

PENNSYLVANIA BULLETIN

Volume 35

Number 19

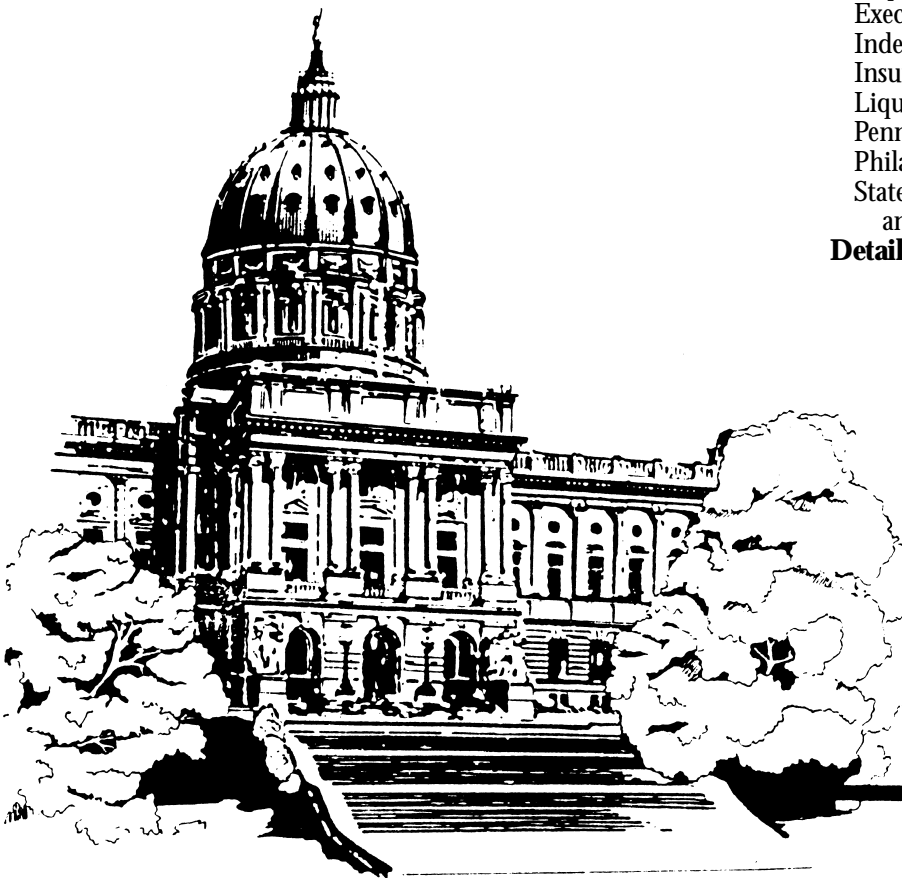
Saturday, May 7, 2005 • Harrisburg, Pa.

Pages 2715—2844

Agencies in this issue:

The Courts
Delaware River Basin Commission
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Transportation
Executive Board
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Occupational Therapy Education
and Licensure

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 366, May 2005

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

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

**FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

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

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 2005 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

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

CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT	
Notice of suspension	2728
JUDICIAL SYSTEM GENERAL PROVISIONS	
Amendments to the code of civility; no. 368	
Supreme Court rules; doc. no. 1.....	2722
LOCAL COURT RULES	
Clarion County	
Order amending local rules of procedure for civil	
actions; no. 501 CD 2005.....	2722
Dauphin County	
Promulgation of local rule on mediation; no. 1793	
CV 1989	2727
Promulgation of local rules; no. 1793 CV 1989	2727
Somerset County	
Consolidated rules of court; no. 26 misc. 2005	2727

EXECUTIVE AGENCIES

DELAWARE RIVER BASIN COMMISSION	
Notices	
Meeting and public hearing	2760
DEPARTMENT OF BANKING	
Notices	
Action on applications (2 documents).....	2762, 2764
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Notices	
Applications, actions and special notices.....	2766
Availability of technical guidance	2822
Governor's Energy Advisory Board meeting.....	2824
Sewage Advisory Committee, Regulation Subcom-	
mittee meeting	2824
Stormwater Manual Oversight Committee meeting	
cancellation	2824
DEPARTMENT OF GENERAL SERVICES	
Notices	
Proposed plan for the disposition of Commonwealth	
property.....	2825
State contracts information.....	2840
DEPARTMENT OF HEALTH	
Notices	
Availability of draft Title V block grant program	
2004 report and 2006 application for public com-	
ment.....	2825
DEPARTMENT OF PUBLIC WELFARE	
Rules and Regulations	
Personal care homes (correction).....	2752

