork Ten Mile Creek, which are classified as a H-Q 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 Tri County Joint Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.0001 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5/1 to 10/31)	4.0			8.0
(11/1 to 4/30)	12.0			24.0
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0025615-A2**, Industrial Waste, SIC, 4911, **First Energy Nuclear Operation Company**, 175 S. Main Street, Akron, OH 44308.

This application is for amendment of an NPDES permit to discharge treated process water, sewage, cooling water, stormwater and untreated cooling water stormwater from Beaver Valley Power Station in Shippingport Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River and Peggs Run, classified as WWFs 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 Midland Borough Water Authority, located at 1.0 miles below the discharge point.

*Outfall 503*: new discharge, design flow of 0.001 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH (S.U.)	not less than 6 nor greater than 9				

The EPA waiver is not in effect.

**PA0110990**, Industrial Waste, SIC, 4941, **Central City Water Authority**, 241 Sunshine Avenue, Central City, PA 15926.

This application is for renewal of an NPDES permit to discharge backwash water and untreated stormwater from the Central City Water Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, a wetland that feeds an UNT of Dark Shade Creek, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water works, located approximately 50 miles downstream in Saltsburg, PA.

*Outfall 001*: existing discharge, design flow of 0.02 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0

## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	not less than 6.0 nor greater than 9.0		0.5		1.0
pH					

*Outfall 002:* Existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Monthly	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			Monitor and Report		
Aluminum			Monitor and Report		
Iron			Monitor and Report		
Manganese			Monitor and Report		
pH	Monitor and Report				

The EPA waiver is in effect.

**PA0033871**, Sewage, Frank T. Perano, **GSP Management Company**, P. O. Box 677, Morgantown, PA 19543.

This application is for renewal of an NPDES permit to discharge treated sewage from the Northview Estates Mobile Home Park STP in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an UNT of McKee 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 Ernest Borough Water System.

*Outfall 001:* existing discharge, design flow of 0.0575 mgd.

Parameter	Concentration (mg/l)				
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	
CBOD <sub>5</sub>	25			50	
Suspended Solids	30			60	
Ammonia Nitrogen					
(5/1 to 10/31)	2.5			5.0	
(11/1 to 4/30)	4.0			8.0	
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a geometric mean				
(10/1 to 4/30)	2000/100 ml as a geometric mean				
Total Residual Chlorine	1.4			3.3	
Dissolved Oxygen	not less than 5.0 mg/l				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0094137**, Sewage, **RJ & L Limited Partnership**, 9073 Nemo Street, West Hollywood, CA 90069.

This application is for renewal of an NPDES permit to discharge treated sewage from Suburban Terrace Mobile Home Park Sewage Treatment Plant in Hopewell Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Boggs Run, 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 Midland Borough Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.023 mgd.

Parameter	Concentration (mg/l)				
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	
CBOD <sub>5</sub>	10			20	
Suspended Solids	10			20	
Ammonia Nitrogen					
(5/1 to 10/31)	2.0			4.0	
(11/1 to 4/30)	3.0			6.0	
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a geometric mean				
(10/1 to 4/30)	2,000/100 ml as a geometric mean				
Total Residual Chlorine	0.01			0.03	
Dissolved Oxygen	not less than 3 mg/l				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.



**PA0252760**, Sewage, **Pine Township Supervisors**, P. O. Box 311, Templeton, PA 16259.

This application is for issuance of an NPDES permit to discharge treated sewage from Templeton Sewage Treatment Plant in Pine Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Kittanning Suburban Joint Water Authority.

*Outfall 001*: new discharge, design flow of 0.06 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2000/100 ml 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.

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

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

**WQM Permit No. 4004405**, Sewerage, **Hazle Township Municipal Authority**, P. O. Box 502, Harleigh, PA 18225.

This proposed facility is located in Hazle Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project consists of construction of nine wastewater pumps stations, sanitary sewer collection and conveyance lines in an along the Southside areas in Hazle Township, from the Village of Harwood eastward to the Village of Stockton No. 6.

**WQM Permit No. 3504402**, Sewerage, **South Abington Sewer Authority**, 104 Shady Lane Road, P. O. Box 259, Chinchilla, PA 18410.

This proposed facility is located in South Abington Township, **Lackawanna County**, PA.

Description of Proposed Action/Activity: This project consists of replacing the existing force mains for pump station 1 and pump station 2.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011504087	Ilse Helffrich Munzinger Munzinger Development 2731 Hill Camp Road P. O. Box 84 St. Peters, PA 19470	Chester	Warwick Township	French Creek (EV)
PAI011504088	Landview Property Group, LLC Landview Property Group Dev. 256 Eagleview Boulevard Ste. 302 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)
PAI011504089	Holly Place Associates FreedomValley Properties Dev. 604 Jeffer Circle Exton, PA 19341	Chester	South Coventry Township	UNT French Creek (EV)

*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>
PAI023904024	Gregg Feinberg 1390 Ridgeview Rd. Ste. 301 Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804042	Mark Wagner Wagner Enterprises, LTD P. O. Box 3154 Easton, PA 18043	Northampton	City of Bethlehem	Saucon Creek, HQ-CWF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504009	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township	Brodhead Creek, HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0306-04-004	Central Penn Property Services 100 S. 7th Street Akron, PA 17501	Berks	Robeson Township	Hay Creek/EV
PAI-0321-04-002	D & S Custom Homes 195 East Yellow Breeches Creek Road Carlisle, PA 17013	Cumberland	Dickinson Township	Yellow Breeches Creek/HQ-CWF

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

**PAS10F079-1R**, Construction Stormwater Discharge, **Department of Transportation**, P. O. Box 342, Clearfield, PA 16830.

The proposed facilities are located in Huston and Patton Townships, **Centre County**.

Description of Proposed Activity: Stormwater detention basins, associated with the I-99 construction project, used for treatment of water affected by contact with pyritic materials.

The receiving streams are as follows:

<i>Stream Name</i>	<i>State Water Plan Watershed</i>	<i>Classification</i>
Bald Eagle Creek	9C	TSF
Buffalo Run	9C	HQ-CWF
Waddle Creek	9C	HQ-CWF

The nearest existing downstream public water supply intake for PA American Water Company, located on West Branch Susquehanna River at Milton, PA is 132 river miles below the points of discharge.

The proposed effluent limits for Outfalls 001 and 002, which will discharge to Bald Eagle Creek, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 (standard units)	
total suspended solids	35	70	90
sulfates		monitor/report	
alkalinity		greater than acidity	
arsenic		monitor/report	
copper		monitor/report	
lead		monitor/report	
aluminum, dissolved		monitor/report	
aluminum, total	1.0	1.5	2.0
iron, dissolved		monitor/report	

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
iron, total	3.0	6.0	7.0
manganese, dissolved		monitor/report	
manganese, total	2.0	4.0	5.0
nickel		monitor/report	
zinc, dissolved		monitor/report	
zinc, total	0.5	0.75	1.0
cadmium		monitor/report	
chromium		monitor/report	

The proposed effluent limits for Outfalls 003 through 008, which will discharge to Buffalo Run, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Instantaneous Daily</i>	<i>Maximum Maximum</i>
pH		6.5 to 9.0 (standard units)	
total suspended solids	8	12	16
sulfates	14	21	28
alkalinity		greater than acidity	
arsenic		nondetectable	
copper		nondetectable	
lead		nondetectable	
aluminum, dissolved	0.032	0.048	0.064
aluminum, total	0.061	0.092	0.122
iron, dissolved	0.024	0.036	0.048
iron, total	0.078	0.117	0.156
manganese, dissolved	0.002	0.003	0.004
manganese, total	0.006	0.009	0.012
nickel		nondetectable	
zinc, dissolved	0.006	0.009	0.012
zinc, total	0.006	0.009	0.012
cadmium		nondetectable	
chromium		nondetectable	

The proposed effluent limits for Outfall 009, which will discharge to Waddle Creek, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.5 to 9.0 (standard units)	
total suspended solids	28	42	56
sulfates	21	31.5	42
alkalinity		greater than acidity	
arsenic		nondetectable	
copper		nondetectable	
lead		nondetectable	
aluminum, dissolved	0.032	0.048	0.064
aluminum, total	0.061	0.092	0.122
iron, dissolved	0.024	0.036	0.048
iron, total	0.078	0.117	0.156
manganese, dissolved	0.002	0.003	0.004
manganese, total	0.006	0.009	0.012
nickel		nondetectable	
zinc, dissolved	0.006	0.009	0.012
zinc, total	0.006	0.009	0.012
cadmium		nondetectable	
chromium		nondetectable	

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

1. Sampling requirements
2. Requirements for retention of records
3. Recording requirements
4. Testing requirements
5. Quality assurance/quality control requirements
6. Submission of Discharge Monitoring Reports

7. Requirements for management of precipitated solids

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

NPDES Permit

No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041404017	John Heim Tricore Group 444 E. Beaver Ave. State College, PA 16801	Centre	Halfmoon Township	UNT Halfmoon Creek HQ-CWF

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

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

**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.*

**Academic Prop., Inc.**, City of Philadelphia, **Philadelphia County**. John Walker, INTEX Env., Group, Inc., 6205 Easton Road, Pipersville, PA 18947 on behalf of Alice Beck Dubow, Academic Prop., Inc., 3201 Arch St., Suite 310, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and paved alleyway at the site were contaminated with No. 2 fuel oil. This site is residential and will remain.

**225-300 Washington St. Prop.**, Conshohocken Borough, **Montgomery County**. Michael Gonshor, PG, Roux Assoc., Inc., 1222 Forest Parkway Suite 190, West Deptford, NJ 08066 on behalf of Scott Backer, Washington St. Assoc., II, LP, has submitted an amended Notice of Intent to Remediate. Soil at the site was impacted with PAH, PB and VOCs. Planned future use for the site is residential multistory apartments and parking.

*Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Buckeye Pipeline Macungie Station**, Lower Macungie Township, **Lehigh County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bethlehem Pike, Bethlehem, PA 18017 has submitted a Notice of Intent to Remediate (on behalf of his client, Buckeye Pipeline Co., LP, 5002 Buckeye Road, Emmaus, Pa 18049) concerning the remediation of soils impacted by the release of unleaded gasoline constituents. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will remain as a pipeline pumping station and storage facility. A summary of the Notice of Intent to Remediate is expected to be published shortly in a local newspaper serving the general area. A Final Report was simultaneously submitted.

**Gansfuss Property (41 Crest Drive, Split Rock Resort Development)**, Kidder Township, **Carbon County**. Scott Alderfer, P. G., Project Manager, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Notice of Intent to Remediate (on behalf of his client, Yawga Energy Products LLC, f/k/a Agway Energy Products, 5790 Widewaters Parkway, Dewitt, NY 13214) concerning the remediation of an accidental release of No. 2 fuel oil in a residential home basement. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Times News* on November 6, 2004. The proposed future use of the property is continuation as a private residence. A Final Report was simultaneously submitted.

**UGI Utilities, Inc.—Hazleton Service Center**, City of Hazleton, **Luzerne County**. J. C. Rondeau, Division Engineer—Environmental, UGI Utilities, Inc., 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677 has submitted a Notice of Intent to Remediate concerning the characterization of soils and groundwater found or suspected to have been contaminated by petroleum products, polycyclic aromatic hydrocarbons and other potential constituents related to the site's historic use as a manufactured gas plant. The applicant proposes to remediate the site to meet the Site-specific standard. The property will continue to be used by the company for customer service and maintenance activities and as a gas transmission center. A summary of the Notice of Intent to Remediate is expected to be published in the *Hazleton Standard Speaker* in the near future.

**Former Ashley Rail Yards (14 acre eastern parcel)**, Borough of Ashley, **Luzerne County**. Eric Roberts, P. E., Excalibur Group, LLC, 3905 Maurice Court, Monrovia, MD 21770 has submitted a Notice of Intent to Remediate (on behalf of his client, The Redevelopment Authority of Luzerne County, Suite 210, 16 Luzerne Avenue, Pittston, PA 18643) concerning the characterization of soils and groundwater found or suspected to have been impacted by contamination associated with the historic rail yard operations and maintenance facilities. Potential contaminants may include petroleum constituents, volatile and semi-volatile compounds, metals and PCBs. The proposed future use of the property will remain as light industrial. A summary of the Notice of Intent to Remediate is expected to be published shortly in a local newspaper serving the general area. The property has been identified as a Keystone Opportunity Zone and the applicant proposes to remediate the site to meet the Special Industrial Area standard.

**Buckeye Nicholson Pumping Station**, Lathrop Township, **Susquehanna County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bethlehem Pike, Bethlehem, PA 18017 has submitted a Notice of Intent to Remediate (on behalf of his client, Buckeye Pipeline Co., LP, 5002 Buckeye Road, Emmaus, PA 18049) concerning the remediation of soils impacted by the release of unleaded gasoline constituents. The applicant proposes to remediate the site to meet the residential Statewide Health Standard. The proposed future use of the property will remain as a pipeline pumping station. A summary of the Notice of Intent to Remediate was reportedly published in the *Scranton Times* on October 29, 2004. A Final Report was simultaneously submitted.

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

**Former Sunoco York Terminal**, City of York, **York County**. Groundwater and Environmental Services, Inc.,

410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Sunoco, Inc., Blueball Avenue and Post Road, Marcus Hook, PA 19061, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil and unleaded gas. The report is intended to document remediation of the site to the Site-specific and Statewide Health standards.

**Brookwood Street Property**, City of Harrisburg, **Dauphin County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Brookwood Building Corporation, 112 Nagle Street, Harrisburg, PA 17104, submitted a revised Notice of Intent to Remediate site soils contaminated by petroleum. The applicant proposes to remediate the site to a site-specific standard. The intended future use of the site includes office and warehouse space.

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

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 101625. Tamaqua Transfer & Recycling Facility**, Environmental Awareness Corp., Inc., 244 East Broad Street, Tamaqua, PA 18252. A Permit Renewal application for the continued operation of this municipal waste transfer facility located in Walker Township, **Schuylkill County**. The application was received in the Regional Office on October 15, 2004, and it was deemed administratively complete as of December 13, 2004.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

**28-05020A: T. B. Woods, Inc.** (440 North Fifth Avenue, Chambersburg, PA 17201) for installation of a fabric collector to control particulate matter emissions from an existing table blast machine at their iron foundry in Chambersburg Borough, **Franklin County**.

**67-03129A: Gamlet, Inc.** (190 Carlisle Avenue, York, PA 17404) for construction of a surface coating operation at their industrial and electrical enclosure manufacturing facility in York City, **York County**.

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

**30-00077A: Texas Eastern Transmission** (P. O. Box 1642, Houston, TX 77251) for modification (uprate) of a Solar-manufactured turbine at their Holbrook Compressor Station in Richhill Township, **Greene County**.

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

**AMS 04301: Cardone Industries Inc.** (5501 Whitaker Ave, Philadelphia, PA 19124) for installation of several air heating units in Philadelphia, **Philadelphia County**.

**AMS 04303: The Purolite Co.** (3620 G Street, Philadelphia, PA 19134) for modification of existing copolymer process in Philadelphia, **Philadelphia County**.

**AMS 4305: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19141) for installation of two emergency generators in Philadelphia, **Philadelphia 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.*

**46-0041C: Jefferson Smurfit Corp.** (1035 Longford Road, Phoenixville, PA 19460) for installation of an eight-color, 32-inch wide flexographic printing press at their Jefferson Smurfit Oaks facility. The press will be equipped with eight natural gas fired dryers. The Jefferson Smurfit Oaks facility is a Title V facility in Upper Providence Township, **Montgomery County**. This installation will result in a VOC emission increase of 12.5 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0112C: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) for modification of processes in Building A, at their facility in Skippack Township, **Montgomery County**. This facility is a nonTitle V facility. Modifications are to the handling and transport of particle production and materials. Modifications will result in emission increase as follows: 1) for NOx, an increase of 7.05 tons per year, 2) for CO, an increase of 11.24 tons per year and 3) for HAPs, an increase of 0.02 ton per year. The existing thermal oxidizer will continue to control emissions of VOCs and HAPs. Emissions of PM will be controlled by a combination of dust collectors, in-line filters and the existing thermal oxidizer. The Plan Approval will contain recordkeeping and further restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**40-303-020A: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) for the modification of an existing batch asphalt plant to utilize recycled asphalt pavement in the process at their Pikes Creek Asphalt facility in Lehman Township, **Luzerne County**. This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 15% RAP into the 360 ton per hour facility. The company has elected to take a voluntary production restriction of 400,000 tons of asphalt per year. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90–60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

**48-318-136: Lifetime Doors, Inc.** (4111 Kesslersville Road, Easton, PA 18040) for construction of a paint spray booth with associated air cleaning device at their facility in Forks Township, **Northampton County**. This facility is a nonTitle V facility. The VOC emissions associated with this project will be less than 1.0 TPY. The particulate emissions will be less than 0.02 grain per dry standard cubic foot. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for opacity. The company will operate

the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and amended Synthetic Minor Operating Permit (No. 48-00053) will contain additional recordkeeping 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.*

**06-03069C: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, Pa 19422) for construction of additional equipment at a nonmetallic mineral crushing plant controlled by wet suppression in Alsace Township, **Berks County**. The facility is a nonTitle V (State only) facility. The equipment is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for New Stationary Source. The approval will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**36-05027F: RR Donnelley and Sons Co.** (216 Greenfield Road, Lancaster, PA 17601-5885) to expand their current solvent recovery system to control VOC emissions from a previously permitted rotogravure printing press at their Lancaster East facility in Lancaster City, **Lancaster County**. This is a Title V facility. There is no increase in air emissions from the expanded control device. Applicable requirements include 40 CFR Part 60, New Source Performance Standard Subpart QQ and 40 CFR Part 63, MACT Subpart KK. Monitoring, recordkeeping and other restrictions are included to keep the facility operating within applicable requirements.

**36-05119B: Signature Custom Cabinetry, Inc.** (434 Springville Road, Ephrata, PA 17522) for the wood cabinet manufacturing coating spray booths at their facility in Ephrata Township, **Lancaster County**. This application is estimated to increase the annual VOC emissions by 5.31 tons. The Plan Approval shall contain additional monitoring, recordkeeping and reporting designed to keep the facility operating within the applicable air quality requirements. This Plan Approval will be incorporated into facility's Synthetic Minor Operating Permit number 36-05119 by administrative amendment to the permit.

**38-05031A: Supreme Mid-Atlantic Corp.** (411 Jonestown Road, P. O. Box 779, Jonestown, PA 17038) for installation of additional parts coating lines at a newly acquired adjacent and contiguous building within Plant No. 1 in Union Township, **Lebanon County**. VOC emissions are not expected to increase beyond 9.99 tons per year since the company will primarily use lower VOC coatings. The plan approval shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements in the ensuing facility-wide operating permit.

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

**41-00064A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a jaw crusher, feeder and two conveyors in an existing stone crushing plant (Hagerman's Run, Plant No. 12) in Armstrong Township, **Lycoming County**.

A water spray dust suppression system will be used to control the fugitive particulate matter emissions from the jaw crusher, feeder and two conveyors (including particu-

late matter with and aerodynamic diameter of ten or less microns also known as PM10). The resultant particulate matter emissions are projected to be no greater than 2.98 tons per year, of which no more than 1.42 tons per year will be PM10.

The Department's review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the jaw crusher, feeder and two conveyors will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and 40 CFR 60.670—60.676 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the jaw crusher, feeder and two conveyors.

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

1. All conditions of Plan Approvals 41-310-012 and 41-310-012A remain in force unless specifically amended or superseded by a condition contained herein.

2. The water spray dust suppression system shall, at a minimum, incorporate two spray nozzles at the feeder, one spray nozzle at the jaw crusher feed and one spray nozzle at the head pulley of the 42" x 30' channel frame conveyor.

3. The jaw crusher, feeder and two conveyors shall not be operated at any time the water spray dust suppression system is incapable of operation.

**17-305-042C: DTE River Hill, LLC,—DTE, Synfuel Operations, LLC** (414 South Main Street, Ann Arbor, Michigan 48104) for construction of a coal railcar unloading operation and an agglomerated coal fines ("synfuel") railcar loading operation at their existing synfuel facility in Karthaus Township, **Clearfield County**.

The facility manufactures an agglomerated coal fines product, commonly referred to as synfuel, from bituminous coal.

The proposed coal railcar unloading operation will consist of a hydraulic excavator incorporating a 275 brake horsepower diesel engine, a double roll crusher, a 25-ton surge bin, a 200-ton silo and a conveyor. The particulate matter emissions from the crusher will be controlled by a cartridge collector (including particulate matter with an aerodynamic diameter of 10 microns or less also known as PM10). The particulate matter/PM10 emissions from the silo will be controlled by a bin vent fabric collector. The fugitive particulate matter/PM10 emissions from the conveyor will be controlled by an enclosure.

The proposed synfuel railcar loading operation will consist of a diverter gate, a 100-ton loadout bin, a rail car loading chute and two conveyors. The particulate matter/PM10 emissions from the railcar loading chute will be controlled by the use of a telescopic chute and the particulate matter/PM10 emissions from the conveyors will be controlled by enclosures.

The coal railcar unloading operation and synfuel railcar loading operation are not expected to emit more than 6.83 tons of NOx, 3.93 tons of CO, .60 ton of nonmethane hydrocarbons, 1.43 tons of sulfur oxides and 5.58 tons of particulate matter, of which no more than 3.86 tons will be PM10, per year.

The Department's review of the information provided by DTE River Hill, LLC/DTE Synfuel Operations, LLC

indicates that the proposed coal railcar unloading operation and synfuel railcar loading operation will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and 40 CFR 60.250—60.254 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the coal railcar unloading operation and synfuel railcar loading operation.

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

1. All conditions contained in Operating Permit 17-305-042 remain in effect unless specifically amended or superseded by a condition contained herein.

2. The particulate matter concentration in the exhaust of the cartridge collector associated with the double roll crusher and the bin vent fabric collector associated with the silo shall not exceed .01 grain per dry standard cubic foot of collector exhaust.

3. The cartridge collector and bin vent fabric collector shall each be equipped with instrumentation to monitor the differential pressure across the collector on a continuous basis.

4. The air compressor used to supply compressed air to the cartridge collector and the bin vent fabric collector shall be equipped with an air dryer and an oil trap.

5. Spare cartridges and bags shall be kept on hand for the cartridge collector and bin vent fabric collector.

6. All conveyors shall be equipped with full enclosures.

7. The telescopic synfuel railcar loading chute shall be manned at all times it is in use to ensure that the free fall distance from the chute is minimized.

8. Water shall be applied, as necessary, to prevent the occurrence of fugitive particulate matter emissions from the coal railcar unloading operation.

9. The NO<sub>x</sub>, CO, nonmethane hydrocarbon and particulate matter/PM<sub>10</sub> emissions from the diesel engine incorporated in the hydraulic excavator shall not exceed 4.5, 2.6, .4 and .15 grams per brake horsepower—hour, respectively, nor shall they exceed 2.73, 1.57, .24 and .09 pounds per hour, respectively.

10. The diesel engine incorporated in the hydraulic excavator shall be fired only on diesel fuel or No. 2 fuel oil to which no reprocessed or waste oil or other waste materials have been added. Additionally, the sulfur content of the diesel fuel/No. 2 fuel oil shall not exceed .3% by weight. Analyses or samples of the diesel oil/No. 2 fuel oil used shall be provided to the Department upon request.

11. The hydraulic excavator shall not be operated more than 5,000 hours in any 12 consecutive month period.

12. Following the construction of the coal railcar unloading operation, the drying oven currently existing in the facility shall not be operated in excess of 1,000 hours in any 12 consecutive month period.

13. Records shall be maintained of the number of hours the hydraulic excavator is operated each month. All such records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

**AMS 04109: Perfecseal Inc.** (9800 Bustleton Avenue, Philadelphia, PA 19115) for installation of a baghouse and two cyclones in their existing plant in the City of Philadelphia, **Philadelphia County**. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 04134: Perfecseal, Inc.** (9800 Bustleton Avenue, Philadelphia, PA 19115) for installation of a Mark Andy 4150-16 inch, three color flexographic printing press in the City of Philadelphia, **Philadelphia County**. Since this a replacement no emission increases are expected. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 04207: Wayne Mill Co., Inc.** (130 W. Berkley Street, Philadelphia, PA 19144) for installation of a 200 hp, No. 4 oil fired boiler. Nitrogen Oxide emissions from the facility will increase by 2.4 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 04289: Ivy Hill Cemetery Co.** (1201 Easton Road, Philadelphia, PA 19150) for installation of a 200 pounds per hour human crematory. The installation permit will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

## OPERATING PERMITS

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

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

**22-05005: NRG Energy Center Paxton, LLC** (100 North Tenth Street, Harrisburg, PA 17105-2151) in the City of Harrisburg, **Dauphin County**. The facility's major sources of emissions include four boilers, natural gas and No. 6 oil fired and two engines, No. 2 oil fired. The sources primarily emit NO<sub>x</sub>. This is a renewal of their Title V Operating Permit issued in April 2000.

**31-05011: US Silica Co.** (P.O. Box 187, Berkeley Springs, WV 25411-0187) in Brady Township, **Huntingdon County**. At this facility, silica sand is quarried, processed for industrial use and loaded for shipping. This is a renewal of their Title V Operating Permit issued in February 2000.

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

**11-00288: Johnstown American Corp.** (17 Johns Street, Johnstown, PA 15907) for operation of railroad equipment painting operations at Franklin Plant in Franklin Borough, **Cambria County**. This is a TV Renewal.



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

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

**09-00159: Colorcon** (171 New Britain Boulevard, Chalfont, PA 18914) for operation of their Chemical productions facility in New Britain Township, **Bucks County**. The permit is for a nonTitle V (State only) facility. Major sources of air emissions include various mills and mixers, which vent to a bag house. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00087: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) for operation of their Industrial gas processing facility in Falls Township, **Bucks County**. The permit is for a nonTitle V (State only) facility. Major sources of air emissions include seven product lines for high quality industrial gases, each with its own control devices. The permit will include monitoring, recordkeeping and reporting requirements 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.*

**36-03126: Sylvan Technologies, Inc.** (P. O. Box 308, 84 Denver Road, Denver, PA 17517) for their PVC pellet production facility in East Cocalico Township, **Lancaster County**. The facility has a potential to emit 54 tons/yr of particulate matter. The State only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-03007: Eagle Evans Burial Vaults, Inc.** (15 Graybill Road, Leola, PA 17540) for operation of a human crematorium in Heidelberg Township, **Lebanon County**. The permit reflects the recent ownership transfer of the facility from the Con-O-Lite Burial Vaults Company. The facility has the potential to emit approximately 1 ton of NOx per year. The natural minor operating permit will include all of the requirements from the previous permit to ensure the facility operates in compliance with the applicable requirements.

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

**08-00025: Northern Bradford Crematory** (502 North Keystone Avenue, South Waverly, PA 18840) for operation of their crematory facility in South Waverly Borough, **Bradford County**.

The crematory facility incorporates a crematory incinerator used to cremate human remains. This incinerator is equipped with an integral secondary combustion chamber for air pollution control purposes. The air contaminant emissions from the crematory facility are not expected to exceed 3.02 tons of NOx, .21 ton of CO, .05 ton of VOCs and .94 ton of particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less also known as PM10) per year.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department proposes to incorporate into the operating permit to be issued all conditions contained in existing Operating Permit 08-301-107 issued on April 11, 2000. These conditions include a requirement that the secondary combustion chamber of the crematory incinerator be operated at a temperature of at least 1,800°F, a requirement that the secondary combustion chamber temperature be continuously monitored and recorded and a requirement that the incinerator not be used to incinerate anything other than human remains and associated containers.

**41-00064: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for operation of a stone crushing plant (Hagerman's Run, Plant No. 12) in Armstrong Township, **Lycoming County**.

The stone crushing plant incorporates various pieces of stone crushing, screening and conveying equipment. The fugitive particulate matter emissions from this plant (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) are controlled by two fabric collectors and a water spray dust suppression system. The crushing, screening and conveying equipment is expected to emit up to 16.6 tons of particulate matter per year, of which up to 13.2 tons per year may be PM10. There will potentially be additional particulate matter/PM10 emissions from the vehicular traffic on the plant's haul roads, but this will be minimized via the use of a water truck and truck wash station.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department proposes to incorporate into the operating permit to be issued all relevant conditions established in Plan Approval 41-310-012 issued on April 1, 2003, as well as all relevant conditions established in Plan Approval 41-310-012A issued on June 15, 2004. The conditions established in both plan approvals were made available for public comment prior to plan approval issuance.

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

**30-00147: Coal Gas Recovery, LP** (P. O. Box 1020, 158, Portal Road, Waynesburg, PA 15370) for a gas processing facility in Whiteley Township, **Greene County**.

**32-00380: Tipple Four J, Inc.** (P. O. Box 194, Shelocta, PA 15774) for an existing coal processing facility consisting of crushing, screening and stockpiling of bituminous coal at Tipple Four J Site in Armstrong Township, **Indiana County**.

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

**S03-06: Germantown Hospital and Community Health Services** (One Penn Boulevard, Philadelphia, PA 19144) for operation in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include two 600 hp boilers, a 350 hp boiler and two emergency generators.

The operating permit will be issued under the *Pennsylvania Code* Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other

supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (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 thirty days before the hearing.

**S03-08: Nazareth Hospital** (2601 Holme Avenue, Philadelphia, PA 19152) for operation in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include a 500 hp boiler, a 400 hp boiler, a 350 hp boiler and four emergency generators.

The operating permit will be reissued under the *Pennsylvania Code* Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (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 thirty days before the hearing.

**S03-009: Jowitt & Rodgers Co.** (9400 State Road, Philadelphia, PA 19114) for operation of an abrasive grinding wheel manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the solvent cleaning of tools and molds, 10 curing ovens, 16 space heaters, a gas-fired steam cleaner and wheel and segment blow-off, cutting and grinding.

The operating permit will be issued under the *Pennsylvania Code* Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (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 thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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**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).**

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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.

<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.

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

**03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Washington and East Franklin Townships, **Armstrong County**, affecting 203.8 acres. Receiving stream: UNT to Limestone Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 7, 2004.

**03990108 and NPDES Permit No. PA0202665. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774). Renewal application for reclamation only of an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 57.4 acres. Receiving stream: UNT to Plumcreek, classified for the following use: TSF. The first potable water supply intake within 10 miles downstream from the point of discharge: Penelec Keystone Station. Renewal application received: December 10, 2004.

**65970105 and PA0202053. Britt Energies, Inc.** (2450 Philadelphia St., Indiana, PA 15701). Transfer application from M. B. Energy, Inc. for operation and reclamation of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 146.0 acres. Receiving stream: UNT to Union Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: December 15, 2004.

<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.

#### *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:

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

**17040112 and NPDES Permit No. PA 0256129. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine permit in Penn Township, **Clearfield County** affecting 102.8 acres. Receiving stream: UNT A to Kratzer Run; UNT B to Kratzer Run; UNT C to Kratzer Run; ephemeral tributary D to Kratzer Run; ephemeral tributary E to Kratzer Run, all classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received: November 22, 2004.

**17010106 and NPDES Permit No. PA 0243086. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Revision to an existing bituminous surface mine permit for a change in permit acreage from 286.7 to 299 acres. The permit is located in Woodward Township, **Clearfield County**. Receiving streams: UNTs to Upper Morgan Run, UNT to North Branch of Upper Morgan Run, UNT to Goss Run. Application received: November 10, 2004.

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

**33990114 and NPDES Permit No. PA 0241687. Falls Creek Energy Co., Inc.** (R. R. 6, Box 231, Kittanning, PA 16201) Renewal of an existing bituminous surface strip operation in Pine Creek Township, **Jefferson County** affecting 48.5 acres. Receiving streams: UNT to Five Mile Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: December 9, 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:

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.

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

**28040301 and NPDES Permit No. PA0224421. Charles E. Brake Co., Inc.,** (P. O. Box 275, St. Thomas, PA 17201), commencement, operation and restoration of a quarry operation and discharge of treated mine drainage in St. Thomas Township, **Franklin County** affecting 10.59 acres, receiving stream: Campbell Run, classified for the following use: CWF. Application received December 13, 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

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

**E46-961. Willow Grove Day Camp/Howard Zeitz,** P. O. Box 398, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**, ACOE Philadelphia District. Willow Grove Day Camp Pond Expansion and Channel Construction Project.

To construct a trapezoidal shaped channel measuring 10 feet at the top width, 6-0 feet bottom width, 4-0 feet deep and approximately 150 feet long located within the 100-year floodplain of Pennypack Creek (TSF-MF). The channel will extend from an existing pond into a wooded area on the applicant's property. The work will involve the excavation of approximately 190 cubic yards of fill material to be reused on site for landscaping work. Minor adjustment in grade to pond edges will be performed to accommodate the channel construction. The site is located approximately 1,100 feet northeast from the intersection of Davisville, Pennypack and Terward Roads in Upper Moreland, Montgomery County (Hatboro, PA Quadrangle N: 6.01 inches; W: 14.10).

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

**E01-253: PennDot Engineering District 8-0,** 2140 Herr Street, Harrisburg, PA 17103 in Carroll Valley Borough, **Adams County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a bridge with a single span of 85.9 feet on a 70° skew with an underclearance of 9.2 feet across Toms Creek (CWF) on SR 0116, Section 012, Segment 0040, Offset 0000 and to provide a 310-foot long left streambank protection in order to improve the traffic safety condition located about 1.5 miles from its intersection with SR 0016 (Iron Springs, PA Quadrangle N: 1.05 inches; W: 0.8 inch) in Carroll Valley Borough, Adams County.

**E06-597: Grande Construction,** 108 South Hull Street, Sinking Spring, PA 19608 in Lower Heidelberg Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain triple culverts, namely a 24-foot by 7-foot box culvert with a 1-foot depression and two 24-foot by 6-foot box culverts, to impact 0.5 acre of wetland and associated improvements in order to construct Connecticut Avenue of the Green Valley Estates subdivision located just northwest of Sinking Spring Borough (Sinking Spring, PA Quadrangle N: 16.15 inches; W: 4.55 inches) in Lower Heidelberg Township, Berks County. The applicant will replace the wetland impact of 0.6 acre.

**E28-320: Echo Wayneshoro Associates, LP,** 701 Alpha Drive, Pittsburgh, PA 15238 in Washington Township, **Franklin County**, ACOE Baltimore District

To remove the existing structure and then to construct and maintain a dual 16-foot by 5-foot concrete box culvert at the channel of East Branch Warriors Mark Run (HQ-CWF) and associated improvements on SR 0550, Section 001, Segment 0130, Offset 2177, in order to improve the alignment and safety, located about 1.3 miles east of the Warriors Mark Village (Franklinville, PA Quadrangle N: 16.3 inches; W: 15.26 inches) in Warriors Mark Township, Huntingdon County.

**E31-197: Borough of Huntingdon,** 530 Washington Street, Huntingdon, PA 16652 in Cumberland Township, **Monroe County**, ACOE Baltimore District.

To remove 80 feet of an existing 24-inch combined sewer outfall and to construct and maintain a new 60-inch combined sewer outfall with a 32-foot by 47-foot riprap apron in the channel of the Juniata River at a

point (Huntingdon, PA Quadrangle N: 19.15 inches; W: 0.7 inches) immediately upstream of its confluence with Standing Stone Creek (HQ-CWF) in the Borough of Huntingdon, Huntingdon County. The project proposes to directly impact a total of 47 linear feet of the channel of the Juniata River.

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

**E18-379. Lamar Township**, 148 Beagle Road, Mill Hall, PA 17751. Bolopue Road, in Bald Eagle Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 15.5 inches; W: 10.5 inches).

To construct and maintain: 1) 955 feet of reconstructed channel; 2) two 57-inch by 38-inch CMPA totaling 130 linear feet with a low flow/high flow splitting concrete inlet structure connected to both pipes; 3) one 77-inch by 52-inch CMPA 40-foot long; 4) three 64-inch by 43-inch CMPA totaling 175 linear feet; 5) one 71-inch by 47-inch CMPA 60-foot in length; 6) four 18-inch PE cross-pipes for storm sewer totaling 195 feet in length; 7) two 18-inch PE driveway pipes totaling 185 feet; 8) a 29-inch by 45-inch elliptical concrete pipe 200 feet long; 9) a 36-inch concrete pipe 50 feet long; 10) a 36-inch PE diameter pipe 220 feet long, in an ephemeral UNT to Long Run in order to stop regular flooding of a township road located at the intersection of SR 0477 and Bolopue Road. The Township proposes to impact 955 linear feet of stream with no impact to wetlands in a stream classified as a tributary to the HQ-CWF of Long Run.

**E18-382. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. State Route 0120, Section A01 in Renovo Borough, **Centre County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 14.75 inches; W: 14.81 inches).

To remove the existing structure and to construct and maintain: 1) a prestressed concrete spread box beam bridge having a 50-foot clear normal span and a minimum underclearance of 12.69 feet with concrete wingwalls protected by R-8 riprap for 5 feet upstream on the right and left banks in Paddy Run; 2) three temporary 72-inch diameter pipes and the associated clean earthen temporary fill in Paddy Run for a public roadway immediately upstream of the bridge. The project proposes to temporarily impact 145 linear feet and permanently impact 85 linear feet of Paddy Run that is classified as an Exceptional Value stream. The project will not impact any wetlands.

**E41-543. Ray Eck**, 2862 Gap Road, Allenwood, PA 17810. Pond Construction, in Washington Township, **Lycoming County**, ACOE Susquehanna River Basin District (Williamsport SE, PA Quadrangle N: 21.3 inches; W: 14.7 inches).

To construct and maintain a 0.5 acre pond and 0.25 acre wetland, a 4-inch intake and 6-inch outfall pipes in an UNT to White Deer Hole Creek, in Washington Township, Lycoming County. This project proposes to have a minimal impact on White Deer Hole Creek, which is designated a HQ CWF. This project proposes to impact 0.229 acre of jurisdictional wetlands.

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

**E02-1486. Penneco Oil Company**, P. O. Box 300, 200 U. S. Route 22, Delmont, PA 15626. To construct a bridge in Plum Borough, **Allegheny County**, Pittsburgh ACOE District. (New Kensington West, PA Quadrangle N: 0.5 inches; W: 1.77 inches and Latitude: 40° 30' 15"—Longitude: 79° 45' 30"). The applicant proposes to construct and maintain a bridge having a span of 60.0 feet with an underclearance of 12.75 feet across the channel of an UNT to Little Plum Creek for the purpose of providing access to existing gas wells for maintenance purposes. The project is located on the east side of New Texas Road approximately 1,100 feet southeast from the intersection of Ross Hollow Road and New Texas Road and will impact 13.0 feet of stream channel.

**E04-296 A1. Lehigh Cement Company**, 7660 Imperial Way, Allentown, PA 18195. Dock expansion in the City of Aliquippa, **Beaver County**, Pittsburgh ACOE District. (Ambridge, PA Quadrangle N: 16.8 inches; W: 15.8 inches and Latitude: 40° 35' 33"—Longitude: 80° 14' 20"). The applicant proposes to amend Permit No. E04-296 which authorized the operation and maintenance of an existing barge unloading facility located along the left bank of the Ohio River near River Mile 16.8. The facility was originally permitted under Permit No. E04-035. This permit amendment is for the construction and maintenance of a 53' x 39' work platform expansion located adjacent to the existing barge unloading facility.

**E32-468. Department of Transportation**, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. To fill wetland in Burrell and West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District. (Bolivar, PA Quadrangle N: 14.0 inches; W: 0.1 inches and Latitude: 40° 27' 30"—Longitude: 79° 7' 30"). The applicant proposes to place and maintain fill in 0.42 acre of wetlands in the watershed of an UNT to Toms Run classified as a CWF for the purpose of realignment and widening of SR 22, Section 491, Penn View Summit from a 2 lane roadway to a 4 lane controlled access roadway.

**E56-333. Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905. To create a whitewater course in Conemaugh and Stonycreek Townships, **Somerset County**, Pittsburgh ACOE District. (Johnstown, PA Quadrangle N: 5.04 inches; W: 6.51 inches and Latitude: 40° 16' 40"—Longitude: 78° 55' 18"). The applicant proposes to construct and maintain two channel deflectors, two drop structures, approximately 695 feet of stone riprap stream bank protection and an access ramp in and along Stony Creek (WWF) and to regrade the stream bed to create a recreational whitewater course. The project site is located along Greenhouse Park, off of SR 403.

**E63-566. Arden Landfill, Inc.**, 625 Cherrington Parkway, Moon Township, PA 15108. To fill wetland in Chartiers Township, **Washington County**, Pittsburgh ACOE District. (Washington West, PA Quadrangle N: 15.7 inches; W: 2.8 inches and Latitude: 40° 12' 32"—Longitude: 80° 16' 30"). The applicant proposes to place and maintain fill in 0.40 acre of wetlands (PSS) 568 linear feet of an UNT to Chartiers Creek (WWF) and 2,016 linear feet of an UNT to Georges Run (WWF) for the purpose of expanding the existing Arden Landfill. The project is located on the north side of Henderson Avenue, approximately 9,000 feet north from the intersection of Henderson Avenue and Jefferson Avenue.

**E65-862. Sewickley Creek Watershed Association**, P. O. Box 322, Youngwood, PA 15697. Wetland fill in Sewickley Township, **Westmoreland County**, Pittsburgh ACOE District. (McKeesport, PA and Donora, PA Quadrangle N: 22.55 inches; W: 2.09 inches and Latitude: 40° 14' 57"—Longitude: 79° 45' 54"). The applicant proposes to excavate and place fill in an approximately 0.79 acre of open water and 1.43 acres of wetland to construct a mine drainage treatment system along Sewickley Creek. These activities will also affect approximately 995 feet (as scaled from the plan view drawing) of watercourse that currently carries the Marchand Mine discharge to Sewickley Creek (WWF). The project site is located along SR 3016, approximately 2,000 feet below the confluence between Sewickley Creek (WWF) and Little Sewickley Creek (TSF).

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

**E20-536, Robert S. Moss. Moss Boathouse and Seawall on Conneaut Lake**, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 19.0 inches; W: 7.0 inches).

To construct and maintain a 20-foot by 36-foot, 2-story framed construction boathouse and apartment with a foundation and adjacent dock, comprised of earth fill and concrete caissons, on Conneaut Lake (HQ-WWF) located adjacent to Firemen's Beach approximately 350 feet north of Water Street (SR 322). Project includes dredging to uniform water depth of 3 feet in area located within proposed boathouse.

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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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*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>
PA0203955 Sewage	84 Lumber Company 1019 Route 519 Eighty Four, PA 15330	Washington County North Strabane Township	Little Chartiers Creek	Y

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


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

**NPDES Permit No. PA0027421**, Sewage, **Norristown Municipal Waste Authority**, 235 East Airy Street, 2nd Floor, Norristown, PA 19401. This proposed facility is located in Norristown Borough, **Montgomery County**.