Notices	
Implementation of ACCESS Plus program.....	2825
Medical Assistance program; prior authorization list	
(3 documents)	2826, 2827
DEPARTMENT OF TRANSPORTATION	
Notices	
Finding	2831
EXECUTIVE BOARD	
Statements of Policy	
Reorganization of the Department of Agriculture....	2753
Reorganization of the Department of Public	
Welfare	2753
INDEPENDENT REGULATORY REVIEW	
COMMISSION	
Notices	
Notice of filing of final rulemakings.....	2832
INSURANCE DEPARTMENT	
Rules and Regulations	
Medicare supplement insurance minimum stan-	
dards	2829
Notices	
Ahmad, Nadeem V.; prehearing.....	2832
Application for domestic certificate of authority....	2832
Blue Cross of Northeastern Pennsylvania and	
Highmark Blue Cross Blue Shield; nongroup ma-	
jor medical plan no. 949-MMNG-10/1/05; rate	
filing	2832
Dutt, Rinku Mitra, M.D.; prehearing.....	2833
Independence Blue Cross; Blue Cross nongroup	
special care hospital program (3-P-05); rate	
filing.....	2833
Keystone Health Plan Central; hearing.....	2833
Marrero, Miguel A., M.D.; prehearing	2834
Tyrone G. Miller; prehearing	2834
Nationwide Mutual Fire Insurance Company; non-	
standard automobile rate revision; rate filing....	2834
Review procedure hearings; cancellation or refusal	
of insurance (2 documents)	2834, 2835
LIQUOR CONTROL BOARD	
Notices	
Expiration of leases.....	2835
PENNSYLVANIA PUBLIC UTILITY COMMISSION	
Notices	
Natural gas service	2836
Service of notice of motor carrier applications.....	2836
Water service.....	2838
PHILADELPHIA REGIONAL PORT AUTHORITY	
Notices	
Request for bids (2 documents)	2839
STATE BOARD OF OCCUPATIONAL THERAPY	
EDUCATION AND LICENSURE	
Rules and Regulations	
Oral orders.....	2750

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

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

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

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

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

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

4 Pa. Code (Administration)

Adopted Rules

6	348
65	1663
243	2275
249	2275

Statements of Policy

1	358, 2116
9	20, 1223, 1584, 1775, 2315, 2414, 2753
114	1669

7 Pa. Code (Agriculture)

Proposed Rules

130b	2101
145	1772

22 Pa. Code (Education)

Adopted Rules

73	1982
215	2276

25 Pa. Code (Environmental Protection)

Adopted Rules

86	1663
93 (with correction)	1197, 1762, 1885
121	2278
401	2628

Proposed Rules

252	519
1021	2107

Statements of Policy

16	1223, 1890
----	------------

28 Pa. Code (Health and Safety)

Adopted Rules

18	14
----	----

31 Pa. Code (Insurance)

Adopted Rules

89	2729
----	------

37 Pa. Code (Law)

Adopted Rules

42	254
91	2279
93	2279
94	2279

40 Pa. Code (Liquor)

Proposed Rules

5	2112
11	2112
13	2112
17	2112

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

1	1763
13	1667
15	353

35 (with correction)	1567, 2630
42	2750

Proposed Rules

7	2400
11	1573
13	1208
25	2639
47	2640
48	2640
49	2640
15	2404
16	1210
18	1210
19	2408
21	1213
27	1219
35	2411
37	258
39	2402
41	1582
47	1221
48	1221
49	1221

52 Pa. Code (Public Utilities)

Adopted Rules

57	1886
59	1886
63	2289

Proposed Rules

54	1421
57	1421
101	740

55 Pa. Code (Public Welfare)

Adopted Rules

297	1567
299	1567
2600 (with correction)	2499, 2752
2620 (with correction)	2499, 2752

58 Pa. Code (Recreation)

Adopted Rules

65	2391
111	2392
141 (with correction)	353, 2304, 2393
143	354
147	355, 356, 357, 2305, 2306

Proposed Rulemaking

61	2395
65	2395, 2633, 2634
69	2395
75	2395
111	2394
135	2310, 2311
139	1766, 2312
141	2313
143	1765, 2313
147	1771

Draft Temporary Regulations
 401 2569
 403 2569
 407 2569
 421 2569
 423 2569
 427 2569
 431 2569
 433 2569
 435 2569
 451 2569
 461 2569
 471 2569
 481 2569
 491 2569
 495 2569
 497 2569
 499 2569

Statements of Policy
Adopted
 57 2416

Proposed
 57 2417

61 Pa. Code (Revenue)
Adopted Rules
 32 256

64 Pa. Code (Securities)
Adopted Rules
 203 2307
 303 2307
 304 2307
 404 2307

67 Pa. Code (Transportation)
Proposed Rules
 491 2309

70 Pa. Code (Weights, Measures and Standards)
Proposed Rules
 2 2631
 10 2631
 110 2631

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 29 2095
 71 1970, 2208
 81 496, 497, 1972, 2386
 82 349
 83 1972, 2208
 85 1656
 87 1656
 89 1656
 91 1656
 93 1656
 99 2722
 303 (with correction) 1508, 2599

Proposed Rules
 303 198

210 Pa. Code (Appellate Procedures)
Adopted Rules
 67 1880

Proposed Rules
 3 2602

225 Pa. Code (Rules of Evidence)
Adopted Rules
 I 2209
 VIII 8

Proposed Rules
 VI 1330

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 500
 1000 349, 1416
 2250 501

Proposed Rules
 100 2602
 200 9
 1300 734, 2604
 3000 2603

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 1 1331, 2210
 2 2210
 4 2210
 5 2210