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

**NPDES Permit No. PA0056294**, Sewage, **Bart Golf Club, Inc., t/a Hickory Valley Golf Club** 1921 Ludwig Road, Gilbertsville, PA 19525-9428. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Swamp Creek via an irrigation pond in Watershed 3E.

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

**NPDES Permit No. 0064351**, Industrial Waste, **Keystone Potato Products, LLC**, P. O. Box 27, Hegins, PA 17938-0027. This proposed facility is located in Frailey Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit to discharge 0.143 mgd of treated industrial waste from a potato dehydration processing plant.

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

**NPDES Permit No. PA0082244**, Industrial Waste, **Susquehanna Area Regional Airport Authority (Harrisburg International Airport)**, 208 Airport Drive, Middletown, PA 17057. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-K.

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


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

**WQM Permit No. 5404201**, Industrial Waste, **Keystone Potato Products, LLC**, P. O. Box 27, Hegins, PA 17938-0027. This proposed facility is located in Frailey Township, **Schuylkill County**.

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

Construction and operation of a 0.143 mgd Industrial Waste Treatment Plant to treat processed wastewater from a potato dehydration plant. Wastewater will be discharged to an UNT of Middle Creek.

**WQM Permit No. 6404403**, Sewerage, **Camp Weequahic, Inc.**, R. R. 1, Box 1096, Lakewood, PA 18439. This proposed facility is located in Preston Township, **Wayne County**.

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

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

**WQM Permit No. 0604411**, Sewerage, **Tulpehocken Township (Rehrersburg STP)**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of collection system, three pump stations, and force main for the Rehrersburg area.

**WQM Permit No. 0604412**, Sewerage, **Tulpehocken Township (Mount Aetna STP)**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of collection system, two pump stations, and force main for the Mount Aetna area.

*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. 2604404**, Sewerage, **Yough Sanitary Authority**, P. O. Box 168, Dawson, PA 15428. This proposed facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: propose to construct a sewage treatment plant

**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. WQG018350**, Sewerage, **Robert D. and Ruth A. Troyer**, 19847 South Center Road, Conneautville, PA 16406. This proposed facility is located in Summerhill Township, **Crawford County**.

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

**WQM Permit No. WQG018349**, Sewerage, **John M. and Rae Ann Fischer**, R. R. 2, Box 2196, Russell, PA 16345. This proposed facility is located in Pine Grove Township, **Warren County**.

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

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

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

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

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

##### *NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904015	Gorski Engineering Pulse Technologies Dev. 1 Iron Bridge Drive Collegeville, PA 19426-2042	Bucks	Milford Township	UNT Molasses Creek (HQ)
PAI011504063	Goshen Monthly Meeting of the Society of Friends Goshen Friends School Dev. 814 North Chester Road West Chester, PA 19380	Chester	East Goshen Township	Ridley Creek (HQ-TSF)

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

##### *NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504002	Meadow Creek, Inc. R. R. 5, Box 5138A Stroudsburg, PA 18360	Monroe	Middle Smithfield Township	Marshalls Creek, HQ-CWF

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

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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).

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

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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 Plant
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage



PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &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>
Easttown Township Chester County	PAG2001504105	Christopher J. Debbas 680 Clovelly Lane Development 213 Lafayette Lane Wayne, PA 19087-1115	Julip Run (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marlborough Township Montgomery County	PAG2004604124	James P. and Lora K. Krier Krier Property 1144 Brinkman Road Pennsburg, PA 18073	Macoby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004604144	Towamencin Township Grist Mill Park Ballfield 1090 Troxel Road P. O. Box 303 Kulpsville, PA 19443	Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604134	The Beans Family Partnership Saturn Dealership 40 Auto Park Boulevard Limerick, PA 19468	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Collegeville Borough Montgomery County	PAG2004604109	Department of Transportation SR 0029, Section OLI 7000 Geerdes Boulevard King of Prussia, PA 19406	Perkiomen Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Abington Township Montgomery County	PAG2004604158	Abington School District Roslyn Elementary School 970 Highland Avenue Abington, PA 19001	Sandy Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604169	LK Mill Contracting Red Fox Run Subdivision 1056 West Germantown Pike Norristown, PA 19403	Sanatoga Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104021	Target Corporation Proposed Target Retail Store 1000 Nicollett Mall, TON-12i Minneapolis, MN 55403	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104024	1350 Schuylkill Avenue, LP Philadelphia Trolley Works 1119 North Bodine Street Philadelphia, PA 19123	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
Nazareth Borough Northampton Co.	PAG2004804023	Raymond Orwig Orwig Property Management 220 East Lawn Rd. Suite 12 Nazareth, PA 18064	Shoeneck Creek, WWF	Northampton Co. Cons. Dist. (610) 746-1971
City of Pottsville Schuylkill Co.	PAG2005404035	L & K Construction 1 Field of Dreams Drive Pottsville, PA 17901	Schuylkill River, CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
City of Scranton Lackawanna Co.	PAG2003504033	Michael Kelly 401 Moltke Ave. Scranton, PA 18505	Lackawanna River, CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Moore Township Northampton Co.	PAG2004804025	Mark Wagner Wagner Enterprises, Ltd. P. O. Box 3154 Easton, PA 18043-3154	Hokendauqua Creek, CWF	Northampton Co. Cons. Dist. (610) 746-1971
Bethlehem Township Northampton Co.	PAG2004804035	Bethlehem Township 4225 Easton Ave. Bethlehem, PA 18020	Nancy Run, CWF	Northampton Co. Cons. Dist. (610) 746-1971
Kutztown Borough Berks County	PAG2-0006-04-080	Kutztown University OMI-Wing, Room 240 P. O. Box 730 Kutztown, PA 19530	Sacony Creek/CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
City of Reading Berks County	PAG2-0006-04-069-1	Alvernia College 400 Bernadine Street Reading, PA 19607	Angelica Creek/WWF/MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Bern Township Berks County	PAG2-0006-03-038-1	St. Joseph Medical Center 12th and Walnut Streets Reading, PA 19601	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Hampden Township Cumberland County	PAG2-0021-04-045	Classic Communities 103 Farmstead Circle Lebanon, PA 17042	Conodoguinet Creek/WWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
North Newton Township Cumberland County	PAG2-0021-04-048	Old Forge Builders 9 Keystone Drive Mechanicsburg, PA 17050	Big Spring Creek/CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2-0021-04-052	4815 Associates, LLC 845 East Chocolate Avenue Hershey, PA 17033	Cedar Run/CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812

## 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>
Southampton Township Cumberland County	PAG2-0021-04-051	Wadel Masons 55 Middle Spring Road Shippensburg, PA 17257	Middle Spring Creek/CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
West Hempfield Township Lancaster County	PAG2-0036-04-080	DDP Enterprises Inc. 3850 Continental Drive Columbia, PA 17512	UNT Susquehanna River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster County	PAG2-0036-04-092	Abacus Development Inc. 2419 Lititz Pike Lancaster, PA 17601	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Township Lancaster County	PAG2-0036-04-097	David Graybill 35 Webster School Road Grantville, PA 17028	Donegal Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG-2-0036-04-099	Richard Weeber 1125 Lincoln Heights Avenue Ephrata, PA 17522	Landis Run/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
New Holland Borough Lancaster County	PAG2-0036-04-109	Dwane Hostetter 321 East Main Street New Holland, PA 17557	UNT Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAG2-0036-04-117	Thomas A. Breneman 81 Mount Hope School Road Willow Street, PA 17584	UNT Little Conestoga Creek West/TSP	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Earl Township Lancaster County	PAG2-0036-04-122	PENNDOT District 8-0 2140 Herr Street Harrisburg, PA 17013	Cocalico Creek, UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Peach Bottom Township York County	PAG2-0067-04-080	Robert Holweck North Delta, Inc. 2700 Philadelphia Road Edgewood, MD 21040	Scott Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<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>
Manchester Township York County	PAR10Y360-2	New Brittany II Mike Jeffers Kinsley Equities R. D. 1, Box 131AA Seven Valleys, PA 17360	Little Conewago Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2-0067-04-066	Weaver Eye Assoc. Carlisle Commerce Phase II Carlisle Commerce Center Assoc. c/o Kinsley Properties 6259 Reynolds Mill Road Seven Valleys, PA 17360	Willis Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Borough York County	PAG2-0067-04-079	James Meadow Residential Development Steve Schiding Schiding, Wallen & Fabie 1660 Crows Nest Lane York, PA 17403	UNT Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township York County	PAG2-0067-04-089	Saginaw Wastewater Treatment Plant and Collection System Northeastern York County Sewer Authority P. O. Box 516 Mount Wolf, PA 17346	Susquehanna River/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township York County	PAG2-0067-04-121	Kenneth Martz, Jr. K.E.M. Construction LLC 711 Pumping Station Road Hanover, PA 17331	UNT Long run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Susquehanna Township Dauphin County	PAG2-0022-04-061	Susquehanna Township Authority 1900 Linglestown Road Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Columbia County Orange Township	PAG2001904007	David Sorce 218 Main St. Orangeville, PA 17859	Trib. Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road, Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Lycoming County Brady Township	PAG2004104014	County of Lycoming, RMS P. O. Box 187 447 Alexander Dr. Montgomery, PA 17752	UNT Black Run WWF	Columbia County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 327-3003

<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>
Union County Lewisburg Borough	PAG2006004014	Greg Weitzel Lewisburg Area Recreational Authority 629 Fairground Road Lewisburg, PA 17837	Limestone Run, Susquehanna River, WWF	Union County Conservation District 88 Bull Run Crossing, Suite 5 Lewisburg, PA 17837 (570) 523-8782
Allegheny County Ohio Township	PAR10A487-1	ACJ Partners 241 Emmett Road Wexford, PA 15090-8803	Bear Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township and Franklin Park Borough	PAG2000204038	K & R LeDonne 8601 Perry Highway Pittsburgh, PA 15237	Lowries Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County McCandless Township	PAG2000204067	St. John's Lutheran Church of Highland 311 Cumberland Road Pittsburgh, PA 15237	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Bethel Park	PAG2000204074	South Hills Sportsplex Alliance Retail 2414 Lytle Road Bethel Park, PA 15102	Lick Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000204078	City of Pittsburgh 414 Grant Street Pittsburgh, PA 15219	Turtle Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000204082	Kellaur Park Development 7202 Old McKnight Rd. Pittsburgh, PA 15237	Kilbuck Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of McKeesport	PAG2000204083	McKeesport Housing Authority 2901 Brownlee Avenue McKeesport, PA 15132-1759	Youghiogheny River (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000204084	Charlie Brown 600 Flaugherty Run Rd. Coraopolis, PA 15108	Raredon Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000204085	Hampton Woodlands, LLC P. O. Box 174 Wildwood, PA 15091-0174	Crouse Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000204086	Allegheny Academy 900 Agnew Road Pittsburgh, PA 15207 and Michael Facchiano Contracting 801 McNeilly Road Pittsburgh, PA 15226	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000204087	Jefferson Hills Borough 925 Old Clairton Road Clairton, PA 15025-3197	Lick Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000204092	YMCA of Pittsburgh 7140 Bennett Street Pittsburgh, PA 15208	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000204093	Scott Township 301 Lindsay Road Carnegie, PA 15106	Scrubgrass Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000204095	Allison Park Contractors 3401 Felicity Avenue Allison Park, PA 15101	Thoms Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000204101	St. Ursula Church 2531 Duncan Avenue Allison Park, PA 15101	Pine Creek (TSF)	Allegheny County CD (412) 241-7645

<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>
Allegheny County Collier Township	PAG2000204102	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Scott's Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Kennedy Township	PAG2000204104	Oxford Development Company 1 Oxford Center Pittsburgh, PA 15219-1489 and Rycon Construction 2525 Liberty Avenue Pittsburgh, PA 15222	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000204107	Winchester Thurston School North Hills Campus 555 Morewood Avenue Pittsburgh, PA 15213	Unnamed Tributary to Harts Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County South Park Township	PAG2000204116	Quality Rentals 2440 Brownsville Road Pittsburgh, PA 15210	Lick Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000204119	Upper St. Clair Township 1820 McLaughlin Run Road Pittsburgh, PA 15241	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Butler County Muddy Creek Township	PAG2-0010-04-021	Hunter Hill Subdivision Sean Gramz Gramz Enterprises Inc 1244 Perry Highway, Suite 201 P. O. Box 64 Portersville PA 16051	UNT to Muddy Creek-WWF	Butler Conservation District (724) 284-5270

*General Permit Type—PAG-3*

<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>
Hanover Township Luzerne County	PAR232232	American Rock Salt Co. LLC 5520 Rt. 63 P. O. Box 190 Mt. Morris, NY	Solomon Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
York County York Haven Borough	PAR603587	LKQ Pen-Mar Inc. 269 River Road York Haven, PA 17370-9009	Susquehanna River / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-4*

<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>
Concord Township Delaware County	PAG040018	John and Melissa Skinner 22 Jeremiah Collett Road Glen Mills, PA 19342	UNT to West Branch Chester Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Westtown Township Chester County	PAG040017	Leo Adalbert 1085 Wood Lane West Chester, PA 19382	Chester Creek Watershed 3G	Southeast Regional Office 2 East Main Street Norristown, PA 19401

<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>
Westmoreland County East Huntingdon Township	PAG046192	Daniel R. Smith P. O. Box 88 Tarrs, PA 15688	UNT of Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Summerhill Township Crawford County	PAG049142	Robert D. and Ruth A. Troyer 19847 South Center Road Conneautville, PA 16406	UNT to Conneaut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Elk Creek Township Erie County	PAG048643	Mark D. and Robin R. Kindler 8765 Carberry Road Albion, PA 16401-8947	UNT to Little Elk Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township, Mercer County	PAG048302	Carmen C. Davano 3521 Hubbard Road West Middlesex, PA 16159	UNT to Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township, Warren County	PAG049141	John M. and Rae Anne Fischer R. R. 2, Box 2196 Russell, PA 16245	UNT to Kiantone Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township, Warren County	PAG048673	Daniel R. Grable R. D. 2, Box 51 Pittsfield, PA 16340	UNT to Gar Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<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>
Bensalem Township Bucks County	PAG050063	Amerada Hess Corporation 1 Hess Plaza Woodbridge, NJ 07095-0961	UNT of Poquessing Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Washington Township Lehigh County	PAG052219	Dept. of Environmental Protection—NERO 2 Public Square Wilkes-Barre, PA 18711	Tributary to Trout Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*General Permit Type—PAG-13**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>
PAG133553	Mechanicsburg Borough 2 W. Strawberry at N. Market St. Mechanicsburg, PA 17055	Cumberland	Mechanicsburg Borough	Trindle Spring Run/CWF Cedar Run/CWF	Y
PAG133599	Swatara Township Board of Supv. 68 Supervisors Dr. Jonestown, PA 17038	Lebanon	Swatara Township	Swatara Creek/CWF Little Swatara Creek/WWF UNT to Swatara Creek/WWF	Y
PAG133700	Cornwall Borough 36 Burd Coleman Rd. Cornwall, PA 17016-0667	Lebanon	Cornwall Borough	Quittapahilla Creek	Y
PAG133689	Dauphin County Conservation Dist. 1451 Peters Mountain Rd. Dauphin, PA 17018	Dauphin	Dauphin County	Susquehanna River/WWF Paxton Creek/WWF Spring Creek/WWF	

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### **Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Operations Permit issued to: Aqua Pennsylvania, Inc.**, HC 6, Box 6040, Hawley, PA 18428, (PWSID No. 2350057) Jefferson Township, **Lackawanna County** on December 7, 2004 for the operation of facilities approved under construction permit No. Minor Amendment to PWSID No. 2350057.

**Operations Permit issued to: City of Allentown Municipal Waterworks**, 435 Hamilton Street, Allentown, PA 18101-1699, (PWSID No. 3390024) City of Allentown, **Lehigh County** on December 8, 2004 for the operation of facilities approved under construction permit No. Minor Amendment of July 7, 2003.

**Operations Permit issued to: Pennsylvania American Water Co.**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID No. 2359008) Jessup Borough, **Lackawanna County** on December 9, 2004 for the operation of facilities approved under construction permit No. 3501503 issued January 15, 2002.

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

#### **Permit No. Minor Amendment—Operation Public Water Supply.**

Applicant	<b>Pennsylvania-American Water Company</b>
Township or Borough	Milton Borough
County	<b>Northumberland</b>
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 Thomas  
 Operations Engineer  
 Pennsylvania-American Water  
 Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Permit Issued Date 12-15-04

Description of Action Operation of Milton Filter No. 2 following the replacement of the media.

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

**Permit No. 0204503, Public Water Supply.**

Applicant **Municipal Authority of the Township of Robinson**  
 P. O. Box 15539  
 Pittsburgh, PA 15244-0539

Borough or Township Robinson Township

County **Allegheny**

Type of Facility Water transmission main

Consulting Engineer NIRA Consulting Engineers, Inc.  
 950 Fifth Avenue  
 Coraopolis, PA 15108

Permit to Construct Issued December 15, 2004

**Operations Permit** issued to: **West Carroll Township Water and Sewer Authority**, St. Benedict Water Treatment Plant, P. O. Box 328, Elmora, PA 15737-0374, (PWSID No. 4110061), West Carroll Township, **Cambria County** on December 14, 2004 for the operation of facilities approved under Construction Permit No. 1103504.

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

**Operations Permit** issued to: **North East Borough Water Authority**, 58 East Main St., North East, PA 16428, PWSID No. 6250061, North East Borough, **Erie County**, on December 14, 2004, for the Fairchild Reservoir Liner and Cover, as approved under Construction Permit No. 362W17-MA3.

**Operations Permit** issued to: **North East Borough Water Authority**, 58 East Main St., North East, PA 16428, PWSID No. 6250061, North East Borough, **Erie County**, on December 14, 2004, for the operation of the Lake Erie Intake and Structure, Freeport and Rt. 20 Pump Stations, as approved under Construction Permit No. 2599501-MA1.

**Operations Permit** issued to: **Leesburg Community Water Co-Op Association**, 1359 Brent Road, Volant, PA 16156, PWSID No. 6430999, Springfield Township, **Mercer County**, on December 16, 2004, for the operation of the 169,000 gal. glass-fused-to-steel tank, as approved under Construction Permit No. 4389503-MA1.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dauphin Borough	P. O. Box 487 Dauphin, PA 17018	Dauphin

*Plan Description:* The approved plan provides for a change in the method of sewage collection in the Hillside sewage service area from gravity sewer to a small diameter pressure sewer system with grinder pumps. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Colerain Township	3017 Centennial Road Bedford, PA 15522	Bedford

*Plan Description:* The approved plan provides for an onlot sewage disposal system management program and requirements to complete preliminary hydrogeologic studies for new land development proposals as required by 25 Pa. Code § 71.62. 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>
Franklin Township	150 Century Lane Dillsburg, PA 17019	York

*Plan Description:* The approved plan provides for the implementation of an onlot sewage management district for the Clear Spring Area as defined in the Plan. The onlot management program for the district will include (Plan page 2) "biannual pumping and inspection, an educational program focused on proper operation and repair, and pamphlets on water conservation, household hazardous waste, and dry cleaning methods." 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>
Straban Township	1745 Granite Station Road Gettysburg, PA 17325	Adams

*Plan Description:* The approved plan provides for the extension of public sewer service from Route 15 to the Flickinger Road area (previously approved by the Department's letter of September 13, 2002), and an extension of the Hunterstown sewer system along Granite Station Road to Route 30 (approved separately as Department code number A3-01929-239-3M). The Plan also provides for the implementation of an onlot sewage disposal system management program for the Rte. 30 corridor. 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.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Liberty Borough	P. O. Box 21 Liberty, PA 16930	Tioga

*Plan Description:* This plan calls for construction of a new 75,000 gpd sewage treatment plant and new collection lines to serve the Borough of Liberty and adjacent areas of Liberty Township. Discharge will be to Blockhouse Creek. 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.

## **HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

### **Proposed Consent Order and Agreement**

#### **Lewis Run Municipal Well Site, Lewis Run Borough, McKean County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.101—6020.1305), notice is provided that the Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (Agreement) with the McCourt Label Cabinet Company (McCourt), concerning the resolution of McCourt's liability for the Lewis Run Municipal Well Site (Site). The Site is located on 7 contiguous parcels of land in Lewis Run Borough, McKean County, PA where the groundwater has become contaminated by the VOCs Tetrachloroethylene, Trichloroethylene and cis-1,2-dichloroethylene (collectively, Site VOCs).

In the past, wastes, wastewaters or other materials containing Site VOCs were spilled, leaked, discharged or otherwise released at the Site and these Site VOCs contaminated the soil and groundwater at the Site. All Site VOCs are defined in section 103 of HSCA (35 P. S. § 6020.103) as "hazardous substances." The Department has already incurred approximately \$750,000 in response costs and expects to incur an additional \$3 million to abate the release and threatened release of hazardous substances at the Site. McCourt is a "responsible person" as defined in section 103 of HSCA. Under the terms of the Agreement, McCourt shall pay the Department \$100,000 over a 20-year period plus 2% of its annual net profit between the years 2014 and 2023 to resolve its liability at the Site. In addition, McCourt is required to implement an Environmental Management System at its Lewis Run facility

The specific terms of this settlement are set forth in the Agreement between McCourt and the Department. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper or not in the public interest.

After the public comment period, the Department's settlement with McCourt shall be effective upon the date that the Department notifies McCourt, in writing, that the Agreement is final and effective in its present form

and that the Department has filed a response to significant written comments to the Agreement or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Kammy M. Halterman, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Kammy M. Halterman at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

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

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

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

The Department has received the following plans and reports:

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

**309 Washington Street Property, Conshohocken Borough, Montgomery County.** Michael Gonshor, P. G.,

Roux Assoc., Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Washington Street Assoc., LP, 700 S. Henderson Rd., King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Buckeye Pipeline Macungie Station**, Lower Macungie Township, **Lehigh County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bethlehem Pike, Bethlehem, PA 18017 has submitted a Notice of Intent to Remediate (on behalf of his client, Buckeye Pipeline Co., LP, 5002 Buckeye Road, Emmaus, Pa 18049) concerning the remediation of soils impacted by the release of unleaded gasoline constituents. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will remain as a pipeline pumping station and storage facility. A summary of the Notice of Intent to Remediate is expected to be published shortly in a local newspaper serving the general area. A Final Report was simultaneously submitted.

**Gansfuss Property (41 Crest Drive, Split Rock Resort Development)**, Kidder Township, **Carbon County**. Scott Alderfer, P. G., Project Manager, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Final Report (on behalf of his client, Yawga Energy Products LLC, f/k/a Agway Energy Products, 5790 Widewaters Parkway, Dewitt, NY 13214) concerning the remediation of an accidental release of No. 2 fuel oil in a residential home basement. The report was submitted to document attainment of the residential statewide health soil standard. A Notice of Intent to Remediate was simultaneously submitted.

**Jiffy Lube No. 341**, City of Wilkes-Barre, **Luzerne County**. David Teeter, Teeter Environmental Services, Inc., R. R. 1, Box 124B, Sayre, PA 18840 has submitted a Final Report (on behalf of his client, Rochester Lube LLC, 668 North Coastal Highway, Laguna Beach, CA 92651) concerning the remediation of soils found or suspected to have been impacted by waste motor oil. The report was submitted to document attainment of the residential statewide health soil standard.

**Buckeye Nicholson Pumping Station**, Lathrop Township, **Susquehanna County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bethlehem Pike, Bethlehem, PA 18017 has submitted a Final Report (on behalf of his client, Buckeye Pipeline Co., LP, 5002 Buckeye Road, Emmaus, Pa 18049) concerning the remediation of soils impacted by the release of unleaded gasoline constituents. The report was submitted in order to demonstrate attainment of the residential Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

**Former Olin Microelectronics Materials, Inc.**, Plainfield Township, **Northampton County**. Nils Thompson, P. G., Project Manager, MACTEC Engineering and Consulting, Inc., 3200 Town Point Drive, Kennesaw, GA 30144 has submitted both a Remedial Investigation Report and a Risk Assessment Report (on behalf of his client, Olin Corporation, P. O. Box 248, 1186 Lower River Road, NW, Charleston, TN 37310-0248) concerning the remediation of soils and/or groundwater found or sus-

pected to have been contaminated with inorganics as the result of historic site operations. The reports were submitted in partial fulfillment of the site-specific standard.

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

**Defense Distribution Depot Susquehanna PA SWMU 6 Salvage Yard**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070, submitted a final report concerning remediation of site groundwater contaminated with volatile organic compounds. The report is intended to document remediation of the site to the site-specific 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 man-

ager 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.*

**CVS Pennsburg**, Pennsburg Borough, **Montgomery County**. Craig Herr, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 621 Delaware St., New Castle, DE 19720, has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site shallow soil contaminated with lead and arsenic. The Remedial Investigation and Cleanup Plan was approved by the Department on December 6, 2004.

**Vacant Property/5040 Belfield Ave.**, City of Philadelphia, **Philadelphia County**. Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 on behalf of Elliot and Rose Mary Timms, 1862 Lindley St., Philadelphia, PA 19141 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum. The Final report demonstrated attainment of the Special Industrial Area requirements and was approved by the Department on December 10, 2004.

**1553 Chester Pike Property**, Ridley Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 East Washington St., Suite 375, Norristown, PA 19401 on behalf of Christina Perrone, Chester Pike, LLP, 204 Wyndom Ln., Radnor, PA 19087 has submitted a Final Report concerning the remediation of site soil contaminated with lead, No. 2 fuel oil, leaded and unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 23, 2004.

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Bellomo Property**, Dupont Borough, **Luzerne County**. Eric Monsen, Project Manager, Buck Environmental Labs, Inc., 3821 Buck Drive, P. O. Box 5150, Cortland, NY 13045 submitted a Final Report (on behalf of his client, Jesse Bellomo, Ziegler Street, Dupont, PA 18641) concerning the remediation of soils found to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release related to a home heating oil tank. The report documented attainment of the Statewide health standard and was approved on December 15, 2004.

**Jiffy Lube No. 341**, City of Wilkes-Barre, **Luzerne County**. David Teeter, Teeter Environmental Services, Inc., R. R. 1, Box 124B, Sayre, PA 18840 submitted a Final Report (on behalf of his client, Rochester Lube LLC, 668 North Coastal Highway, Laguna Beach, CA 92651) concerning the remediation of soils found or suspected to have been impacted by waste motor oil. The report was documented attainment of the Statewide health standard and was approved on December 6, 2004.

**Former Ashley Rail Yards (14 acre eastern parcel)**, Borough of Ashley, **Luzerne County**. Eric Roberts, P. E., Excalibur Group, LLC, 3905 Maurice Court, Monrovia,

MD 21770 submitted a Baseline Remedial Investigation Workplan (on behalf of his client, The Redevelopment Authority of Luzerne County, Suite 210, 16 Luzerne Avenue, Pittston, PA 18643) concerning the characterization of soils and groundwater found or suspected to have been impacted by contamination associated with the historic rail yard operations and maintenance facilities. The workplan was submitted in partial fulfillment of the Special Industrial Area standard and was approved on September 13, 2004.

**Victoria Square IV (Hobson Street and Anthony Court)**, Palmer Township, **Northampton County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 submitted a combined Remedial Investigation Report and Final Report (on behalf of his client, Nicholas Pugliese, NJP Construction Company, 1072 Grand Street, Phillipsburg, NJ 08865) concerning the remediation of soils and groundwater found or suspected to have been contaminated with No. 2 and No. 6 fuel oils. The reports demonstrated attainment of the site-specific standard and were both approved on November 24, 2004.

**Buckeye Nicholson Pumping Station**, Lathrop Township, **Susquehanna County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bethlehem Pike, Bethlehem, PA 18017 submitted a Final Report (on behalf of his client, Buckeye Pipeline Company, LP, 5002 Buckeye Road, Emmaus, Pa 18049) concerning the remediation of soils impacted by the release of unleaded gasoline constituents. The report demonstrated attainment of the residential statewide health standard for site soils, and was approved on November 29, 2004.

**Alpo Petfoods Company**, South Whitehall Township, **Lehigh County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, submitted a Final Report (on behalf of his client, Buckeye Pipeline Company, 5002 Buckeye Road, Bethlehem, PA 18049) concerning the remediation of soils impacted by a pipeline release of unleaded gasoline on the property of Alpo Petfoods Company, 2050 Pope Road, Allentown, PA 18104. The report demonstrated attainment of the statewide health standard for site soils, and was approved on November 19, 2004. The report was submitted within 90 days of the release.

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

**Defense Distribution Depot Susquehanna PA SWMU 6 Salvage Yard**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070, submitted a final report concerning remediation of site groundwater contaminated with volatile organic compounds. The final report demonstrated attainment of the site-specific standard, and was approved by the Department on December 15, 2004.

#### RESIDUAL WASTE GENERAL PERMITS

**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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit No. WMGR101. Cedar Hollow Land Development, Inc.**, P. O. Box 762, 100 Paradise St., Phoenixville, PA 19460. General Permit Number WMGR101 authorizes processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material. The permit was issued by Central Office on December 16, 2004.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

**Permits 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.**

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

**Permit No. 101615. Commonwealth Environmental Systems Landfill**, Commonwealth Environmental Systems, L. P., P. O. Box 249, Dunmore, PA 18512-0249. A Permit Renewal approval authorizing the continued construction and operation of this municipal waste landfill located in Foster Township, **Schuylkill County**. The permit was issued by the Regional Office on December 1, 2004. The terms of the existing permit are extended until June 30, 2009.

**Permit No. 101615. Commonwealth Environmental Systems Landfill**, Commonwealth Environmental Systems, L. P., P. O. Box 249, Dunmore, PA 18512-0249. A Major Permit Modification approving the construction of a gas pipeline and a third blower at this municipal waste landfill located in Foster Township, **Schuylkill County**, in order to supply gas to Keystone Potato Products, LLC, which is situated on an adjacent property. The permit was issued by the Regional Office on December 8, 2004.

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

**Permit ID No. 101571. Mostoller Landfill, Inc.**, 7095 Glades Pike, Somerset, PA 15501. Operation of Municipal Waste Landfill in Somerset and Brothersvalley Townships, **Somerset County**. Permit renewal issued in the Regional Office on December 14, 2004.

#### AIR QUALITY

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

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

**46-302-230GP: Ortho McNeil Pharmaceutical** (Welsh and McKean Roads, Spring House, PA 19477) on December 16, 2004, to operate a low-NOx burner-boiler No. 3 in Lower Gwynedd Township, **Montgomery County**.

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

**45-310-034GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on December 8, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their 209 Enterprises facility in Smithfield Township, **Monroe County**.

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

**GP1-1-07-05003: Norfolk Southern Railway Corp.** (General Office Building, Room 1001, 200 North Fourth Avenue, Altoona, PA 16601) on December 15, 2004, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Logan Township, **Blair County**.

**GP4-36-05028: CNH America LLC** (300 Diller Avenue, New Holland, PA 17557) on December 14, 2004, for Burn Off Ovens under GP4 in New Holland Borough, **Lancaster County**.

**GP7-06-03016: Kutztown Publishing Co., Inc.** (15-76 Kutztown Road, Kutztown, PA 19530) on December 13, 2004, for Sheet-Fed Offset Lithographic Printing Press under GP7 in Maxatawny Township, **Berks County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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.**

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

**54-317-004: Keystone Potato Products LLC** (P. O. Box 27, Hegins, PA 17938) on December 6, 2004, to construct a dehydrated potato processing operation and associated air cleaning device at their facility in Frailey Township, **Schuylkill County**.

**48-317-019: Con Agra Food Ingredients, Co.** (312 East Breadfruit Drive, Treichlers, PA 18086) on December 8, 2004, to construct a new "B" mill and refurbish the associated air cleaning device at their facility in Lehigh Township, **Northampton County**.

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

**28-05005A: York Refrigeration** (100 CV Avenue, Waynesboro, PA 17268) on December 14, 2004, to modify their existing metal surface coating operations in the Borough of Waynesboro, **Franklin County**.

**36-05018A: Lasco Bathware, Inc.** (40 Industrial Road, Elizabethtown, PA 17022) on December 14, 2004, to install a new concentrator and a replacement thermal oxidizer at their existing facility in Elizabethtown, West Donegal Township, **Lancaster County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0087B: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on December 16, 2004, to operate a SiF<sub>4</sub> process scrubber in Falls Township, **Bucks County**.

**09-0124B: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 01742) on December 16, 2004, to operate a combined cycle combustion turbines in Falls Township, **Bucks County**.

**09-0124E: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 01742) on December 16, 2004, to operate a 31.9 MMBtu/hr gas fired pre-heater in Falls Township, **Bucks County**.

**15-0039: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 16, 2004, to operate a dryer burner in East Caln Township, **Chester County**.

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

**46-0069B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 16, 2004, to operate a dryer burner in Whitemarsh Township, **Montgomery County**.

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

**41-318-047A: Reynolds Iron Works, Inc.** (157 Palmer Industrial Road, Williamsport, PA 17701) on December 15, 2004, to allow the use of acetone as a coating additive in a surface coating operation and to extend the authorization to operate the respective surface coating operation on a temporary basis until April 14, 2005, in Woodward Township, **Lycoming County**. The plan approval has been extended.

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

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

**23-00001: Sunoco, Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061-0426) on December 14, 2004, in Marcus Hook Borough, **Delaware County**. This amendment is to address an administrative amendment to Source 609 (Organic Chemical Production), typographical errors in the Title V permit, and to streamline the existing permit. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**09-00150: Rotoflex Technology, Inc.** (180 Penn Am Drive, Quakertown, PA 18951) on December 14, 2004, to amend the operation of a Title V Operating Permit in Richland Township, **Bucks County**.

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

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

**06-05095: Unicast Co.** (6th and Washington Street, Boyerstown, PA 19512) on December 13, 2004, to operate a gray iron foundry controlled by various fabric collectors, a wet scrubber, an afterburner and a venturi scrubber in the Borough of Boyertown, **Berks County**.

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

**03-00185: Vista Metals, Inc.** (1024 East Smithfield Street, McKeesport, PA 15135) on December 8, 2004, to operate their carbide facility in Kittanning, East Franklin Township, **Armstrong County**.

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

**S04-003: Mercy Hospital of Philadelphia** (501 South 54th Street, Philadelphia, PA 19143) on December 14, 2004, to operate in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 20 MMBtu/hr boiler, two 15 MMBtu/hr boilers, and two standby electric generators.

**S03-005: Wayne Mills Co., Inc.—Luithlen Dye Division** (J and Tioga Streets, Philadelphia, PA 19134) on December 15, 2004, to operate in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 400 HP boilers.

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

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

**46-00171: John Evans' Sons, Inc.** (1 Spring Avenue, P. O. Box 885, Lansdale, PA 19446) on December 14, 2004, to modify a Natural Minor Operating Permit in Lansdale Borough, **Montgomery County**.

**46-00202: Elan Drug Delivery, Inc.** (3500 Horizon Drive, King of Prussia, PA 19406) on December 16, 2004, to operate a Natural Minor Operating Permit in Upper Merion Township, **Montgomery County**.

**09-00010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on December 16, 2004, to operate a Synthetic Minor Operating Permit in West Rockhill Township, **Bucks County**.

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

**06-05037: McConway and Torley Corp.** (109 48th Street, Pittsburgh, PA 15201) on December 13, 2004, to modify their steel foundry permit in Kutztown Borough, **Berks County**. The State-only Operating Permit was administratively amended to incorporate the provisions of Plan Approval No. 06-05037E. This is Revision No. 1.

**36-03105: Binkley and Ober, Inc.** (P. O. Box 7, East Petersburg, PA 17520) on December 15, 2004, to operate a limestone quarry in East Hempfield Township, **Lancaster County**. The State-only Operating Permit was administratively amended to incorporate the provisions of Plan Approval No. 36-03105B. This is Revision No. 1.

## 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.*

**03031302. NPDES Permit No. PA0235598, TJS Mining, Inc.**, (R. D. 1, Box 260D, Shelocta, PA 15774), to operate the TJS No. 5 Deep Mine in South Bend Township, **Armstrong County** and Young Township, **Indiana County** and for discharge of treated mine drainage. Surface Acres Proposed 32.3, Underground Acres Proposed 556.7, SCP Acres Proposed 491.3. Receiving streams: Crooked Creek, classified for the following use: WWF, and Craig Run, classified for the following use: WWF. Permit issued December 13, 2004.

**30841317. NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company**, (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to install the F14 Airshaft, boreholes, and add an NPDES discharge point—Outfall 015. Surface Acres Proposed 6.75. Receiving Stream, Unnamed Tributary to Templeton Fork, classified for the following use: TSF. Permit issued December 13, 2004.

**32031301. NPDES Permit No. PA0235580, Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701), to operate the Lowry Deep Mine in White Township, **Indiana County** and for discharge of treated mine drainage. Surface Acres Proposed 16.9, Underground Acres Proposed 615.6, SCP Acres Proposed 299.0. Receiving Streams: Yellow Creek, classified for the following use: CWF, and Two Lick Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority, and intake: Yellow Creek. Permit issued December 14, 2004.

**30841312. NPDES Permit No. PA0013790, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson Township, **Greene County** for installation of the 22M Bleeder Shaft. SCP Acres Proposed 21.0. No additional discharges. Permit issued December 15, 2004.

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

**56030108 and NPDES Permit No. PA0249530. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 33.3 acres. Receiving stream: Dark Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 23, 2003. Permit issued: December 13, 2004.

**56703120 and NPDES Permit No. PA0607622. Jenners, Inc.**, P. O. Box 171, Shelocta, PA 15774, surface mining permit renewal for reclamation only in Jenner Township, **Somerset County**, affecting 580.0 acres. Receiving streams: UNT to/and Hoffman Run and UNT to/and Quemahoning classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning Surface Water Intake. Application received November 4, 2004. Permit issued December 16, 2004.

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

**03010103 and NPDES Permit No. PA0202991. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of permit formerly issued to Marquise Mining Corporation for continued operation and reclamation of a bituminous surface mining site located in Kiskiminetas and Conemaugh Townships, **Armstrong and Indiana Counties**, affecting 145.6 acres. Receiving streams: UNT to Long Run and Sulphur Run to the Kiskiminetas River. Application received: July 14, 2004. Transfer permit issued: December 14, 2004.

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

**33990101 and NPDES Permit No. PA0227951. Amerikohl Mining, Inc.** (202 Sunset Dr., Butler, PA 16001) Revision to an existing bituminous strip and auger operation to add 29.0 acres of the Upper Kittanning coal seam in Winslow Township, **Jefferson County**. Receiving streams: UNT to Soldier Run and Soldier Run. Application received: October 13, 2004. Permit Issued: December 6, 2004.

**16950101 and NPDES Permit No. PA0226921. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Clarion and Limestone Townships, **Clarion County** affecting 43.3 acres. Receiving streams: Two UNTs to Piney Creek. This renewal is issued for reclamation only. Application received: October 12, 2004. Permit Issued: December 9, 2004.

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

**17030114 and NPDES Permit No. PA 0243604. R. B. Contracting** (160 R. B. Contracting Lane, Curwensville, PA 16833). Commencement, operation and restoration of a bituminous surface mine-auger permit in Knox Township, **Clearfield County** affecting 71 acres. Receiving stream:



unnamed tributary to Potts Run. Application received: October 3, 2003. Permit issued: December 1, 2004.

**17030105 and NPDES Permit No. PA 0243469. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Commencement, operation and restoration of a bituminous surface mine-auger permit in Ferguson Township, **Clearfield County** affecting 115 acres. Receiving stream(s): tributary to West Branch Susquehanna River and Watts Creek. Application received: April 18, 2003. Permit issued: December 10, 2004.

**17960125 and NPDES Permit No. PA 0220531. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is located in Beccaria Township, **Clearfield County** and affects 110 acres. Receiving stream: Muddy Run to Clearfield Creek to West Branch Susquehanna River. Application received: July 7, 2004. Permit issued: December 21, 2004.

**17010113 and NPDES Permit No. PA 0243167. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is located in Girard Township, **Clearfield County** and affects 90 acres. Receiving streams: Bald Hill Run and UNT to Bald Hill Run to the West Branch of the Susquehanna River. Application received: August 16, 2004. Permit issued: December 4, 2004.

**17930128 and NPDES Permit No. PA 0219720. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is located in Penn Township, **Clearfield County** and affects 106.2 acres. Receiving streams: UNTs to Bell Run to West Branch of the Susquehanna River. Application received: July 27, 2004. Permit issued: December 1, 2004.

**17980126 and NPDES Permit No. PA 0238198. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous surface mine-auger permit in Chest Township, **Clearfield County** affecting 146 acres. Receiving streams: Kings Run and/or Chest Creek to the West Branch of the Susquehanna River. Application received: August 20, 2004. Permit issued: November 23, 2004.

**17980123 and NPDES Permit No. PA 0238163. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine permit in Knox Township, **Clearfield County** affecting 66.6 acres. Receiving streams: unnamed stream No. 2 to Dunlap Run and Cherry Run. Application received: July 7, 2004. Permit issued: December 10, 2004.

**17990109 and NPDES Permit No. PA 0238325. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit in Beccaria Township, **Clearfield County**. The permit is located in Beccaria Township, **Clearfield County** and affects 103.3 acres. Receiving streams: UNTs to Muddy Run to Muddy Run. Application received: July 7, 2004. Permit issued: December 10, 2004.

**17-04-02—Gerard J. Flango, Jr.** (R. R. 3, Box 213, Clearfield, PA 16830). The Moshannon District Office for the Department of Environmental Protection awarded a Government Financed Construction Contract to Gerard J. Flango, Jr. on October 28, 2004, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 5.4 acres. The site is located in Bigler Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received: May 27, 2004. Permit issued: October 28, 2004.

**18-04-01—C.M.T. Energy, Inc.** (Box 144, Irvona, PA 16656). The Moshannon District Office for the Department of Environmental Protection awarded a Government Financed Construction Contract to C.M.T. Energy, Inc. on October 28, 2004, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 2.5 acres. The site is located in West Keating Township, **Clinton County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of the Commonwealth. Application received: July 2, 2004. Permit issued: October 28, 2004.

**Whitetail Contracting** (P. O. Box 220, Woodland, PA 16881). The Moshannon District Office for the Department of Environmental Protection awarded a Government Financed Construction Contract to Whitetail Contracting on October 28, 2004, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 6.3 acres. The site is located in Karthaus Township, **Clinton County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received: July 6, 2004. Permit issued: October 28, 2004.

#### *Noncoal Permits Actions*

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

**42042804. Richard A. Powell** (1423 West Kane Rd., Kane, PA 16735) Commencement, operation and restoration of a small sandstone and shale operation in Wetmore Township, **McKean County** affecting 15.0 acres. Receiving streams: UNT to West Run. Application received: July 7, 2004. Permit Issued: December 10, 2004.



**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 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*

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

**07044006. Grannas Brothers Stone & Asphalt Company**, P. O. Box 488, Hollidaysburg, PA 16648-9802. Site preparation—Logan Town Centre Mall, Logan Township, **Blair County**. Expires December 31, 2005. Permit issued December 13, 2004.