Proposed Rules
 1 1556
 5 1558
 10 1416

237 Pa. Code (Juvenile Rules)
Adopted Rules
 1 2214
 2 2214
 3 2214
 4 2214
 5 2214
 6 2214
 8 2214

246 Pa. Code (Minor Court Civil Rules)
Adopted Rules
 200 10
 300 10
 500 10

Proposed Rules
 200 2258
 300 2258
 500 2258

Proposed Rules
 100 1974
 200 1560
 400 245

249 Pa. Code (Philadelphia Rules)
 Unclassified 1334, 1880, 1975, 1977, 2096, 2272, 2605

252 Pa. Code (Allegheny County Rules)
 Unclassified 1881, 2273

255 Pa. Code (Local Court Rules)
 Unclassified 12, 246, 247, 350, 501, 505, 647, 654, 736,
 1190, 1196, 1334, 1417, 1419, 1561, 1566,
 1759, 1882, 1883, 1978, 1979, 2097, 2099,
 2390, 2618, 2722, 2727

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 99]

Amendments to the Code of Civility; No. 368
Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 21st day of April, 2005, it is ordered that the Code of Civility is amended as set forth in Annex A hereto.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart D. CODE OF CIVILITY

CHAPTER 99. CODE OF CIVILITY

§ 99.1. Preamble.

* * * * *

The following principles are designed to encourage judges and lawyers to meet their obligations toward each other and the judicial system in general. It is expected that judges and lawyers will make a voluntary and mutual commitment to adhere to these principles. These principles are not intended to supersede or alter existing disciplinary codes or standards of conduct, nor shall they be used as a basis for litigation, lawyer discipline or sanctions.

§ 99.3. The Lawyer's Duties to the Court **and to Other Lawyers.**

1. A lawyer should act in a manner consistent with the fair, efficient and humane system of justice and treat all participants in the legal process in a civil, professional and courteous manner at all times. **These principles apply to the lawyer's conduct in the courtroom, in office practice and in the course of litigation.**

2. A lawyer should speak and write in a civil and respectful manner in all communications with the court **[and],** court personnel, **and other lawyers.**

* * * * *

17. **A lawyer should demonstrate respect for other lawyers, which requires that counsel be punctual in meeting appointments with other lawyers and considerate of the schedules of other participants in the legal process; adhere to commitments, whether made orally or in writing; and respond promptly to communications from other lawyers.**

18. A lawyer should strive to protect the dignity and independence of the judiciary, particularly from unjust criticism and attack.

19. **A lawyer should be cognizant of the standing of the legal profession and should bring these principles to the attention of other lawyers when appropriate.**

[Pa.B. Doc. No. 05-879. Filed for public inspection May 6, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLARION COUNTY

Order Amending Local Rules of Procedure for Civil
Actions; No. 501 CD 2005

Order

And Now, April 19, 2005 it is hereby ordered:

1. Clarion County Local Rules of Civil Procedure L212.1, L212.2, L212.3, L216, L220.1, L225, L227.1, L230.2, L1018.1, L1033, L1301, L1302, L1303, L1304, L1305, L1306, L1910.10 and L1920.51, copies of which follow this order, are adopted, effective July 1, 2005.

2. Effective July 1, 2005 with the adoption of the following local rules of court, all previously issued Local Rules are rescinded, with the exception of the following rules: L1915.3, L1940.3 and L1940.5, which were amended in October 2003, effective November 10, 2003, L205.2(b), L206.4(c), L208.2(c), L208.2(d), L208.2(e), L208.3(b), L1028(c) and L1034(a), which were amended in July 2004, effective August 3, 2004 and L205.2(a) and L1035.2(a), which were amended in August 2004, effective August 13, 2004.

3. The Clarion County Court Administrator is directed to:

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

B. Distribute two (2) certified copies of this Order, the following Rules and a computer diskette containing the text of the local rules, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Civil Procedural Rules Committee.

D. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Domestic Relations Procedural Rules Committee.

E. Provide the Clarion County Prothonotary with a copy of the Rules being amended, which shall be available for public inspection and copying. The Clarion County Prothonotary shall, upon adoption of the previously listed Local Rules of Court, maintain a complete up to date set of the Clarion County Local Rules of Court as amended July 1, 2005, which shall be provided to the Prothonotary by the Clarion County Court Administrator.

F. Provide a copy of the complete Clarion County Local Rules of Court as amended July 1, 2005, to each member of the local bar.

By the Court

JAMES G. ARNER,
President Judge

Readiness in the form hereinafter provided. A party placing a case on the trial list shall forthwith serve a copy of the Certificate of Readiness upon all other counsel of record, who, if for any reason opposes such certification, shall within twenty (20) days thereafter file their reasons opposing the Certificate of Readiness for trial.

Rule L212.1 Placement of Civil Actions on the Trial List.