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

**63044006. USA South Hills Landfill, Inc.** (3100 Hill Road, Library, PA 15127). Blasting permit to trench for bond drainage, located in Union Township, **Washington County**, with an expected duration of 1 year. Blasting permit issued: December 8, 2004.

**63044007. Richard Lawson Excavating, Inc.** (3467 Washington Ave., Findleyville, PA 15332). Blasting permit for construction of Tuscany Estates, located in Union Township, **Washington County**, with an expected duration of one year. Blasting permit issued: December 8, 2004.

**02044008. Chambers Development Company** (600 Thomas Street, Monroeville, PA 15146). Blasting for construction at Monroeville Landfill, located in Monroeville Township, **Allegheny County**, with an expected duration of 180 days. Blasting permit issued: December 8, 2004.

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

**09044042. Greensburg Environmental Contracting**, (2419 Brownfield Drive, Greensburg, PA 15601), and Wampum Hardware Co. (R. D. 1 Box 112-C, Shelocta, PA 15774), construction blasting for the Richland Water Tank in Richland Township, **Bucks County** with an expiration date of April 24, 2005. Permit issued December 13, 2004.

**21044113. John W. Gleim, Jr.**, (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Appalachian Estates in Middlesex Township, **Cumberland County** with an expiration date of April 1, 2005. Permit issued December 14, 2004

**36044124. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Conoy Township, **Lancaster County** with an expiration date of July 30, 2005. Permit issued December 14, 2004.

**21044114. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Lower Allen Business Park in Lower Allen Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued December 15, 2004.

**21044115. John W. Gleim, Jr.**, (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Bella Vista Development in Silver Spring Township, **Cumberland County** with an expiration date of June 1, 2005. Permit issued December 15, 2004.

**36044125. Gerlach's Drilling & Blasting**, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Prospect Storage in West Hempfield Township, **Lancaster County** with an expiration date of December 31, 2005. Permit issued December 15, 2004.

**48044043. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and Austin Powder, (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Hidden Oaks II in Lower Nazareth Township, **Northampton County** with an expiration date of December 1, 2005. Permit issued December 15, 2004.

**39044020. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and Austin Powder, (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Harvest Fields Phase III in Lower Macungie Township, **Lehigh County** with an expiration date of January 1, 2006. Permit issued December 15, 2004.

**54044010. Doli Construction Corporation**, (120 Independence Lane, Chalfont, PA 18914-1832), construction blasting at Schuylkill Valley Sewer Collection System in Blythe and Schuylkill Townships, **Schuylkill County** with an expiration date of December 31, 2005. Permit issued December 15, 2004.

**23044011. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting at Whaylen Property Subdivision Sanitary Sewer Line in Upper Darby Township, **Delaware County** with an expiration date of December 9, 2005. Permit issued December 15, 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*

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

**E31-196: PennDot District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Warriors Mark Township, **Huntingdon County**, ACOE Baltimore District

To remove the existing structure and then to construct and maintain a dual 16-foot by 5-foot concrete box culvert at the channel of East Branch Warriors Mark Run (HQ-CWF) and associated improvements on SR 0550, Section 001, Segment 0130, Offset 2177, in order to improve the alignment and safety, located about 1.3 miles east of the Warriors Mark Village (Franklinville, PA Quadrangle N: 16.3 inches; W: 15.26 inches) in Warriors Mark Township, Huntingdon County.

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E59-461. Keith Morgan**, R. R. 2, Box 43, Millerton, PA 16936, Bridge repairs in Charleston Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle N: 9.66 inches; W: 2.22 inches).

To construct and maintain: 1) a new wood deck measuring 12 feet by 45 feet along with repairs to existing wing walls; 2) to fill and grade the existing approach to the bridge; 3) three 15-inch diameter by 20 foot long CMP floodplain drainage pipes under the approach; and 4) about 30 feet of riprap along an unnamed tributary to Catlin Hollow immediately upstream of the bridge. The bridge is located off SR 4035, 0.1 mile north of the intersection of SR 4035 with Ikes Road. The project will not impact wetlands while impacting about 50 feet of waterway and less than 1 acre of earth disturbance. Catlin Hollow is a Warm Water Trout Stocked Fisheries stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-100-A1. City of Pittsburgh**, 301 City County Building, 414 Grant Street, Pittsburgh, PA 15219. Improvements to an existing boat launch in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh East, PA Quadrangle N: 10.4 inches; W: 14.0 inches; and Latitude: 40° 25' 57"—Longitude: 79° 58' 31"). To amend Permit No. E02-100 to construct and maintain improvements to the existing boat launch in the channel and along the left bank of the

Monongahela River for the purpose of improving access to said river. The project is located just downstream from the Brady Bridge in the City of Pittsburgh, and will consist of removing two existing concrete ramps and a concrete bulkhead and constructing a 40 foot wide by 50 foot long boat launch ramp, a 10 foot wide by 15 foot long bulkhead, a 10 foot wide by 25 foot long fishing pier, an aluminum gangway and three floating docks, each one 6 feet wide by 20 feet in length. The project will impact approximately 155.3 linear feet of stream channel.

**E02-1356. Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. Fill wetlands and construct a culvert in Robinson Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 15.2 inches; W: 15.8 inches and Latitude: 40° 27' 31"—Longitude: 80° 06' 49"). To remove existing structures, place and maintain fill within 0.45 acre of wetlands (PEM), to construct and maintain an 8 feet by 7 feet box culvert (depressed 1 foot with baffles) approximately 30 feet long with approximately 10 feet of R-8 rip-rap on the downstream end and 6 feet on the upstream end, to construct and maintain a utility line crossing to construct and maintain an outfall pipe and to reconstruct 675 feet of stream channel below the box culvert and to reconstruct approximately 44 feet of stream channel upstream of the box culvert within Moon Run (WWF) for the purpose of preventing flooding to the existing Moon Run Sanitary Treatment Plant. The project is located along Aiken Road approximately 400 feet west of its intersection with Moon Run Road. To compensate for the wetland impact the applicant has made a payment to the Wetland Replacement Fund.

**E02-1448. Maronda Homes, Inc.**, 202 Park West Drive, Pittsburgh, PA 15275. Place fill in four wetlands in Kennedy Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 16.2 inches; W: 14.1 inches; and Latitude: 40° 27' 5"—Longitude: 80° 06' 04"). To place and maintain fill in four wetlands: Wetland A—0.001 acre; Wetland D—0.064 acres; Wetland E—0.048 acre and Wetland F—0.026 acre for a total impact of 0.14 acre (PEM) and to construct and maintain a utility line crossing across a wetland. The encroachments are part of a proposed townhouse development to be known as Kennedy Highlands Plan of Lots. To compensate for the wetland impacts the applicant will reconstruct 0.17 acre of replacement wetlands. The project will also impact approximately 400 feet of a tributary to Moon Run (WWF), which meets the Department waiver 105.12(a)(2). To compensate for the stream impacts they will construct and maintain approximately 400 feet of the same stream channel. The project is located on the northwest side of McKees Rock/Steubenville Pike Road.

**E26-315. Perry Township Municipal Authority**, P. O. Box 183, Star Junction, PA 15483. Construct a forced main across and under the Youghiogheny River in Perry Township, **Fayette County**, Pittsburgh ACOE District. To construct and maintain 1) a 6-inch forced main across and under the bed of the Youghiogheny River (WWF) into the Town of Banning as part of construction of a sewage treatment plant (Fayette City, PA Quadrangle N: 22.0 inches; W: 0.5 inch and Latitude: 40° 07' 19"—Longitude: 79° 45' 15") and 2) to place and maintain approximately 250 linear feet of fill for construction of a sewage treatment plant and its associated buildings located along Browneller Run (WWF) and within the floodplain of the Youghiogheny River and 3) to construct and maintain 15 utility line stream crossings under the channel bed of Browneller Run and its unnamed tributary.

ies; and 4) to construct and maintain an 18 inch discharge pipe to the Youghiogheny River.

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

**E10-399, Connoquenessing Borough**, P. O. Box 471, Connoquenessing, PA 16027. Stream Restoration Project, in Connoquenessing Borough, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 22.4 inches; W: 4.0 inches).

To restore an unnamed tributary to Connoquenessing Creek (WWF) to its original contours by 1) removing sediment and debris from approximately 330 feet of stream channel and 2) removing 230 feet of riprap protection with accumulated sediment and debris beginning at a point along Main Street 1,000 feet north of the borough line and extending east approximately 550 feet.

**DAM SAFETY**

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

**D15-364B. BHC Venture, Inc.**, 909 Delaware Avenue, Wilmington, DE 19806. To construct, operate, and maintain a stormwater detention dam, Crossing No. 5, across Bucktoe Creek (TSF), impacting 0.04 acre of wetlands (PFO) and 90 feet of stream for the purpose of providing stormwater detention for a subdivision at the Hartefeld National Golf Course\*, (Kennett Square, PA Quadrangle N: 1.13 inches; W: 15.8 inches) New Garden Township, **Chester County**. \*This is a request to reissue a Dam Permit which was issued on 1/30/97 and expired on 12/31/97. The current design of the dam is 2 feet higher than the originally permitted structure, requiring the submission of a new Dam Permit Application. The dimensions and location of the base of the dam have not been changed from those approved in the originally permitted structure. The project also proposes to construct a non-

jurisdictional dam (Crossing No. 4) across a tributary to Bucktoe Creek impacting 0.27 acre of wetland (PEM) and 120 feet of stream for stormwater detention. Applicant proposes to construct 0.31 acre of replacement wetland.

**SPECIAL NOTICES**

**Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act**

The Department of Environmental Protection announces the following grants to counties under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the act for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast	Montgomery County	Montgomery County	Plan Revision	\$31,011

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Beaverdam Branch Watershed in Blair County.**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

The Department of Environmental Protection (Department) is holding a public meeting on January 12, 2005, beginning at 6:30 p.m. at the Blair County Courthouse in Hollidaysburg to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. Four stream segments in the Beaverdam Branch Watershed have been identified as impaired on the 1996 Pennsylvania 303(d) list due to metals from AMD. The listed segments and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
16317 (6561)	Beaverdam Branch	2.3
16389 (6563)	Sugar Run	6.3
16416 (6565)	Burgoon Run	3.0

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
16428 (2118)	Glenwhite Run	3.2

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

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
PH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. The Beaverdam Branch Watershed was mined for coal throughout the nineteenth century. All of the allocations made in the TMDL are load allocations that are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water

quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2000.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Tim Kania, Cambria Office DEP, 286 Industrial Road, Ebensburg, PA 15931, (814) 472-1900. E-mail will be received at tkania@state.pa.us. Directions to the meeting place can also be obtained through this contact.

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

Written comments will be accepted at the previously listed address and must be postmarked by March 2, 2005. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on January 7, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 05-13. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Availability of Technical Guidance

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

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

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

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Guidance—Minor Revision*

DEP ID: 383-2100-108. Title: DEP Permit Guide to Public Water Systems. Description: The guidance contained in this document provides Departmental staff with direction to support the implementation of permitting activities associated with public water systems under the drinking water management programs. It was issued on April 1, 1999, under the authority of the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) and regulations at 25, Pa. Code Chapter 109 (relating to safe drinking water). Modifications were recently made to the guidance to enhance its clarity. Among these include changes to more clearly delineate the documentation that must be provided to the Department by an applicant seeking a minor amendment to a public water system construction permit under the permit requirements at 25 Pa. Code § 109.503 (relating to public water system construction permits). Additional changes were also made to clarify that the engineer's report to be submitted as a part of the complete public water system permit application must be signed and sealed by a professional engineer licensed in the Commonwealth. Contact: Jeff Gordon, Drinking Water Management Division, at (717) 772-4018, [jegordon@state.pa.us](mailto:jegordon@state.pa.us). Effective Date: January 1, 2005.

DEP ID: 012-0501-002. Title: Environmental Justice Public Participation Policy. Description: This policy implements the public participation recommendations of the Environmental Justice Work Group June 2001 report. It provides direction and guidance to Department staff on how to identify an Environmental Justice Area, based on proximity of a proposed facility site in a permit application, as well as on demographic data. The document also provides guidance to Department staff to enhance public participation during the permitting process for some permits in an Environmental Justice Area. This guidance was issued as final at 34 Pa.B. 2237 (April 24, 2004). Modifications were recently made to the guidance to correct discrepancies contained in Appendix C of the policy. Specifically, corrections were made to Appendix C to accurately reflect that participation by permit applicants in the enhanced public participation objectives of the policy is voluntary. Contact: Louis Guerra, Jr., Policy Office, at (717) 783-8727, [lguerra@state.pa.us](mailto:lguerra@state.pa.us). Effective Date: January 1, 2005.

#### *Draft Guidance—Substantive Revision*

DEP ID: 563-2000-610. Title: Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars. Description: Since the Quecreek Mine accident, the Department and other organizations have evaluated existing mine surveying techniques used in the mapping of underground mines. The proposed changes to this guidance document will establish standardized surveying methods and procedures that will be used to produce consistent and accurate mine maps. These changes will aid in the review of underground mine maps by establishing reliable information on the location of boundary lines of adjacent underground mines; ensure that adequate safety barrier pillars are properly delineated and maintained; and minimize the potential for accidental breakthroughs into adjacent underground mines. This guidance is issued under the authority of Pennsylvania's Anthracite and Bituminous Coal Mine Acts, The Clean Streams Law, the Bituminous Mine Subsidence and Land Conservation Act, the Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, section 2(f) of the General Safety Law and sections 1915(a) and 1917(a) of The Administrative Code of 1929. Written Comments: Interested persons may

submit written comments on draft technical guidance document 563-2000-610 by January 31, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Gregory Shuler, P. G., Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461 or by e-mail at [ghuler@state.pa.us](mailto:ghuler@state.pa.us). Questions regarding the draft technical guidance document should be directed to Gregory Shuler at (717) 783-1199 or [ghuler@state.pa.us](mailto:ghuler@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-14. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Board and Committee Meeting Schedules for 2005

The following is a list of 2005 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

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

#### Agricultural Advisory Board

The Agricultural Advisory Board meetings for 2005 will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 16, 2005  
April 20, 2005  
June 15, 2005  
August 24, 2005  
October 19, 2005  
December 21, 2005

*Contact:* Dean Auchenbach, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668 or [dauchenbac@state.pa.us](mailto:dauchenbac@state.pa.us).

#### Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 8:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 22, 2005  
April 21, 2005  
June 17, 2005  
August 30, 2005  
October 25, 2005

*Contact:* Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030 or [tblack@state.pa.us](mailto:tblack@state.pa.us) or Susan Smith, (717) 787-6548 or [susmith@state.pa.us](mailto:susmith@state.pa.us).

#### Certification Program Advisory Committee

The 2005 meetings of the Certification Program Advisory Committee have not been scheduled. Notices for upcoming meetings will be published in future editions of the *Pennsylvania Bulletin*.

*Contact:* Lynn Rice, Bureau of Office Systems and Services, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-5326 or [mlrice@state.pa.us](mailto:mlrice@state.pa.us).

#### Chesapeake Bay Advisory Committee

The Chesapeake Bay Advisory Committee will hold quarterly meetings on the dates listed below. All meetings will begin at 9 a.m. and be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

March 3, 2005  
June 2, 2005  
September 1, 2005  
December 8, 2005

*Contact:* Dave Reed, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5649 or [davreed@state.pa.us](mailto:davreed@state.pa.us).

#### Citizens Advisory Council

Meetings of the Citizens Advisory Council are held the third Tuesday of the month unless otherwise noted in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings typically begin at 10:30 a.m. unless otherwise noted on our website at <http://www.cacdep.state.pa.us>. The 2005 meeting dates are as follows:

January 18, 2005  
February 15, 2005  
March 15, 2005  
April 19, 2005  
May 18, 2005 \*\* moved due to Primary Election  
June 21, 2005 (Regional Meeting—location to be announced)  
July 19, 2005  
September 20, 2005  
October 18, 2005  
November 15, 2005

*Contact:* Stephanie Mioff, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527 or [smioff@state.pa.us](mailto:smioff@state.pa.us).

#### Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board meetings for 2005 will be held at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

May 16, 2005  
November 18, 2005

*Contact:* Marilyn Wooding, Land Recycling Program, P. O. Box 8471, Harrisburg, PA 17105-8471 or [mwooding@state.pa.us](mailto:mwooding@state.pa.us).

#### Coal and Clay Mine Subsidence Insurance Fund Board

The annual meeting of the Coal and Clay Mine Subsidence Insurance Fund Board will begin at 10 a.m. in the 12th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

December 14, 2005

*Contact:* Lawrence Ruane, Bureau of Mining and Reclamation, P. O. Box 8462, Harrisburg, PA 17105-8462, (717) 783-9590 or [lruane@state.pa.us](mailto:lruane@state.pa.us).

#### Coastal Zone Advisory Committee

The Coastal Zone Advisory Committee will meet from 9:30 a.m. to noon in the 10th Floor Conference Room of

the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA on this meeting date:

January 19, 2005

*Contact:* Andrew Zemba, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785 or [azemba@state.pa.us](mailto:azemba@state.pa.us).

#### **Environmental Justice Advisory Board**

The meetings for the Environmental Justice Advisory Board will begin at 9 a.m. and be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 10, 2005  
May 5, 2005  
August 11, 2005  
November 10, 2005

*Contact:* Ayanna King, P. O. Box 2063, Harrisburg, PA 17105, (717) 783-9731 or [ayking@state.pa.us](mailto:ayking@state.pa.us).

#### **Environmental Quality Board**

Meetings of the Environmental Quality Board will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 9 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 18, 2005	July 19, 2005
February 15, 2005	August 16, 2005
March 15, 2005	September 20, 2005
April 19, 2005	October 18, 2005
May 18, 2005	November 15, 2005
June 21, 2005	December 20, 2005

*Contact:* Marjorie Hughes, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA, 17105-8477, (717) 787-4526 or [mahughes@state.pa.us](mailto:mahughes@state.pa.us).

#### **Laboratory Accreditation Advisory Committee**

The Laboratory Accreditation Advisory Committee (LAAC) will hold meetings as follows. The meetings for the LAAC will be held from 10 a.m. until 3 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg. The meeting dates are as follows:

April 14, 2005  
June 1, 2005  
August 23, 2005  
November 1, 2005

*Contact:* Richard H. Sheibley, Bureau of Laboratories, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 705-2425 or [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us).

#### **Low-Level Radioactive Waste Advisory Committee**

The annual meeting of the Low-Level Radioactive Waste Advisory Committee will begin at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA on the following date:

September 29, 2005

*Contact:* Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 232-2786 (Toll-free), (717) 787-2163 or [rjanati@state.pa.us](mailto:rjanati@state.pa.us).

#### **Mining and Reclamation Advisory Board**

The Mining and Reclamation Advisory Board will hold quarterly meetings as follows. The meetings in the Rachel Carson State Office Building will begin at 10 a.m. except for the January 6, 2005, meeting which will begin at 11 a.m. The meeting dates and locations are as follows:

January 6, 2005	Room 105, Rachel Carson State Office Building
April 28, 2005	Room 105, Rachel Carson State Office Building
July 7, 2005	Field Meeting—Location and time to be announced
October 27, 2005	Room 105, Rachel Carson State Office Building

*Contact:* G. Nevin Strock or Lara Logan, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103, [gstock@state.pa.us](mailto:gstock@state.pa.us) or [llogan@state.pa.us](mailto:llogan@state.pa.us).

#### **Nonpoint Source Liaison Workgroup**

Nonpoint Source Liaison Workgroup meetings for 2005 will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings will be begin at 10 a.m. and the meeting dates are as follows:

June 16, 2005  
October 20, 2005

*Contact:* Fran Koch, Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2289 or [fkoch@state.pa.us](mailto:fkoch@state.pa.us).

#### **Oil and Gas Technical Advisory Board**

Oil and Gas Technical Advisory Board meetings for 2005 will be held at 10 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

April 14, 2005  
July 20, 2005  
November 16, 2005

*Contact:* David Hogeman, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199 or [dhogeman@state.pa.us](mailto:dhogeman@state.pa.us).

#### **Radiation Protection Advisory Committee**

The Radiation Protection Advisory Committee will meet at 9 a.m. in the 14th Floor Conference Room, the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA on the dates indicated as follows:

April 6, 2005  
July 27, 2005

*Contact:* Louis Ray Urciuolo, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720 or [lurciuolo@state.pa.us](mailto:lurciuolo@state.pa.us).

#### **Recycling Fund Advisory Committee**

The Recycling Fund Advisory Committee meetings will be held on the following dates; additional meetings may be scheduled to accommodate agenda items for the Committee. All meetings are expected to begin at 10 a.m. and will be held in Room 105 of the Rachel Carson State Office Building in Harrisburg, PA.

March 10, 2005  
July 14, 2005  
November 3, 2005

*Contact:* Penelope Hartman or Larry Holley, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, [penhartman@state.pa.us](mailto:penhartman@state.pa.us) or [lholley@state.pa.us](mailto:lholley@state.pa.us).

#### **Sewage Advisory Committee**

The Sewage Advisory Committee will hold meetings on the dates listed as follows. All meetings will begin at

10:30 a.m. and be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

March 30, 2005  
October 12, 2005

*Contact:* Jay Africa, Bureau of Water Supply and Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184 or jafrika@state.pa.us

#### **Small Business Compliance Advisory Committee**

Meetings of the Small Business Compliance Advisory Committee will hold quarterly meetings as follows. The meetings will begin at 10 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to the meeting, check the meeting information at the Department's website, [www.state.pa.us](http://www.state.pa.us) (DEP Keyword "Small Business") to confirm meeting date, time and location.

January 26, 2005  
April 27, 2005  
July 27, 2005  
October 26, 2005

*Contact:* Ted Laubach, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-2333 or glaubach@state.pa.us.

#### **Solid Waste Advisory Committee**

The Solid Waste Advisory Committee meetings will be held on the following dates; additional meetings may be scheduled to accommodate the agenda items for the Committee. All meetings are expected to begin at 10 a.m. and will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

January 13, 2005  
May 12, 2005  
September 15, 2005

*Contact:* Tammy Snyder or Gayle Leader, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, [tasnyder@state.pa.us](mailto:tasnyder@state.pa.us) or [gleader@state.pa.us](mailto:gleader@state.pa.us).

#### **State Board for Certification of Sewage Enforcement Officers**

Meetings of the State Board for Certification of Sewage Enforcement Officers will be called at the discretion of the Board's chairperson to conduct business of the Board. Notice of individually scheduled meetings will be published in future editions of the *Pennsylvania Bulletin*.

*Contact:* Renee Nease, Certification, Licensing and Bonding Division, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045 or [mnease@state.pa.us](mailto:mnease@state.pa.us).

#### **State Board for Certification of Water and Wastewater Systems Operators**

Meetings of the State Board for Certification of Water and Wastewater Systems Operators will begin at 9:30 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 11, 2005  
April 27, 2005  
June 30, 2005  
September 20, 2005  
December 14, 2005

Prior to the previously listed meetings, contact Lynn Rice or visit the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate) to confirm the meeting room location.

*Contact:* Lynn Rice, Bureau of Office Systems and Services, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-5326 or [mlrice@state.pa.us](mailto:mlrice@state.pa.us).

#### **Statewide Water Resources Committee**

Meetings of the Statewide Water Resources Committee will begin at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 20, 2005  
March 17, 2005  
May 4, 2005  
July 21, 2005  
September 22, 2005  
December 1, 2005

*Contact:* Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, [suweaver@state.pa.us](mailto:suweaver@state.pa.us).

#### **Storage Tank Advisory Committee**

Meetings of the Storage Tank Advisory Committee will begin at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 8, 2005  
June 7, 2005  
September 13, 2005  
December 13, 2005

*Contact:* Diane Harden, Bureau of Land Recycling and Waste Management, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5551, (800) 42-TANKS (within PA) or [dharden@state.pa.us](mailto:dharden@state.pa.us).

#### **Stormwater Manual Oversight Committee**

The Stormwater Manual Oversight Committee meetings for 2005 will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 29, 2005  
May 24, 2005  
July 26, 2005  
September 27, 2005  
December 6, 2005

*Contact:* Dennis Stum, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 772-5963 or [dstum@state.pa.us](mailto:dstum@state.pa.us).

#### **Technical Advisory Committee on Diesel-Powered Equipment**

The Technical Advisory Committee on Diesel-Powered Equipment announces its schedule of 2005 meetings. All meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown, PA. The meeting dates are:

January 18, 2005  
April 19, 2005  
July 19, 2005  
October 18, 2005

*Contact:* Allison Gaida, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469 or [agaida@state.pa.us](mailto:agaida@state.pa.us).

#### **Small Water Systems Technical Assistance Center Advisory Board**

The Small Water Systems Technical Assistance Center Advisory Board meetings for 2005 will be held at 10 a.m.

in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 17, 2005  
 May 19, 2005  
 August 25, 2005  
 December 15, 2005

*Contact:* Ray Braun, Bureau of Water and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 772-2186 or rbraun@state.pa.us.

#### **Water Resources Advisory Committee**

The Water Resources Advisory Board meetings for 2005 will be held at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Please note the March 9, 2005, meeting will take place in the 2nd Floor Training Room of the Rachel Carson State Office Building. The meeting dates are as follows:

January 12, 2005  
 March 9, 2005 (2nd Floor Training Room)  
 May 11, 2005  
 July 13, 2005  
 September 14, 2005  
 November 9, 2005

*Contact:* Carol A. Young, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637 or cayoung@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-15. Filed for public inspection December 30, 2004, 9:00 a.m.]

#### **Pennsylvania Mining and Reclamation Advisory Board and the Board's Regulation, Legislation and Technical Committee Meetings**

The quarterly meeting of the Mining and Reclamation Advisory Board (Board) is scheduled for January 6, 2005, at 11 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will review and discuss the replacement of water supplies impacted by coal mining, reclamation of bond forfeiture mine sites and bonding procedures for surface coal mines. The Board's Regulation, Legislation and Technical Committee will meet at 9 a.m. on January 6 at the same location and will discuss the replacement of water supplies impacted by coal mining.

Questions concerning these meetings should be directed to G. Nevin Strock at (717) 787-6842 or gstroch@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact G. Nevin Strock at the telephone number or e-mail address listed in this notice or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-17. Filed for public inspection December 30, 2004, 9:00 a.m.]

#### **Critical Water Planning Area Subcommittee Meeting**

The Critical Water Planning Area Subcommittee of the State Water Plan Statewide Water Resources Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held on January 14, 2005, at 10 a.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-16. Filed for public inspection December 30, 2004, 9:00 a.m.]

#### **Policy and Integration Subcommittee Meeting**

The Policy and Integration Subcommittee of the State Water Plan Statewide Water Resources Committee has scheduled a meeting to discuss the various policy issues associated with the development of the State Water Plan. The meeting will be held on January 5, 2005, at 10 a.m. at the Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-18. Filed for public inspection December 30, 2004, 9:00 a.m.]



## State Water Plan Statewide Water Resources Committee Meeting

The State Water Plan Statewide Water Resources Committee has scheduled a meeting to discuss the development of the State Water Plan. The meeting will be held on January 20, 2005, at 9:30 a.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055 or [suweaver@state.pa.us](mailto:suweaver@state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 05-19. Filed for public inspection December 30, 2004, 9:00 a.m.]

# DEPARTMENT OF GENERAL SERVICES

## Right-to-Know Law

1. *Purpose.* This notice establishes the process and procedures that the Department of General Services will follow when responding to requests made pursuant to the Right-to-Know Law for access to or copies of public records.

2. *Definitions.* The terms "Public Record," "Requester," and "Response" shall have the meanings given to them in the "Right-to-Know Law," as amended, 65 P. S. §§ 66.1—66.9. Other terms used in this notice have the following meanings:

a. *Act or RTKL.* The Act of June 21, 1957 (P. L. 390, No. 212), commonly referred to as the "Right-to-Know Law," as amended, 65 P. S. §§ 66.1—66.9.

b. *Department.* Department of General Services.

c. *Business day.* The Department's regular business hours from 8:30 AM to 5:00 PM, Monday through Friday, except those days when the offices of the Department are closed for all or part of a day:

- (1) due to a state holiday;
- (2) pursuant to Management Directives 530.71, Partial and Full Day Closings of State Offices and 505.7, Personnel Rules, Section 8.7, due to severe weather (such as a blizzard or ice storm);
- (3) due to natural or other disaster; or
- (4) due to the request or direction of local, state, or federal law enforcement agencies or officials.

d. *Deemed denied.* A request is deemed denied if one of the following conditions occurs:

- (1) the Department fails to respond within the initial 10-business-day period specified in the Act for response to RTKL requests;

(2) the Department extends the 10-business-day period by up to 30 calendar days, but then fails to respond by the end of that extended period; or

(3) the Department notifies the requester that it requires additional time to respond in excess of the permitted 30 calendar day period.

e. *Exceptions.* A written document filed with the RTKL Exceptions Official by a requester challenging the denial or deemed denial of the requester's RTKL request by the Department's RTKL Official.

f. *Records custodian.* Any person having custody, possession or control of a document.

g. *Redaction.* The eradication of a portion of a record while retaining the remainder.

h. *RTKL Exceptions Official.* The official designated by the Secretary to consider exceptions, conduct hearings as appropriate and issue final determinations resolving those exceptions. The name and address of the RTKL Exceptions Official may be found at <http://www.dgs.state.pa.us>.

i. *RTKL Official.* The official designated by the Secretary to receive and respond to RTKL requests. The name and address of the RTKL Official is set out in this policy, and may be found at <http://www.dgs.state.pa.us>.

j. *RTKL Request.* A written request invoking the Act submitted to the Department's RTKL Office or RTKL Official asking for access to a record.

k. *Secretary.* The Secretary of the Department of General Services.

l. *Sensitive information.* Information that, if released, might reasonably operate to impair a person's privacy rights or to impair the security of an individual or a group of individuals.

### 3. Department RTKL Functions.

a. *RTKL Office.* The function of the RTKL Office is to receive RTKL requests and to assure the prompt and efficient handling of RTKL requests. The RTKL Office.

b. *RTKL Official.* The function of the RTKL Official is to receive all RTKL requests submitted to the Department, to direct requests to other appropriate persons, to track the Department's progress in responding to RTKL request, and to issue interim and final responses to RTKL requests. The RTKL Official's address is the same as the RTKL Office. The name of the RTKL Official is Frank D. Kane. The address of the RTKL Office is Room 515 North Office Building, Harrisburg, PA 17125. The facsimile number is (717) 783-4374. The name and address of both the RTKL Official and the RTKL Office may also be found at <http://www.dgs.state.pa.us>.

c. *Public Records Access Room.* The Department's RTKL Official will determine the building and room where records will be made available to a requester and the hours of availability.

d. *Public Records Posted to Websites.* The Department in its discretion will determine which records, if any, it will make available electronically.

e. *RTKL Exceptions Official.* The function of the RTKL Exceptions Official is to receive RTKL exceptions, to track the progress on exceptions, to adjudicate exceptions, to preside at hearings (if and when hearings are convened at the discretion of the RTKL Exceptions Official), and to issue final determinations in accordance with the Act. The Secretary will appoint a person to serve as the Department's chief RTKL Exceptions Official. The RTKL

Exceptions Official is Peter Speaks, Deputy Secretary for Administration, 515 North office Building, Harrisburg, PA 17125. The facsimile number is (717) 787-4741. The name and address of the RTKL Exceptions Official may also be found at <http://www.dgs.state.pa.us>.

#### 4. Procedure for Responding to RTKL Requests.

##### a. RTKL Requests.

(1) *Verbal RTKL requests.* The Department will not accept any verbal request.

(2) *Anonymous RTKL requests.* The Department will not accept any written request that does not identify the requester.

(3) *Electronic RTKL requests other than by facsimile.* The Department will not accept RTKL requests submitted via e-mail.

(4) *Contents of a request.* A RTKL request must include the name of the requester and the address to which the Department should address its response. The RTKL request must identify or describe the records sought with sufficient specificity to enable the Department to ascertain which records are being requested.

(5) *Reason for the request.* The Department asks that the requester disclose the reason for the request so that the Department's response is limited to relevant documents. However, the Department does not insist that a statement of reason for the RTKL request be provided, nor will the Department reject or refuse a request on the grounds that no such reason was given. Additionally, if the requester discloses the reason for the RTKL request, the Department will not deny a requester access to a public record due to the requester's intended use of that record.

(6) *Forms.* No specific form is required for submission of the request so long as the required information is included.

(7) *Residency requirement.* The Department is required to provide a requester with access to a public record only if the requester is a resident of Pennsylvania. The Department may, in its discretion, rely upon the requester's stated address, the return address listed on the request, the postmark, or a combination of these or some other factor(s) to determine whether the requester is a resident of Pennsylvania.

##### b. Submittal of RTKL Requests.

(1) The Secretary has designated Frank D. Kane to be the chief RTKL Official and to be the recipient of RTKL requests addressed to the Department. The address of the office to which RTKL requests are to be addressed is 515 North Office Building, Harrisburg, PA 17125. The facsimile number is (717) 772-2026. All RTKL requests must be addressed to this individual at the address provided.

(2) The 10-business-day period does not begin to run until a RTKL request is received by the Department's RTKL Office designated to receive such request.

(3) If an official or employee of the Department, other than the RTKL Official, receives a RTKL request, that person should, within a reasonable time, either return the RTKL request to the requester or forward the RTKL request to the Department's RTKL Office. If the request is returned to the requester, the person who returns it shall inform the requester that such requests must be sent to the Department's RTKL Office and shall provide the requester with the address of that office. If the

request is forwarded to the RTKL Office, the 10-business-day period commences upon receipt of the request by that office.

##### c. Responses, in General.

(1) The act of providing a requester with access to a record, either in the offices of the Department or by sending a copy is a "response" for purposes of the RTKL.

(2) The Department may send written responses to requesters by U. S. mail, by hand (in person or by delivery service), by facsimile, or by e-mail.

##### d. Physical Access to Public Records.

(1) Unless otherwise provided by law, the Department will make its public records accessible for inspection by any requester during the regular business hours of the Department. In the case of a public record that is available only through electronic means, the Department will provide access to the public record at an office of the Department. This requirement may be satisfied by providing access (under supervision, as deemed appropriate, to prevent access to information which is not a public record of the Department) at a computer or computer terminal located in a public records access room.

(2) The Department will provide the public record to a requester in the medium requested if the record exists in that medium. Otherwise, the public record will be provided in the medium in which it exists. If a public record only exists in one medium, the Department is not required to convert that record to another medium.

(3) The Department has the discretion to determine the building(s) and room(s) that will be used to provide a requester with access to the Department's public records. The selection of buildings and rooms for access to the Department's public records is a matter within the discretion of the RTKL Official.

(4) The Department is not required to create a public record that does not already exist, nor is it required to compile, maintain, format or organize a public record in a manner in which it does not currently do so.

##### e. Interim Responses.

(1) The Department must provide a final response to a RTKL request within 10 business days unless one or more specific conditions are satisfied and the Department gives the requester written notice that additional time will be required. That notice is referred to as an "interim response."

(2) The circumstances in which the Department may obtain an extension of time in which to provide a final response are as follows:

(i) The RTKL request requires redaction of a public record.

(ii) The RTKL request requires retrieval of a record stored at a remote location.

(iii) A response within the 10-business-day period cannot be accomplished due to bona fide staffing limitations (including those resulting from business disruptions caused by weather and other occurrences), which limitations must be specified in the interim response.

(iv) A legal review is necessary to determine whether the record requested is subject to access under the Act.

(v) The requester has not complied with Department's policies regarding access to public records.

(vi) The requester has not complied with a demand for prepayment of fees which are required to fulfill the RTKL

request and which are estimated to exceed \$100. If prepayment of fees is required by the Department, the time period for response shall be tolled from the time the demand for payment is made until such time as payment is actually received.

(3) In addition to setting forth each applicable justification for the extension of time, the interim response must meet the following criteria:

(i) It must be sent to the requester on or before the last day of the 10-business-day period.

(ii) It must include a statement notifying the requester that the request for access is being reviewed.

(iii) It must state a reasonable date when a response is expected to be provided. This date must not be more than 30 calendar days from the end of the 10-business-day period.

f. *Final Responses.*

(1) *Types of final responses.* The Act provides for three types of written final responses to a RTKL request:

(i) The Department grants the entire RTKL request.

(ii) The Department refuses the entire RTKL request.

(iii) The Department grants part of the RTKL request and refuses the remainder.

(2) *Deemed denials.* The failure of the Department to make a timely final response is a deemed denial under the Act.

(3) *Final responses granting requests.* Unless otherwise provided by law, a written RTKL request will be granted if the record is within the statutory definition of a public record.

(4) *Final responses denying requests, either in whole or in part.* If a written RTKL request is denied in whole or in part, the Department will issue a final written response including the following:

(i) A description of the record requested.

(ii) The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that that the record requested is not a public record, the specific reasons for the Department's determination that the record is not a public record shall be included.

(iii) The typed or printed name, title, business address, business telephone number and signature of the RTKL Official on whose authority the denial is issued.

(iv) The date of response.

(v) The procedure to appeal the denial of access under the Act.

g. *Redaction.*

If only portions of a record are public records, the Department will not deny access to the record based upon the fact that portions are not public records. Rather, the Department will redact the portions that are not public records and produce the portions that are public records.

h. *Duplication of public records.*

(1) A public record must be accessible for duplication by a requester. The Department may either make copies itself or, in its discretion allow the requester to bring the necessary equipment to make its own copies.

(2) The Department may make its duplication equipment available to a requester but require that the requester operate the equipment; the Department may

assign its own staff to make the duplications requested by the requester; or it may contract for duplication services and require that the requester pay the contractor for those services.

5. *Exceptions.*

a. *Filing Exceptions.*

(1) If a RTKL request is denied or deemed denied, whether in whole or in part, the requester may file exceptions to the denial with the Department.

(2) A person who makes either a verbal RTKL request or an anonymous RTKL request lacks standing to file exceptions. Any exceptions filed by such a requester shall be dismissed for that reason.

(3) A requester may not file exceptions to the Department's decision to extend the response period by up to 30 days.

b. *Time for filing exceptions.*

(1) Exceptions to the Department's written denial must be filed within 15 business days of the mailing date of the written denial.

(2) Exceptions to a deemed denial must be filed within 15 calendar days of the date the RTKL request is deemed denied.

(3) Exceptions that are untimely filed may be dismissed for that reason.

c. *Contents of exceptions.*

(1) Exceptions must state the reasons for the requester's assertion that the record is a public record. Reasons not set forth in writing within the applicable 15-day period are deemed to be waived and may be disregarded by the Department.

(2) Exceptions should address the reasons stated by the Department for denying the RTKL request. Exceptions that fail to comply with this requirement may be dismissed for that reason.

(3) If an RTKL request is deemed denied, the requester is not required to set forth any grounds for contesting the denial.

d. *Submission of written exceptions to the RTKL Exceptions Official.* Exceptions must be set forth in writing and must be received by the RTKL Exceptions Official. Exceptions submitted to any other official, office, or address are defective and do not stop the running of the 15-day exceptions period.

e. *Method of submission.* Exceptions may be submitted by U. S. mail, by hand (in person or by delivery service) or by facsimile. Submission of exceptions by e-mail will not be accepted.

f. *Exceptions Procedures.* The following procedure will be followed in considering exceptions to the Department's denial of a RTKL request:

(1) Date-stamp the exceptions letter and assign it a tracking number.

(2) Retain the envelope and any documents that accompany the exceptions letter.

(3) Send a copy of the exceptions letter and accompanying documents to the RTKL Official to notify that person of the exceptions.

(4) Schedule and conduct hearings, if hearings are ordered by the RTKL Exceptions Official. The RTKL Exceptions Official may request that the requester and

the Department make written submissions, whether in connection with a hearing or otherwise.

(5) Obtain the services of a court reporter or other method for recording testimony, if a hearing is conducted.

(6) Docket the receipt of evidence and other submittals.

(7) Maintain a record of the final determinations by the RTKL Exceptions Official.

(8) Prepare an official record if an appeal is filed in the Commonwealth Court.

g. *Department Response to Exceptions, Timing of Hearings and Submittals.* The Department may submit a written response to the exceptions. The Department shall submit any such response to the RTKL Exceptions Official and shall send a copy to the person who submitted the exceptions. The RTKL Exceptions Official should set a schedule for the parties to submit any other documents in support of their respective positions. The RTKL Exceptions Official may also impose reasonable limits on the nature and type of documents to be submitted. If a hearing will be conducted, the RTKL Exceptions Official should schedule it promptly.

h. *Period for Resolving Exceptions.* Unless the requester agrees otherwise, the RTKL Exceptions Official must issue a "final determination" within 30 calendar days of the mailing date of the exceptions. If the requester requests a hearing, the RTKL Exceptions Official may condition the grant of that request upon the requester's written consent or agreement to an extension of that time.

i. *Hearings.* The Department may conduct a hearing but is not required to do so. Either party (requester or Department) may request that a hearing be held. The decision to hold a hearing rests in the discretion of the RTKL Exceptions Official and is not appealable.

j. *Rules of evidence and proof of the nature or contents of a withheld record.*

(1) If a hearing is held, the strict rules of evidence will not be applied. The official presiding at the hearing shall have the discretion to admit into evidence such testimony, evidence, and documents as he or she believes to be reasonably probative and relevant to an issue in dispute. The presiding official may also limit the nature and extent of evidence found to be cumulative.

(2) The Act does not provide for the in camera examination of a withheld document. Consequently, if the Department denies access to a record, that record should not be submitted to the RTKL Exceptions Official. Rather, the Department should provide a description of the record, either in writing or by means of oral testimony. If the record is set forth on a form, a copy of the blank form also may be submitted. The Department shall not be compelled to produce a withheld record to the RTKL Exceptions Official.

(3) Unless it is presented to the RTKL Exceptions Official, no withheld record shall become a part of the official record.

k. *Rules of procedure.*

If exceptions are to be resolved without a hearing, the General Rules of Administrative Practice and Procedure, set forth at 1 Pa. Code Chapters 31, 33, and 35, do not apply. If a hearing is held, the General Rules of Administrative Practice and Procedure shall apply.

l. *Department Final Determination.* Exceptions are resolved by a final determination of the RTKL Exceptions

Official. A final determination must be set forth in writing. If the RTKL Exceptions Official determines that the Department correctly denied the RTKL request, he or she must provide a written explanation to the requester of the reason for the denial, which explanation may include such exhibits or references to materials as the RTKL Exceptions Official deems appropriate.

6. *Fees and Charges.*

a. *Photocopies.* One "photocopy" is either a single-sided copy or one side of a double-sided copy.

1 side of a standard 8.5" x 11" page	\$0.15 if using the Department's copiers and prevailing cost if copied otherwise.
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1 side of any irregular sized page	The Department may set this fee based on its determination of the prevailing cost at the time of the RTKL request.
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b. *Other Materials.*

PC Diskettes	\$5 per diskette plus cost of labor.
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Microfilm/-microfiche/other	Actual cost (including cost of labor, both salary and benefits).
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c. *Postage.*

Material fitting into standard letter envelope and sent by First Class United States mail	No Charge
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Other	Actual cost
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d. *Redaction.* The Department may charge a reasonable fee for necessary redaction (including cost of labor).

e. *Certified Copies.* The Department may assess a reasonable fee for providing certified copies in response to a request for certified copies.

f. *Other Costs.* The Department may assess reasonable fees for labor and other expenses necessary to comply with the request for access to, or copying of, requested records (but not for determining whether requested records are public records required to be provided to the requester pursuant to the Act), e.g., costs from retrieval of records from storage.