(a) *Certificate of Readiness for Trial:* To place a case on the trial list, both jury and non-jury, counsel for one or more of the parties in the case shall file a Certificate of

The certificate of readiness to be used in Clarion County shall be in the following form:

**COURT OF COMMON PLEAS OF CLARION COUNTY
CIVIL TRIAL LISTING**

CERTIFICATE OF READINESS (To be executed by Trial Counsel only)	TO THE PROTHONOTARY DATE PRESENTED
--	---------------------------------------

CASE NUMBER Date Complaint filed:	TYPE TRIAL REQUESTED <input type="checkbox"/> Jury <input type="checkbox"/> Non-jury <input type="checkbox"/> Arbitration	ESTIMATED TRIAL TIME _____ DAYS
--------------------------------------	--	------------------------------------

PLAINTIFF(S)

DEFENDANT(S)

Check Block
of a Minor
is a party
 to the case

ADDITIONAL DEFENDANT(S)

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE \$	CONSOLIDATION <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE CONSOLIDATION ORDERED
-----------------------	---	-------------------------------

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available, serious settlement negotiations have been conducted, the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel

Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF

TELEPHONE NUMBER

FOR THE DEFENDANT

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

(b) *Prothonotary's Active Trial List*: When a case has been certified as ready for trial, the prothonotary shall place the case upon the trial list. The trial list shall close approximately every two months on a date designated on the annual court calendar. Within three business days after each closing of the trial list, the prothonotary shall deliver to the court administrator a copy of the trial list which shall be current to and include the last date which was designated for closing, together with all record papers for each case on the said list. When the prothonotary delivers the trial list to the court administrator, the court administrator shall determine how much time shall be allotted to each pre-trial conference and shall determine the exact time of day each pre-trial conference shall begin.

Rule L212.2 Pre Trial Statement.

(a) Three days prior to the date scheduled for the pre-trial conference each party shall submit to the court and to other counsel of record a pre-trial statement containing those items set forth by PA.R.C.P. 212.2. In addition, the pre trial statement shall set forth an estimate of the length of time which will be required to present the party's case in chief.

(b) If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference, of the necessity or desirability of using a witness, an exhibit, plot or plan, he shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit, plot or plan as is required on the pre-trial statement set forth in PA.R.C.P. 212.2.

Failure to provide such information no less than 48 hours before selection of the jury, or commencement of trial in a non-jury case, shall not be compliance with this subsection, and may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plot or plan at trial.

Rule L212.3 Pre Trial Conference

(a) For the purposes of this rule, "pre-trial conference" shall mean a type of conference described in Pa. R.C.P. No. 212.3.

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court administrator upon the call of each trial list. Pre-trial conferences are extended to all actions not subject to arbitration under Rule L 1301, both jury and non-jury.

(c) During the pre-trial conference a date certain will be established for the trial. In jury trials jury selection will begin at 9 a.m. on the first day scheduled for the trial and the trial of the case will begin immediately thereafter. In non-jury trials the trial shall begin at 9 a.m. on the first day scheduled for the trial. All subsequent days of trials, jury and non-jury, will begin at 9 a.m. If at any time during a trial an attorney believes that a matter should be discussed in chambers with the court before that day's trial begins, he shall contact the other attorney and arrange to be in chambers with the opposing attorney at 8:30 a.m.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions, and must have full settlement authority. If counsel does not have such authority then the person or corporation having the actual interest in the case, whether as party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

(e) The attorney who will be in charge of the handling of the trial of the case as well as any other attorney who

will handle the examination or cross-examination of witnesses must attend the pre-trial conference.

(f) The court will dictate a pre-trial order covering all matters resolved at pre-trial immediately following the pre-trial conference. The pre trial order will address any preliminary motions remaining to be determined and will set forth a schedule for the filing and disposition of those motions.

Rule L216 Motions For Continuance

(a) All motions for continuances shall be in writing, shall be signed by counsel, shall set forth specifically the reason for the request, and shall contain a statement that opposing counsel either objects or does not object to the proposed continuance.

(b) In addition to the requirements of paragraph (a) above, the first motion for continuance filed by an attorney in any case shall include a statement that the client represented by the attorney requesting the continuance has been made aware of the motion and the reason it is being presented.

(c) In addition to the requirements of paragraph (a) above, any motion for continuance made by an attorney subsequent to that attorney's first motion for continuance shall contain a certification by that attorney that their client has consented to the requested continuance.

Rule L220.1 Voir Dire

(a) After the jury panel for a particular case is drawn, a list of the persons on such panel shall be handed to each attorney involved in the case, and the court shall inform the jurors of the names and residences of each of the parties, the nature of the suit, and the names of the attorneys and their associates.

(b) Initial voir dire examination shall be conducted by the court and will include, in addition to the court's general questions on voir dire, such additional questions appropriate to the case at hand as counsel shall submit in writing and as are approved by the court. The court may permit counsel to supplement the court's voir dire examination by such further inquiry as it deems proper.

Rule L225 Addresses and Summing Up

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order that they appear in the pleadings. Any party may reserve his opening address until immediately before presenting his evidence.

(b) After the close of the testimony, each party or group of parties shall have the right of final address or argument. The party or parties having the burden of proof shall have the right of final address or argument to the jury.

Rule L227.1 Post Trial Conferences

In every case in which a Motion for Post-Trial Relief has been filed, the court administrator shall schedule a post-trial conference to be held as soon as the business of the court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before the court on said motion and the extent of the trial record which will need to be transcribed.

(a) Absent a request for transcription of a portion of the record the court will dispose of the motion without transcript.