DONALD T. CUNNINGHAM, Jr.,  
Secretary

[Pa.B. Doc. No. 05-20. Filed for public inspection December 30, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Plan Required by Section 1932 of the ADAMHA Reorganization Act of 1992

The Bureau of Drug and Alcohol Programs of the Department of Health (Department) is making available for public review and comment, under section 1941 of the Alcohol Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992 (act) (42 U.S.C.A. § 290aa et seq.), the Department's Final Plan (Plan) for the 2004-2005 Federal Fiscal Year required by section 1932 of the act.

The Plan includes provisions for complying with the funding agreements set out in the act, which are prereq-

uisites for receiving block grant funds, and a description of the manner in which the Department expends to the grant.

The grant amount is approximately \$58 million for the period of October 1, 2004, to September 30, 2005.

Persons wishing to submit written comments on the Department's Plan may do so. Comments received will be considered by the Department in the development of the Department's Plan that will be part of the Commonwealth's application for Substance Abuse Prevention and Treatment Block Grant funding for Fiscal Year 2004-2005 and future years.

Copies of the Plan are available from and comments should be addressed to Terry Matulevich, Bureau of Drug and Alcohol Programs, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8200.

For additional information or persons with a disability who require a copy of the Plan in an alternative format or an auxiliary aid, service or other accommodation to make and submit comments, contact Terry Matulevich at (717) 787-9564, 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. 05-21. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, February 25, 2005, from 10 a.m. to 3 p.m. in Room 327, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

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

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-22. Filed for public inspection December 30, 2004, 9:00 a.m.]

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

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, January 19, 2005, and Thursday, January 20, 2005, from 9

a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057.

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

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572, 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. 05-23. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Special Supplemental Food Program for Women, Infants and Children; Vendor Notice

The Department of Health (Department), to maintain funding provided to it by the Federal Department of Agriculture to operate the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), is prohibited by Federal law from authorizing any new for-profit WIC vendor that expects to derive more than 50% of its annual food revenue from the sale of supplemental foods that are obtained with WIC checks. See section 780 of the Consolidated Appropriations Act of 2004 (act), the act of December 8, 2004 (Pub. L. No. 108-447, 118 Stat. 2809). The Secretary of Health and Human Services may approve the authorization of a vendor if the approval is necessary to assure participant access to program benefits. (Id.) The Department is providing notice that it intends to comply with the act.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Greg Landis, Department of Health, Division of Women, Infants and Children, P. O. Box 90, Harrisburg, PA 17108, (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. 05-24. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Technical Advisories on UR System Standards; UR Denial Decision Requirements; Time Frames for UR; Communicating the UR Decision

Under 28 Pa. Code § 9.603 (relating to technical advisories), the Department of Health (Department), Bureau of Managed Care, is issuing technical advisories on Department's interpretation of 28 Pa. Code § 9.752(f) (relating to UR system standards) requiring a UR decision to include a contractual basis and clinical reasons for denial and 28 Pa. Code § 9.753 (relating to time frames for UR) communicating the UR decision.

Copies of the technical advisories may be obtained by contacting Stacy Mitchell, Director, Bureau of Managed Care, Department of Health, Room 912, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5193 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Stacy Mitchell at the address or telephone number as previously indicated.

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

[Pa.B. Doc. No. 05-25. Filed for public inspection December 30, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Interest Rate Notice

Under the provisions of sections 806 and 806.1 of the Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year commencing January 1, 2005, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 5% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P. S. §§ 7301—7361), which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 5% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. These rates will remain constant until December 31, 2005. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under the provisions of section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2005.

Although the Tax Reform Act of 1986 amended section 6621 of the Internal Revenue Code by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-26. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Pennsylvania Lucky Shamrocks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Shamrocks.

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

3. *Play Symbols:*

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

(b) The prize play symbols and their captions located in the play area for Game 1 are: \$5<sup>.00</sup> (FIV DOL), \$6<sup>.00</sup> (SIX DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$17\$ (SVNTN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for Game 2 are: Leprechaun Symbol (LEPCH) and X Letter Symbol (XXX).

(d) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" areas for Game 3 are: Chest Symbol (CHEST), Coins Symbol (COINS), Wallet Symbol (WALLET), Money Bag Symbol (MNYBAG), Money Symbol (MONEY), Castle Symbol (CASTLE), Diamond Symbol (DMND), Gold Bar Symbol (GOLD), Pipe Symbol (PIPE), Cabbage Symbol (CABBAGE), Mushroom Symbol (SHROM), and Piggy Bank Symbol (PIGBNK).

(e) The prize play and play symbols and their captions located in the "BONUS" area for Fast Cash Bonus are: \$5<sup>.00</sup> (FIV DOL), \$6<sup>.00</sup> (SIX DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$17\$ (SVNTN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 2 and Game 3 are: \$5<sup>.00</sup> (FIV DOL), \$6<sup>.00</sup> (SIX DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$17\$ (SVNTN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in Game 1, Game 2 and Game 3 are: \$5, \$6, \$7, \$10, \$17, \$51, \$170 and \$50,000. The prizes that can be won in Fast Cash Bonus are: \$5, \$6, \$7, \$10, \$17, \$51 and \$170. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Lucky Shamrocks instant lottery game.

7. *Determination of Prize Winners:*

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

(1) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching prize play symbols of \$170 (ONEHUNSTY) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets with three matching prize play symbols of \$51\$ (FTY ONE) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets with three matching prize play symbols of \$17\$ (SVNTN) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$17.

(5) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets with three matching prize play symbols of \$7<sup>00</sup> (SVN DOL) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets with three matching prize play symbols of \$6<sup>00</sup> (SIX DOL) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area of Game 1, on a single ticket, shall be entitled to a prize of \$5.

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

(1) Holders of tickets with three Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal and a prize symbol of \$50,000 (FTY THO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal and a prize symbol of \$170 (ONEHUNSTY) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets with three Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal and a prize symbol of \$51\$ (FTY ONE) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets with three Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal and a prize symbol of \$17\$ (SVNTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$17.

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

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

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

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

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

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$170 (ONEHUNSTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$51\$ (FTY ONE) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$17\$ (SVNTN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$17.

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

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

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

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

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

(1) Holders of tickets with a \$170 (ONEHUNSTY) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$170.

(2) Holders of tickets with a \$51\$ (FTY ONE) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$51.

(3) Holders of tickets with a \$17\$ (SVNTN) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$17.

(4) Holders of tickets with a \$10<sup>00</sup> (TEN DOL) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

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

- (6) Holders of tickets with a \$6<sup>00</sup> (SIX DOL) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$6.
- (7) Holders of tickets with a \$5<sup>00</sup> (FIV DOL) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

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

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
\$5				\$5	37.50	67,200
	\$5			\$5	37.50	67,200
		\$5		\$5	40	63,000
			\$5	\$5	40	63,000
\$6				\$6	150	16,800
	\$6			\$6	300	8,400
		\$6		\$6	300	8,400
			\$6	\$6	300	8,400
\$7				\$7	100	25,200
	\$7			\$7	150	16,800
		\$7		\$7	150	16,800
			\$7	\$7	100	25,200
			\$5 × 2	\$10	60	42,000
\$10				\$10	120	21,000
	\$10			\$10	120	21,000
		\$10		\$10	120	21,000
			\$10	\$10	120	21,000
\$10				\$10	120	21,000
		\$7		\$17	120	21,000
\$17				\$17	30	84,000
	\$17			\$17	120	21,000
		\$17		\$17	120	21,000
			\$17	\$17	120	21,000
\$7	\$7	\$7	\$6 × 5	\$51	600	4,200
\$51				\$51	600	4,200
\$17			\$17 × 2	\$51	600	4,200
\$17	\$17	\$17		\$51	600	4,200
\$17		\$17	\$17	\$51	600	4,200
	\$51			\$51	600	4,200
		\$51		\$51	300	8,400
			\$51	\$51	300	8,400
\$170				\$170	10,909	231
\$17	\$51	\$51	\$51	\$170	10,909	231
\$17		\$51	\$51 × 2	\$170	10,909	231
\$17			\$51 × 3	\$170	10,909	231
	\$170			\$170	10,909	231
		\$170		\$170	10,909	231
			\$170	\$170	10,909	231
				\$170	12,000	210
	\$50,000			\$50,000	2,520,000	1
		\$50,000		\$50,000	2,520,000	1
			\$50,000	\$50,000	2,520,000	1

- Game 1—Get 3 like amounts, win that prize.
- Game 2—Get three "Leprechaun" symbols in a row, column or diagonal, win prize shown.
- Game 3—When any of "YOUR SYMBOLS" match the "LUCKY SYMBOL," win prize shown under the matching symbol.
- Fast Cash Bonus—Reveal prize amount between \$5 and \$170 and win that prize.

- 9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Shamrocks 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 Lucky Shamrocks, prize money from winning Pennsylvania Lucky Shamrocks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled

- thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Shamrocks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.
- 11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.



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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-27. Filed for public inspection December 30, 2004, 9:00 a.m.]

**Pennsylvania Money Comb 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 Money Comb.
2. *Price:* The price of a Pennsylvania Money Comb instant lottery game ticket is \$3.
3. *Play Symbols:* Each Pennsylvania Money Comb instant lottery game ticket will contain one play area designated as "MONEY COMB." There are 60 play symbols, 37 of which will be located in the play area, and which are the numbers 01 through 60. Each ticket will also contain a "YOUR MONEY COMB NUMBERS" area. The "YOUR MONEY COMB NUMBERS" area will consist of fourteen play symbol numbers. The play symbol numbers that may be located in the "YOUR MONEY COMB NUMBERS" area are: The numbers 01 through 60.
4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$30, \$90, \$300 and \$60,000. The player can win up to 3 times on a ticket.
5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Money Comb instant lottery game.
6. *Determination of Prize Winners:*
  - (a) Holders of tickets upon which ten of "YOUR MONEY COMB NUMBERS" play symbols match ten

contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which nine of "YOUR MONEY COMB NUMBERS" play symbols match nine contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which eight of "YOUR MONEY COMB NUMBERS" play symbols match eight contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$90.

(d) Holders of tickets upon which seven of "YOUR MONEY COMB NUMBERS" play symbols match seven contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets upon which six of "YOUR MONEY COMB NUMBERS" play symbols match six contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$12.

(f) Holders of tickets upon which five of "YOUR MONEY COMB NUMBERS" play symbols match five contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$9.

(g) Holders of tickets upon which four of "YOUR MONEY COMB NUMBERS" play symbols match four contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets upon which three of "YOUR MONEY COMB NUMBERS" play symbols match three contiguous (touching) "MONEY COMB" numbers play symbols, on a single ticket, shall be entitled to a prize of \$3.

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

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3 NUMBERS touching	\$3	10	600,000
3 NUMBERS touching × 2	\$6	33.33	180,000
4 NUMBERS touching	\$6	33.33	180,000
3 NUMBERS touching × 3	\$9	50	120,000
5 NUMBERS touching	\$9	50	120,000
4 NUMBERS touching × 2	\$12	200	30,000
3 NUMBERS touching × 2 + 4 NUMBERS touching	\$12	200	30,000
3 NUMBERS touching + 5 NUMBERS touching	\$12	200	30,000
6 NUMBERS touching	\$12	100	60,000
7 NUMBERS touching	\$30	100	60,000
8 NUMBERS touching	\$90	400	15,000

<i>Win With Prize(s) of:</i>	<i>Win:</i>
9 NUMBERS touching	\$300
10 NUMBERS touching	\$60,000

NOTE: Only the highest prize won will be paid.

<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
5,455	1,100
1,200,000	5

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Comb, prize money from winning Pennsylvania Money Comb 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 Money Comb instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

GREGORY C. FAJT,  
*Secretary*

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**Pennsylvania On A Roll 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 On A Roll.

2. *Price:* The price of a Pennsylvania On A Roll instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania On A Roll instant lottery game ticket will contain one play area consisting of ten separate "ROLLS." Each "ROLL" is played separately. Each "ROLL" features a "YOUR DICE" area and a "THEIR DICE" area. The play symbols and their captions located in the "YOUR DICE" area are: 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV) and Chip Play Symbol (CHIP). The play symbols and their captions located in the "THEIR DICE" area are: 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and 11 (ELEVN).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "ROLL" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$7<sup>00</sup> (SVN DOL), \$11\$ (ELEVN), \$21\$ (TWY ONE), \$50\$ (FIFTY), \$100 (ONE HUN), \$210 (TWOHUNTEN), \$2,100 (TWYONEHUN) and \$21,000 (TWYONETHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$11, \$21, \$50, \$100, \$210, \$2,100 and \$21,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania On A Roll instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$21,000 (TWYONETHO) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$21,000.

(b) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$2,100 (TWYONEHUN) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$2,100.

(c) Holders of tickets upon which any one of the "YOUR DICE" play symbols is a Chip Symbol (CHIP), and a prize symbol of \$210 (TWOHUNTEN) appears in all ten "PRIZE" areas on a single ticket, shall be entitled to a prize of \$2,100.

(d) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$210 (TWOHUNTEN) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$210.

(e) Holders of tickets upon which any one of the "YOUR DICE" play symbols is a Chip Symbol (CHIP), and a prize symbol of \$21\$ (TWY ONE) appears in all ten "PRIZE" areas on a single ticket, shall be entitled to a prize of \$210.

(f) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR DICE" play symbols is a Chip Symbol (CHIP), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in four of the "PRIZE" areas, and a prize symbol of \$7<sup>00</sup> (SVN

DOL) appears in six of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$21\$ (TWY ONE) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$21.

(j) Holders of tickets upon which any one of the "YOUR DICE" play symbols is a Chip Symbol (CHIP), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in nine of the "PRIZE" areas, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in one of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$21.

(k) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$11\$ (ELEVN) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$11.

(l) Holders of tickets upon which any one of the "YOUR DICE" play symbols is a Chip Symbol (CHIP), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in nine of the "PRIZE" areas, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$11.

(m) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$7.

(n) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area for that "ROLL," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets where the "YOUR DICE" play symbol is greater than the "THEIR DICE" play symbol in the same "ROLL," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area for that "ROLL," 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:

*If Your Dice Beats  
Their Dice in any  
Roll, Win with  
Prize(s) of:*

\$1 × 2	\$2
\$2	\$2
\$1 × 3	\$3
\$3	\$3
\$1 × 7	\$7
\$7	\$7
\$1 × 9 + \$2	\$11
\$1 × 9 + \$2 w/Chip	\$11
\$11	\$11
\$2 × 9 + \$3	\$21
\$2 × 9 + \$3 w/Chip	\$21
\$21	\$21
\$2 × 4 + \$7 × 6	\$50
\$2 × 4 + \$7 × 6 w/Chip	\$50
\$3 × 2 + \$11 × 4	\$50
\$2 × 4 + \$21 × 2	\$50
\$50	\$50
\$50 × 2	\$100
\$100	\$100
\$21 × 10	\$210
\$21 × 10 w/Chip	\$210
\$2 × 5 + \$50 × 4	\$210
\$210	\$210
\$210 × 10 w/Chip	\$2,100
\$2,100	\$2,100
\$21,000	\$21,000

Chip = Win all 10 prizes.

<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
18.75	320,000
21.43	280,000
33.33	180,000
33.33	180,000
75	80,000
75	80,000
300	20,000
300	20,000
150	40,000
750	8,000
375	16,000
375	16,000
1,200	5,000
1,188	5,050
1,200	5,000
1,200	5,000
1,200	5,000
1,667	3,600
1,667	3,600
30,000	200
30,000	200
30,000	200
30,000	200
30,000	200
120,000	50
120,000	50
600,000	10

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania On A Roll 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 On A Roll, prize money from winning Pennsylvania On A Roll in-

stant 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 On A Roll instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-29. Filed for public inspection December 30, 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 Erie-Western Pennsylvania Port Authority of 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405, seeking to lease highway right-of-way located along the southerly side of SR 0079-A00/4034-A00 at Bayfront Parkway and also on the easterly side of Lincoln Avenue, bisected by West 11th Street in the City of Erie, Erie County, containing 1.526 acres/66,460 sq. ft. ± for purposes of a park and ride facility. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to William G. Petit, P. E., District Executive, Engineering District 1-0, P. O. Box 398, Oil City, PA 16301-0398.

Questions regarding this application or the proposed use should be directed to Jeffrey E. Hahne, District Property Manager, P. O. Box 398, Oil City, PA, (814) 678-7069.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 05-30. Filed for public inspection December 30, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

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

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

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
18-393	Department of Transportation Child Passenger Protection	11/15/04	12/15/04

34 Pa.B. 5684 (October 16, 2004)

### Department of Transportation Regulation # 18-393 (IRRC # 2439)

#### Child Passenger Protection

December 15, 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 Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 15, 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. Scope of the regulation.—Fiscal impact; Clarity.

##### *Scope*

The Preamble states that this regulation applies to all vehicle operators transporting children under eight years of age. The statute (75 Pa.C.S.A. §§ 4581(a)(1) and (1.1)) states that any person operating certain vehicles shall fasten children in either a child passenger restraint system or a child booster seat. Commentators are not clear on whether school buses, taxi-cabs, limousines and other forms of public and private transportation fall under the regulation. Therefore, the Department should add a scope section or definitions to explain to whom this regulation applies.

##### *Fiscal impact*

A commentator representing common carriers that provide call and demand service raised concerns related to the potential fiscal impact of the regulation. They note the impracticality of having to provide a "nearly unlimited number of child passenger restraint systems" because they cannot anticipate the number, size or age of children who will need transportation. The Department has indicated that child booster seats cost between \$25 and \$130. In the Preamble to the final-form regulation, the Department should identify the number of vehicles that provide call and demand service and quantify the costs associated with compliance for these common carriers.

#### 2. Section 102.102. Physical criteria for use of child passenger restraint system.—Reasonableness; Feasibility.

This section establishes specific requirements based on the age, height and weight of children. It also uses the

phrase "in accordance with the recommendations of the manufacturer" to satisfy the requirements of this chapter. Failure to comply can result in the operator being fined under 75 Pa.C.S.A. § 4581(b). How can the operator of a vehicle demonstrate compliance with the regulation in regard to the age, height and weight of a child? How can the operator of a vehicle demonstrate that they have acted in accordance with the recommendations of the manufacturer?

**3. Section 102.103. Medical exemption from use of child passenger restraint system.—Consistency with statute; Reasonableness.**

*Applicability*

Under 75 Pa.C.S.A. § 4581(g), the Department can provide exemptions for the use of child passenger restraint systems and child booster seats. Under this section, exemptions only exist for child passenger restraint systems. Why aren't exemptions included for the use of child booster seats?

**4. Miscellaneous clarity.**

Section 102.102(c) uses the terms "child restraint system" and "booster seat." The final-form regulation should use the defined terms "child passenger restraint system" and "child booster seat."

[Pa.B. Doc. No. 05-31. Filed for public inspection December 30, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Allstate Property and Casualty Insurance Company; Private Passenger Automobile Rate, Rating Plan and Rule Revisions; Rate Filing**

On December 15, 2004, the Insurance Department (Department) received from Allstate Property and Casualty Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 11.9% increase amounting to \$18.513 million annually, to be effective May 16, 2005.

Unless formal administrative action is taken prior to February 13, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harris-

burg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-32. Filed for public inspection December 30, 2004, 9:00 a.m.]

**Beverly Healthcare-Gettysburg, et al.; Prehearing**

**Appeal of Beverly Healthcare-Gettysburg, et al. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S.**

**§§ 1303.101—1303.910); Doc. No. MM04-12-014**

On or before January 18, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's October 18, 2004, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 8, 2005, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 30, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 28, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 3, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-33. Filed for public inspection December 30, 2004, 9:00 a.m.]

**Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing; Rate Filing**

On December 13, 2004, the Insurance Department (Department) received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P.L. 190, No. 44). The CMCRB requests an overall 4.5% increase in collectible loss costs, effective April 1, 2005, on a new and renewal basis. Also, the CMCRB has calculated the Employer Assessment Factor effective April 1, 2005, to be 3.17%, compared to 4.44% presently in effect.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-34. Filed for public inspection December 30, 2004, 9:00 a.m.]

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### Richard F. Grunt, M.D.; Hearing

#### **Appeal of Richard F. Grunt, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-12-017**

On or before January 6, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 30, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before January 3, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-35. Filed for public inspection December 30, 2004, 9:00 a.m.]

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### Highmark, Inc.; Adjustments to Injectable Drugs and Biological Allowances; Filing 200419; Rate Filing

On December 10, 2004, the Insurance Department (Department) received from Highmark, Inc. d/b/a Highmark Blue Shield and Highmark Blue Cross Blue Shield a filing requesting adjustments to the customary (Level II) UCR allowance and the PremierBlue preferred provider program fee schedule for injectable drugs and biologicals and the related chemotherapy and administrative services. The filing requests that injectable drugs and biologicals be reimbursed at 85% of the average wholesale price (AWP), except for newly FDA approved drugs and biologicals which will initially allow 95% of AWP and immunizations which will continue to be reimbursed at AWP plus 15%. The filing proposes to increase payment for chemotherapy and therapeutic related administration allowances. Highmark requests the approval without an

immediate adjustment in rates for the programs affected by these codes. The company requests an effective date of March 7, 2005.