(b) A party filing post-trial motions who desires a transcript shall cause the transcript or portion thereof to be transcribed before the motion is argued.

(c) In all cases where a transcript is requested, the party requesting the transcript must present a motion and order to the court specifically identifying that portion of the record that is requested, and in the event that less than all of the trial is to be transcribed, the date and witnesses that are requested.

(d) The court reporter shall, upon the request of counsel, provide an estimate of the cost of the transcript. Unless otherwise directed by the court, the court reporter shall not begin transcribing notes until a deposit is made by the requesting party in an amount equal to one half of the estimated cost of transcribing. Upon completion of the transcript the court reporter shall invoice the party requesting the transcript and the transcript shall not be filed nor a copy delivered to any party until the invoice has been paid in full. In the discretion of the court and upon order specially made, the invoice may be taxed as costs.

Rule L230.2 Termination of Inactive Cases

(a) On or before April 1st of each year the prothonotary shall prepare a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto.

(b) The prothonotary shall serve notice of proposed dismissal for each case on the list to counsel of record and on the parties if not represented, at least sixty days prior to the date of proposed termination. The notice shall contain the date of proposed termination and the procedure to avoid termination.

(c) All procedures that will be followed are set forth in PA R.C.P. 230.2.

ACTIONS AT LAW

Rule L1018.1 Notice To Defendant

The person, to be named in the notice to defend, from whom legal help can be obtained is:

Laurel Legal Services
231 West Main Street
Clarion, PA 16214
Telephone: (814) 226 4340

Rule L1033 Amended Pleading

Whenever a pleading is filed amending more than one paragraph of the original pleading, such pleading shall be a complete pleading and not merely set forth the amendments to the former pleading. The amended pleading shall clearly indicate that it is an amended pleading and the paragraphs shall be renumbered.

ARBITRATION

Rule L1301 Scope

(a) All cases which are at issue where the amount in controversy is \$25,000.00 or less, except those involving title to real estate, shall first be submitted to and heard by a board of three members of the Clarion County Bar.

(b) Any case in which the amount in controversy exceeds \$25,000.00 may be submitted to and heard by a board of three members of the Clarion County Bar upon a written stipulation being filed by all parties.

(c) Either party in such civil suit or action, his agent or attorney may place a case on the list of cases for trial by arbitration by filing a Certificate of Readiness in the form provided by local rule L212.1(a)

(d) Any such case which has been placed upon the Prothonotary's Trial List shall be removed from such list by the prothonotary and placed on the Arbitration List.

Rule L1302 List of Arbitrators. Appointment to Board. Oath. Compensation.

(a) The Arbitration List herein referred to shall be kept and maintained by the prothonotary.

(b) Within ten days after a case is placed on the Arbitration List, the prothonotary shall forthwith nominate three names in alphabetical order, from the list of attorneys qualified to act as arbitrators in Clarion County. These three attorneys shall comprise the Board of Arbitration and they shall be so appointed by the prothonotary.

(c) The prothonotary shall make his nominations of arbitrators from an alphabetical list of members of the Bar of Clarion County. Nominations shall be made in alphabetical order from such list, except where a particular attorney is excused by the court. Not more than one member of a firm or association of attorneys shall be appointed to the same board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or part, with any counsel of record. The senior member appointed shall be chairman of the board. Immediately after appointment of the Board of Arbitrators the prothonotary shall notify them in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary, on praecipe of counsel, shall appoint the next attorney on the list to fill such vacancy. Any attorney disqualified or stricken off in a case shall be put at the head of the list of attorneys.

(d) The arbitrators shall be sworn or affirmed to justly and equitably try all matters submitted to them. The oath may be administered by any person authorized to administer oaths.

(e) (1) Each member of the Board of Arbitrators who has signed a report or files a minority report shall receive as compensation for services a fee that is set forth from time to time by court order for all cases involving three hours or less, plus an additional sum to be set forth by court order for each hour served over three hours of hearing time. Companion cases heard together count as one for purposes of this rule.

(2) The chairman shall receive as compensation for the duties as chairman an additional sum to be set by court order from time to time notwithstanding that a case be settled or discontinued after a time for hearing has been fixed but before the hearing is held.

(3) If after a time for a hearing has been fixed but before the hearing is held the case is settled or discontinued and the chairman of the Board of Arbitrators has not been notified of that settlement or discontinuance prior to 3:30 p.m. on the last day that the Court House is open for business before the day on which the hearing is to be held, each member of the Board of Arbitrators shall receive as compensation for services a fee of Seventy-Five Dollars (\$75.00). The chairman shall receive this fee in addition to his compensation for the duties of chairman as described in paragraph (2) above. If the members of the Board of Arbitrators receive a fee pursuant to this paragraph, the court may, in its discretion, assess to either party or both parties, as costs, the Two Hundred Twenty-Five Dollars (\$225.00) to which the members of the Board of Arbitrators were entitled because of the late settlement or late discontinuance.

(4) Compensation shall be paid by the County of Clarion upon a voucher approved for payment by the prothonotary.

Rule L1303 Hearing. Notice.

(a) The chairman of the board of arbitrators shall within ten (10) days after the board has been appointed, set a date and time for the arbitrators' hearing and shall notify the parties or their counsel, in writing, not less than thirty (30) days before the hearing, of the time and place of the hearing. Hearings shall be held in Court Room Number Two in the Clarion County Courthouse unless the parties by agreement shall designate another place and the arbitrators concur in such designation.

(b) The arbitrators, for cause shown, may continue a hearing to a definite date fixed by them.

(c) The Arbitration Court List will set forth all of those cases for which boards of arbitrators have been appointed but no hearings have yet been held. Cases listed on said Arbitration Court List shall be heard and disposed of within sixty (60) days, from the date of appointment of the board, except by leave of court upon good cause shown.

Rule L1304 Conduct of Hearing. Generally.

The arbitrators shall not be required to make a record of the proceedings before them. If any party shall, by writing filed with the chairman fifteen days before the hearing, request a record, the arbitrators shall provide a reporter and cause a record to be made. The party requesting the same shall pay the cost thereof and shall deposit with the arbitrators the sum of One Hundred Fifty Dollars (\$150.00) to secure payment. The arbitrators may, at any time that they deem the circumstances demand it, require an additional deposit. Any surplus shall be returned by the arbitrators to the party depositing it. The cost of the record shall not be considered costs in the case.

Rule L1305 Conduct of Hearing. Evidence.

(a) At the hearing, the arbitrators shall have the power to rule on the questions of evidence, to determine the number of witnesses who shall be heard and the extent to which they will be examined and cross-examined, to decide both the law and the facts of the case, and generally to control the proceedings in such a way that the case will be disposed of promptly.

(b) Witnesses before the arbitrators shall be sworn or affirmed by them, and witness fees and mileage shall be allowed and taxed at the legal rate for a court of record. The successful party may file his witness bill with the prothonotary.

Rule L1306 Award

The board of arbitrators shall make its report and render its award promptly upon conclusion of the hearing. The report shall state when the hearing was held, what counsel were present, the names of the witnesses heard, shall contain an award, either for the plaintiff or for the defendant, in a form similar to the verdict of a jury, shall be signed by the board of arbitrators, or a majority of them, and shall be transmitted to the prothonotary. The decision of the majority shall be the decision of the board of arbitrators. The prothonotary shall notify all parties of the decision of the arbitrators within ten (10) days of their filing their report with the prothonotary.

ACTIONS FOR SUPPORT**Rule L1910.10 Alternate Hearing Procedure in Actions for Support**

The hearing procedure described in Rule 1910.12 of the Pennsylvania Rules of Civil Procedure are hereby adopted and shall be utilized in lieu of the procedure prescribed by Rule 1910.11.

ACTION OF DIVORCE**Rule L1920.51 Appointment of Master**

(a) In all divorce or annulment actions where there are unresolved issues properly referable to a master under the applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by the Pennsylvania Rules of Civil Procedure. The court may also appoint a master upon its own motion. The order of appointment shall specify the matters which are referred to the master. Masters shall be appointed by the court from its list of practicing members of the bar of the county. An attorney may be excused from performing such service at the discretion of the court.

(b) At the time of filing a motion for appointment of a master the moving party shall deposit Five Hundred Dollars (\$500.00) with the Prothonotary as security for payment of master's fees and costs. No master will be appointed until the Five Hundred Dollars (\$500.00) has been deposited.

Should the court appoint a master on its own motion, the court shall direct in its order of appointment the party responsible for deposit of funds with the Prothonotary. No action will be taken by the master until such sums have been deposited.

(c) The master shall schedule a preliminary conference immediately after the issuance of the order of appointment. The preliminary conference shall be held at the earliest possible convenience, but no later than sixty (60) days following the appointment of the master. The preliminary conference shall be attended by the master, the parties and their counsel. Those present shall explore the possibility of resolving the issues without further litigation.

Should no resolution be reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order the moving party to deposit an additional One Thousand Five Hundred Dollars (\$1500.00) with the Prothonotary, to be applied to master's and stenographer's fees. As soon as the additional One Thousand Five Hundred Dollars (\$1500.00) has been deposited with the Prothonotary, the master shall schedule an evidentiary hearing and shall provide notice of the hearing as set forth in the Pennsylvania Rules of Civil Procedure. The master shall schedule an evidentiary hearing only after the master has ascertained that the additional funds have been deposited with the Prothonotary.

(d) The standard hourly fee to be charged by court appointed masters shall be determined from time to time by order of court. In a matter involving complex issues of law or fact the court, in its discretion, may adjust the hourly fee paid to the master.

(e) Should the master at any time determine that the sum deposited with the Prothonotary is insufficient to provide for the services of the master and any stenographer required, the master shall move the court to order additional deposits unless the parties agree to such additional deposits. The master shall not be required to proceed further until such sum of additional deposits as ordered or agreed upon are made to the Prothonotary.