Unless formal administrative action is taken prior to January 24, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-36. Filed for public inspection December 30, 2004, 9:00 a.m.]

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### Insurance Services Office, Inc.; Homeowners Loss Cost Level Revision; Rate Filing

On December 6, 2004, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 1.6% increase in loss cost effective June 1, 2005.

Unless formal administrative action is taken prior to February 4, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-37. Filed for public inspection December 30, 2004, 9:00 a.m.]

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### Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing; Rate Filing

On December 17, 2004, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The PCRB requests an overall 2.89% decrease in collectible loss costs, effective April 1, 2005, on a new and renewal basis. Also, the PCRB has calculated the Employer Assessment Factor effective April 1, 2005, to be 1.91%, as compared to the currently approved

provision of 2.36%. Updates to a variety of other rating values to reflect the most recent available experience are also being submitted for approval. Finally, the filing includes proposed additions and/or changes to other manual rules consistent with intended practice regarding workers' compensation insurance options, classification procedures and related matters.

The entire April 1, 2005, loss cost filing will be available for review on the PCRB's website at [ww.pcrb.com](http://ww.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [kcreighton@state.pa.us](mailto:kcreighton@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-38. Filed for public inspection December 30, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance; Managed Health Care Plan

The following insureds have requested a hearing under the Quality Health Care Accountability and Protection Article (40 P. S. §§ 991.2101—991.2193) in connection with the insureds' managed health care plan. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Jeffrey and Traca Lees; file no. 04-195-08177; Highmark Blue Shield; doc. no. HC04-12-002; January 26, 2005, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-39. Filed for public inspection December 30, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Price Premium Adjustment

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on February 2, 2005, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits regarding an adjustment to minimum wholesale and retail prices to account for over-price premiums paid to producers during the months of February 2004, March 2004, April 2004, May 2004, and June 2004.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by (1) having their attorney file with the Board on or before 4 p.m. on January 6, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on January 6, 2005, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fail to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on January 10, 2005, each party shall file with the Board seven copies and ensure receipt by all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on January 24, 2005, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an

exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on January 6, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
Secretary

[Pa.B. Doc. No. 05-40. Filed for public inspection December 30, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Order

Public Meeting held  
December 16, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;  
Kim Pizzingrilli

*Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund; Doc. No. I-00040105*

### Order

*By the Commission:*

The Commission hereby institutes an investigation for consideration of whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers (rural ILECs)<sup>1</sup> and all rate issues and rate changes that should or would result in the event that disbursements from the Pennsylvania Universal Service Fund (Fund) are reduced.

This formal investigation will assist the Commission in determining what regulatory changes are necessary to 52 Pa. Code §§ 63.161–63.171 given the complex issues involved as well as the recent legislative developments.<sup>2</sup> Subsequent to the formal investigation, the Commission will seek input from affected parties as we enter the formal rulemaking process.

#### *Background*

The Commission is responsible for assuring the maintenance of universal telecommunications services at afford-

<sup>1</sup> There are approximately 32 rural ILECs operating in Pennsylvania. We are including Sprint/United as a rural ILEC. This Order is concerning only the rural ILECs' access charge reform. Verizon PA and Verizon North are non-rural ILECs and their access charge reform has been on a separate track at Docket No. C-20027195, *AT&T Communications of Pennsylvania, Inc. v. Verizon North, Inc.* At C-20027195, an Order was issued on July 23, 2004, which after a period of litigation, the Commission adopted a Petition for Resolution filed by Verizon PA, Verizon North, the Office of Consumer Advocate (OCA) and Office of Small Business Advocate (OSBA) as the first phase of access charge reform in Pennsylvania. Access charges are expected to be reduced in Verizon PA's and Verizon North's territories in February, 2005.

<sup>2</sup> The General Assembly has repealed 66 Pa.C.S. § 1325 (limiting local exchange service increases) and added 66 Pa.C.S. §§ 3011–3019 (governing alternative form of regulation of telecommunications services).

able rates in Pennsylvania. Universal services are those telecommunication services "essential for a resident of this Commonwealth to participate in modern society at any point in time." 52 Pa. Code § 63.162. Basic local service (access to public switched telephone network to enable a resident to make and receive telephone calls within the local calling area) is the only "essential" service today for purposes of the Fund, although the nature of basic universal service may evolve.

The affordability of basic local service is maintained in part by contributions to and disbursements from the Fund. Contributions are made by telecommunications carriers, with the exception of wireless carriers, that provide intrastate telecommunications services. Disbursements are made to ILECs operating in the Commonwealth, with the exception of Verizon Pennsylvania Inc. and Verizon North. Thus, the Fund helps to maintain the affordability of local service provided by all but the two largest ILECs in Pennsylvania.

The Fund was established in 1999 to simultaneously advance the Commission's policies of promoting competition in Pennsylvania's intraLATA toll markets and maintaining the affordability of basic local service. The relationship between the Fund, toll rates, and basic local service rates is governed by access charges. Access charges are the rates charged by LECs to other companies seeking access to the LEC's local loop in order to provide services to the end-user. A typical example of access charge usage is a competitive toll carrier (interexchange carrier or IXC) that wants to compete with the incumbent for an end-user customer's intraLATA toll call business. The IXC must pay time and distance sensitive access charges to the LEC for access to the local loop facilities that will connect the IXC with the end-user.

Traditionally, ILECs have priced access charges above cost as a means of generating additional revenues that can be used to subsidize local rates and, thus, keep basic local service affordable. The Commission endorsed this practice of subsidizing local rates with above-cost access charges in the days of monopoly service. In the 1990s, our policy evolved to favor competition in local markets and its associated benefits. It is now the Commission's policy to promote competitive local markets by bringing the ILEC's access charges closer to costs. Traditionally, the transition to cost-based levels have been achieved using revenue-neutral means to ensure there is a provider of last resort available to all consumers within the rural ILECs territories, to give the ILECs a reasonable amount of time to modernize their networks and ready themselves for competition, to avoid rate shock to the rural ILECs' end-user customers whose local rates would otherwise be increased to recover lost access charge revenue, and to avoid undue economic harm to the incumbent.

The Fund was conceived to be an interim funding mechanism operating during the period of access charge reform. According to the Commission's Order establishing the Fund, it was originally scheduled to expire on December 31, 2003. In 2003, the life of the Fund was extended to allow additional time to consider any and all rate issues and modification of Fund regulations. The extension was accomplished by approving a Joint Procedural Stipulation presented by industry stakeholders and statutory advocates of the public interest. For further discussion, see *Access Charge Investigation per Global Order of September 30, 1999*, Order (entered July 15, 2003), Docket Nos. M-00021596 et al, and, *Re Nextlink Pennsylvania, Inc.*, Order (entered Sep. 30, 1999), 93 PaPUC 172, 196 P.U.R.4th 172, Docket Nos. P-00991648, P-00991649



(Global Order), at pp. 11-60 (Access Charges) and pp. 142-155 (Universal Service Fund/Carrier Charge Pool). See generally *AT&T Communications of Pennsylvania, LLC v. Verizon North Inc. and Verizon Pennsylvania, Inc.*, Order (entered July 28, 2004), Docket No. C-20027195; and *AT&T Communications of Pennsylvania, Inc. v. Verizon Pennsylvania, Inc.*, Docket No. M-00031694C0001.

#### *Scope of the Investigation*

As stated in our prior Order of July 15, 2003, at M-00021596, *In re: Access Charge Investigation per Global Order of September 30, 1999*, at 12, at that time we did not declare the access rates established by that Order as the final word on access reform. Rather, we characterized the Order as the next step in implementing continued access reform in Pennsylvania in an efficient and productive manner. The Order also agreed with the Petitioners that a rulemaking proceeding should be initiated no later than December 31, 2004, to address what if any modifications should be made to the Fund regulations and agreed to the simultaneous institution of an appropriate proceeding for consideration of any and all rate issues and rate changes which should or would result in the event that disbursements from the Fund are reduced in the future. We also indicated that the proceedings might be combined as one proceeding.

In the Commission's judgment, it is now an appropriate time to consider further access charge reform. Therefore, an investigation is hereby instituted to consider whether intrastate access charges and intraLATA toll rates should be further reduced in the rural ILECs' territories, and to consider any and all rate issues and rate changes that should or would result in the event that disbursements from the Fund are reduced or eliminated.<sup>3</sup> This investigation will form the basis for any proposed regulatory changes and is an appropriate way to address the intention of our July 2003 Order in light of recent legislative changes. The USF rate issues (access charge rates, toll rates, local service rates) should be addressed in a full, formal investigation before any formal changes to the regulations are proposed and moved through the regulatory process. Consequently, the matter will be assigned to the Office of Administrative Law Judge for appropriate proceedings, including but not limited to, a fully developed analysis and recommendation on the following questions:

(a) Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs' territories.

(b) What rates are influenced by contributions to and/or disbursements from the Fund?

(c) Should disbursements from the Fund be reduced and/or eliminated as a matter of policy and/or law?

(d) Assuming the Fund expires on or about December 31, 2006, what action should the Commission take to advance the policies of this Commonwealth?

(e) If the Fund continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based on? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?

<sup>3</sup> This investigation shall remain separate from the pending proceeding before Administrative Law Judge Fordham at C-20027195 regarding Verizon PA's and Verizon North's access charge reform.

(f) What regulatory changes are necessary to 52 Pa. Code §§ 63.161—63.171 given the complex issues involved as well as recent legislative developments?

Consideration should be given to applicable orders, regulations, policy statements and guidelines of this Commission, including any necessary changes occasioned by recent amendments to the Public Utility Code.<sup>4</sup> The General Assembly has repealed 66 Pa.C.S. § 1325 (limiting local exchange service increases) and added 66 Pa.C.S. §§ 3011—3019 (governing alternative form of regulation of telecommunications services). We would expect, for example, the parties to address the policy and legal ramifications of new sections 3011 (declaring the policy of the Commonwealth), 3015(B) (governing rate changes for rural telecommunications carriers) and 3017 (providing that Commission "may not require a local exchange telecommunications company to reduce access rates except on a revenue-neutral basis" and limiting a competitive local exchange carrier's ability to charge access rates higher than the ILEC's rate). Act No. 183, P. L. \_\_\_\_\_ (Nov. 30, 2004).

We discourage any proposal or recommendation that would impede a reasonable consumer's ability to compare the cost and/or quality of available competing services. Plain language and clear descriptions are desired. See, e.g., 52 Pa. Code § 69.251.

The investigation will address the estimated rate impacts of any further changes to access charges and toll rates and will form the basis for any proposed regulatory changes; *Therefore*,

#### *It Is Ordered That:*

1. An investigation to consider whether intrastate access charges and intraLATA toll rates in rural ILECs' territories should be decreased and to consider any and all rate issues and rate changes that should or would result in the event that disbursements from the Pennsylvania Universal Service Fund are reduced and/or eliminated is hereby instituted.

2. The investigation is assigned to the Office of Administrative Law Judge for appropriate proceedings and a recommended decision.

3. A copy of this Order shall be delivered for publication to the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-41. Filed for public inspection December 30, 2004, 9:00 a.m.]

### **Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 24, 2005.

<sup>4</sup> If applicable, federal reforms of the intercarrier compensation scheme should also be addressed.

Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00121273. John G. Chisholm, t/d/b/a Chisholm & Miller Limousine Service** (2727 Lexington Street, Harrisburg, Dauphin County, PA 17110)—persons, in limousine service, between points in the Counties of Dauphin, Lebanon, York and Cumberland, and from points in said counties, to points in Pennsylvania, and return.

**A-00121287. Maurice D. and Sophie M. Summers, Tenants by Entirety** (137 Reservoir Road, Strasburg, Lancaster County, PA 17579)—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.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. ARTC Construction Services, Inc.; Doc. N. A-00116958C*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That ARTC Construction Services, Inc., respondent, maintains its principal place of business at 200 Main St., Blakely, PA 18447.

2. That respondent was issued a certificate of public convenience by this Commission on August 25, 2000, at Application Docket No. A-00116958.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00116958.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement  
Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dennis M. Kennel t/a D. M. Kennel Trucking; Doc. No. A-00115317C*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dennis M. Kennel, t/a D. M. Kennel Trucking, respondent, maintains his principal place of business at 1318 Red Run Road, Steven, PA 17578.
2. That respondent was issued a certificate of public convenience by this Commission on October 28, 1998, at Application Docket No. A-00115317.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00115317.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement  
Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

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D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

[Pa.B. Doc. No. 05-42. Filed for public inspection December 30, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

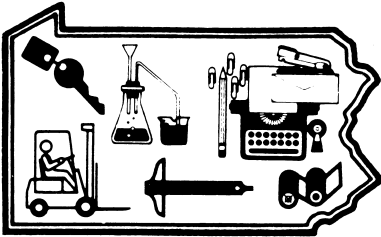
- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*

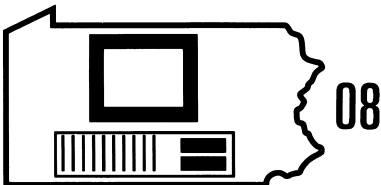


Commodities

**SU-04-14** Contractor to provide office copy paper listed or an approved equal. 30% post consumer recycled dual purpose for use on laser printers and high speed copiers. Must be able to run on both sides. Size 8 1/2 x 11, 20/10 white, 84 brightness, 86 opacity, 4.0 caliper, 150 smoothness, ream packing. Packed 10 reams per carton; cartons must be shipped on pallets. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350; or email a request to: mmholt@wharf.ship.edu. Bids are due 1/17/05 by 4:00 P.M. and the bid opening is scheduled for 1/18/05 at 2:00 P.M. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** March 21, 2005 through September 23, 2005.  
**Contact:** Mona M. Holtry, (717) 477-1386

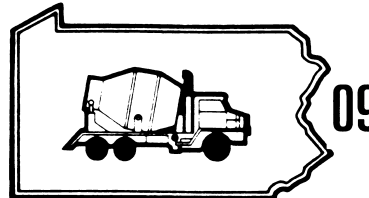
## SERVICES



Computer Related Services

**DCNR/RFP 2004-02** The Department of Conservation and Natural Resources, Bureau of State Parks, is issuing a Request for Proposal (RFP) to replace the existing program that is used for providing a system to handle the Park's Reservation Registration Information and Revenue Management System (PRRS).

**Department:** Conservation and Natural Resources  
**Location:** Harrisburg, PA  
**Duration:** From execution through December 31, 2010.  
**Contact:** Debra Capasso, (717) 783-5885



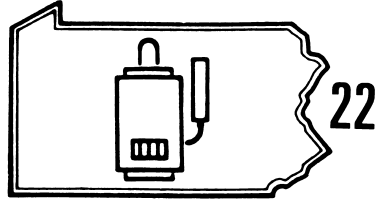
Construction & Construction Maintenance

**KUCC-0053** Kutztown University is seeking qualified general and electrical contractors for the work associated with the Upgrades to the University Stadium and Track at Kutztown University. The project shall consist of the resurfacing of the existing synthetic track and the installation of a new synthetic turf athletic field. The electrical work is to include the new field lighting. Request For Proposal (RFP) packages are available for a non refundable fee of \$200.00 from: David Horn, Architerra, PC., 205 North Main Street, Coopersburg, PA, 18036, Phone: (610) 282-1398. Proposal packages are available January 3, 2005 through Pre-proposal meeting. A pre-proposal meeting has been scheduled for January 12, 2005 at 1:30 PM in Room OM-26, Old Main Building. Proposals are to be received no later than 3:00 PM on February 2, 2005 in Room 229, 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:** Actual construction must begin May 9, 2005 and all work must be completed on or before August 19, 2005. Any non-related construction work can begin upon issuance of the Notice to Proceed.  
**Contact:** Barbara Barish, (610) 683-4602

**Collective #: CN00011202 - REBID** This contract will provide the manpower, equipment, and incidental guide rail material for the installation of approximately 10,000 linear feet of strong post guide rail. All guide rail material will be supplied by the Department except for the bolts, nuts, washers, rotating brackets, connection plates, anchor bolts, concrete for the end treatments, and end anchorages. The Contractor will pick up and deliver the material to various worksites, while the Department shall be responsible for grading of shoulder stabilizations, prior to the placement of the guide rail by the Contractor. A mandatory pre-bid meeting (one day) will be held to include review of guide rail location, and site where the guide rail will be stored, will be determined. \*\*\*All Bidders must be prequalified to bid on this project. The Pennsylvania Prevailing Wage Act does apply.

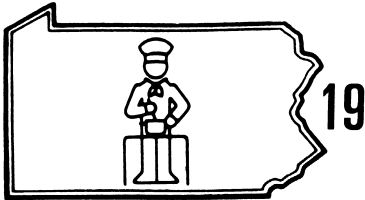
**Department:** Transportation  
**Location:** Various locations throughout Juniata County  
**Duration:** This is a one-year contract.  
**Contact:** Jerome Latosky, District Turnback Coordinator, (814) 765-0496



**HVAC Services**

**W-0501-0404** The purpose of this bid is to renovate the floors in the walk-in freezer and refrigeration units. Contractor must supply all materials, tools, and equipment to complete the job. Copies on the bid can be obtained by contacting the Purchasing Department at 610-740-3425.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown PA 18109-2498  
**Duration:** 6/30/2004  
**Contact:** Robert Mitchell, (610) 740-3425



**Food**

**104 Beef/Pork:** Beef Liver, 8,000 lbs; Beef Frankfurters, 12,000 lbs; Tavern Ham, skinless, 9,600 lbs; Pork Chops, 15,000 lbs; Bacon, 8,000 lbs; Garlic Bologna (all beef), 5,000 lbs; Beef Sandwich Steaks, 15,000 lbs; Chopped Ham, 4,000 lbs; and all related items. Pounds are approximate and items will be bid on a bi-monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** January 01 - December 31, 2005  
**Contact:** Nancy Keller, (724) 364-2200

**120 Eggs,** frozen, pasteurized, whole for scrambling and frozen egg whites, 6/5 lb. containers per case. Must be frozen when delivered and show no signs of previous defrosting. Certificate of compliance must accompany order.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** January 1 to December 31, 2005  
**Contact:** Nancy Keller, (724) 364-2200

**106 Cheese,** processed American; 10,000 lbs. Cheese, processed Swiss; 10,000 lbs. Cheese, processed Longhorn, 10,000 lbs.; and all related items. Items will be bid on a bi-monthly basis. All amounts are approximate for the period of January 1, 2005 to December 31, 2005.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** January 1 to December 31, 2005  
**Contact:** Nancy Keller, (724) 364-2200

**125 Imitation Crab Flake - Surimi.** Packed 12 - 2.5 pound packages per case. Thirty (30) pounds per case. Can be served hot or cold. To be shipped and received frozen and show no signs of previous thawing and refreezing.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** January 1 to December 31, 2005  
**Contact:** Nancy Keller, (724) 364-2200

**019 Fish-Clams/Crab Cakes:** Clams, frozen, packed in 5 pound containers and crab cakes, breaded, frozen, pre-cooked. Portion size 4 oz. each. Not less than 3/4" thick and 2" in diameter. Product to contain not less than 35% crabmeat. All items will be bid on a bi-monthly basis. Quantities are approximate.

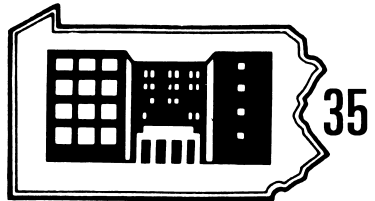
**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** January 1 to December 31, 2005  
**Contact:** Nancy Keller, (724) 364-2200



**Personnel, Temporary**

**SU-04-11** Shippensburg University is seeking bids for a vendor to provide temporary personnel services for the Head Start Program for the period May 1, 2005 through April 30, 2006. The Contractor will employ and pay the staff for the University's Head Start Program. Duties include payment of salaries, mailing checks, withholding of all lawful deductions, provide worker's compensation, liability insurances, handle unemployment claims, prepare earnings records, tax reports, etc. Request for RFP should be faxed to Deborah K. Martin at FAX: (717) 477-4004, or emailed to DKMART@wharf.ship.edu. Proposals are due no later than 4:00 PM on January 19, 2005. The University encourages responses from small, minority and women owned firms.

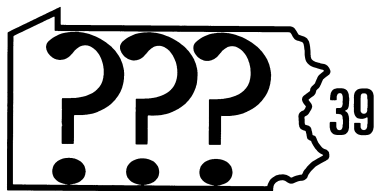
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** May 1, 2005 through April 30, 2006, with additional four option years  
**Contact:** Deborah K. Martin, (717) 477-1121



**Real Estate Services**

**93793** Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 9,852 useable square feet of office space within the following boundaries: North: Maple Street; South: Juniper Street; East: Pine Street; West: Vine Street, Hazleton, Luzerne County, PA. Downtown locations will be considered. For more information on SFP #93793 which is due on February 14, 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

**Miscellaneous**

**CN00012398** Collection, transportation and incineration of medical and infectious waste.

**Department:** Public Welfare

**Location:** Polk Center, P. O. Box 94, Polk, PA 16342

**Duration:** 6/1/05 through 6/30/09

**Contact:** Amy Tatarek, (814) 432-0229

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**12083** Renovation of Nursing Home hallways. Scope of work: install PVC vinyl wallcovering and wallpaper.

**Department:** Military Affairs

**Location:** PA Soldiers & Sailors Home, 560 East 3rd Street, Erie, PA 16507

**Duration:** Notice to proceed ending June 30, 2005

**Contact:** Jenny Nowacinski, (814) 878-4930

[Pa.B. Doc. No. 05-43. Filed for public inspection December 30, 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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*