[Pa.B. Doc. No. 05-880. Filed for public inspection May 6, 2005, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rule on Mediation; No. 1793
CV 1989

Order

And Now, this 25th day of April, 2005, the following is adopted as Dauphin County Court of Common Pleas Local Rule 1001:

Rule 1001. Mediationa. *General*

Every civil action, except protection from abuse matters, filed in the Dauphin County Court of Common Pleas is eligible for mediation. Prior to filing suit and whenever practicable thereafter, parties and their counsel are encouraged to consider and to pursue mediation options.

b. *Procedure*

Parties and their attorneys in all civil cases may mutually elect to pursue mediation at any point before a case is listed for trial or arbitration. Status conferences conducted by the Court shall include a discussion of the likely success of mediation and the appropriate point in the life of that case for mediation session(s) to be scheduled.

c. *Certifications*

All pre-trial conference memoranda shall include certification by the attorney submitting same that mediation has been previously pursued or, if mediation has not been pursued, that the topic of mediation was discussed among all counsel and rejected only after good faith consideration. Likewise, certificates of readiness filed with the Court Administrator as to any civil action shall contain a similar certification that mediation was pursued or, if not, was the subject of good faith consideration by counsel.

d. *Mediation Programs*

Parties and their attorneys are encouraged to use mediation to resolve disputes either through the Civil Dispute Resolution Program administered by the Dauphin County Bar Association or any other mediation program acceptable to the parties.

e. *Effective Date*

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

Comment: Parties and their attorneys are encouraged to use mediation as a means to bring disputes to conclusion economically and expeditiously. While mediation is voluntary, the Court may feel strongly that the use of mediation will conclude pending litigation. Parties and their attorneys are urged to accept the advice of the Court when mediation is suggested as a means to resolve the case.

The Court may recommend that the parties in any civil case, except protection from abuse matters, utilize mediation or other alternative dispute resolution processes, including, but not necessarily limited to, services offered by the Civil Dispute Resolution Program as administered through the Dauphin County Bar Association whenever it appears to the judge presiding in such case that mediation or other alternative dispute resolution processes are likely to resolve the case.

An issue may arise regarding insurance policies, and particularly professional negligence policies, wherein ultimate approval of a settlement rests with the insured. The use of mediation may lead parties to evaluate their

positions and achieve a mutually acceptable resolution. This rule cannot rewrite an insurance contract, but participation in mediation may educate all interests with respect to the merits of resolving a pending dispute without protracted litigation. All parties should come to the mediation process with appropriate motivations. The process should be used in good faith; for example, it should not be used as an alternative means for discovery.

It is anticipated that the Pennsylvania Supreme Court may enact rules directing certain types of cases to use alternative dispute resolution processes, including mediation, as a prerequisite step for certification prior to trial. This rule is adopted in anticipation of such and will be amended to comply with the mandates of any future rules adopted by the Pennsylvania Supreme Court.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 05-881. Filed for public inspection May 6, 2005, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 CV 1989

And Now This 19th day of April, 2005, Dauphin County Local Rule 412 is hereby rescinded.

Comments: Service of Original Process in Domestic Relations Matters, which includes custody actions, is governed by Pennsylvania Rule of Civil Procedure 1930.4. Local Rule 412 is no longer necessary.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 05-882. Filed for public inspection May 6, 2005, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 26 Misc. 2005

Adopting Order

Now, this 18th day of April, 2005, it is hereby *Ordered*:

1. Som.R.Crim.P. 507, Approval Of Police Complaints And Arrest Warrant Affidavits By Attorney For The Commonwealth, is amended to read in its entirety as follows hereto, effective thirty (30) days after publication in The *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator shall:

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

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

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

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

By the Court

EUGENE E. FIKE, II,
President Judge

Complaints and Warrants—Approval

Som. R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

A. The District Attorney of Somerset County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of the attorney for the Commonwealth prior to filing:

1. Criminal Homicide in violation of Section 2501 of the Crimes Code, 18 Pa.C.S.A. § 2501;
2. Murder in any degree in violation of Section 2502 of the Crimes Code, 18 Pa.C.S.A. § 2502;
3. Voluntary Manslaughter in violation of Section 2503 of the Crimes Code, 18 Pa.C.S.A. § 2503;
4. Involuntary Manslaughter in violation of Section 2504 of the Crimes Code, 18 Pa.C.S.A. § 2504;
5. Homicide by Vehicle in violation of Section 3732 of the Vehicle Code, 75 Pa.C.S.A. § 3732; and
6. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735.
7. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735;

8. Rape in violation of Section 3121 of the Crimes Code, 18 Pa.C.S.A. § 3121;

9. Involuntary Deviate Intercourse in violation of Section 3123 of the Crimes Code, 18 Pa.C.S.A. § 3123;

10. Sexual Assault in violation of Section 3124.1 of the Crimes Code, 18 Pa.C.S.A. § 3124.1;

11. Aggravated Indecent Assault in violation of Section 3125 of the Crimes Code, 18 Pa.C.S.A. § 3125;

12. Indecent Assault in violation of Section 3126 of the Crimes Code, 18 Pa.C.S.A. § 3126; and

13. Incest in violation of Section 4302 of the Crimes Code, 18 Pa.C.S.A. § 4302.

[Pa.B. Doc. No. 05-883. Filed for public inspection May 6, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued April 19, 2005, Thomas Joseph Coleman, III, is *Suspended* from the Bar of this Commonwealth for a period of two years. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-884. Filed for public inspection May 6, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 89]

Medicare Supplement Insurance Minimum Standards

The Insurance Department (Department) amends §§ 89.772—89.777, 89.777a, 89.778, 89.780—89.784, 89.786, 89.787 and 89.790 to read as set forth in Annex A. Sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) provide the Insurance Commissioner (Commissioner) with the authority and duty to promulgate regulations governing the enforcement of the laws regarding insurance. The final-omitted rulemaking will also bring the Department's regulations for the approval of Medicare supplement policies into compliance with the Federal statutory requirements of the Social Security Act (42 U.S.C.A. § 1395ss) and the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), the act of December 8, 2003 (Pub. L. No. 108-173, 117 Stat. 2066).

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law (CDL), (45 P. S. § 1204(3)). Under section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

The amendments to Subchapter K (relating to Medicare supplement insurance minimum standards) are Federally mandated under recent Federal legislation, specifically the MMA, enacted December 8, 2003. Federal law requires that these changes be implemented by the states if they are to remain in compliance with the Federal requirements and maintain regulatory authority in this area. The revised National Association of Insurance Commissioners (NAIC) Medicare Supplement model regulation (NAIC model regulation) was adopted September 8, 2004, and the Department's new regulations must be adopted within 1 year following the NAIC adoption of the NAIC model regulations for the Commonwealth to retain regulatory authority in this area. To comply with Federal statutory minimum requirements for Medicare supplement policies, the Insurance Commissioner finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable and unnecessary in this situation, and that the proposed rulemaking may be properly omitted under section 204(3) of the CDL.

Purpose

Subchapter K was initially promulgated to establish minimum standards for Medicare supplement insurance policies. Standardization of policies was Federally required under the Omnibus Budget Reconciliation Act of 1990. The Department currently seeks to amend Subchapter K to meet the new Federal mandates for Medicare supplement policies as required under the MMA.

The final-omitted rulemaking is necessary to maintain the Commonwealth's compliance with Federal requirements, which will ensure that the Commonwealth retains

enforcement authority over Medicare Supplement policies and these new requirements. These standards will be effective for Medicare Supplement issuers on January 1, 2006, under the MMA. The Federal legislation establishes that states that adopt the language of the NAIC model regulation that has been revised to address the Federal changes will be considered to be in compliance with the Federal requirements. The Commonwealth needs to adopt these revisions to the Medicare Supplement regulations by September 8, 2005, to avoid Federal intervention.

The final-omitted rulemaking will protect the rights of consumers purchasing Medicare supplement policies in this Commonwealth.

Explanation of Regulatory Requirements

Section 89.772 (relating to definitions) has been revised to reflect changes to definitions of the terms "bankruptcy," "employee welfare benefit plan," "Medicare Advantage plan" (formerly "Medicare + Choice") and "Medicare supplement policy." The new language is based on the NAIC model regulation. The Department also defined the term "producer" to mean an insurance producer as defined in the act of December 6, 2002 (P. L. 1183, No. 147) (Act 147) (40 P. S. §§ 310.1—310.99a).

Section 89.773(4) (relating to policy definitions and terms) has been revised to relocate the definition of "health care expenses" to § 89.780 (relating to loss ratio standards and refund or credit of premium). This revision is based on the NAIC model regulation.

Section 89.773(7) has been revised to clarify that both Medicare Parts A and B as the types of Medicare expenses that are eligible and covered by Medicare. The new language is based on the NAIC model regulation.

Section 89.774(d) (relating to exclusions and limitations) has been revised to clarify the options available to policyholders after December 31, 2005, when outpatient prescription drug benefits for both prestandardized and standardized Medicare supplement policies will no longer be available for policyholders who enroll in Medicare Part D. The new language is based on the NAIC model regulation.

Section 89.775(1)(vi) (relating to minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992) has been revised to clarify that receipt of Medicare Part D benefits will not be considered in determining a continuous loss. The new language is based on the NAIC model regulation.

Section 89.775(1)(vii) has been revised to clarify a Medicare supplement policy that has eliminated an outpatient prescription drug benefit to conform with the MMA shall be deemed to satisfy the guarantee renewal requirements of this subparagraph. This revision is based on the NAIC model regulation.

Section 89.776(1)(v)(F) (relating to benefit standards for policies or certificates issued or delivered on or after July 30, 1992) has been revised to clarify a Medicare supplement policy that has eliminated an outpatient prescription drug benefit to conform with the MMA shall be deemed to satisfy the guarantee renewal requirements of this clause. This revision is based on the NAIC model regulation.

Section 89.776(1)(vi) has been revised to clarify that receipt of Medicare Part D benefits will not be considered

in determining a continuous loss. This revision is based on the NAIC model regulation.

Section 89.776(1)(vii)(D)(II) has been revised to clarify that if the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, the reinstatement of the policy for Medicare Part D enrollees will be without coverage for outpatient prescription drugs and will otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension. This revision is based on the NAIC model regulation.

Section 89.776(2)(iii) has been revised to clarify Medicare supplement Plans A—J and the change of payment method to applicable prospective payment system rate as required by the MMA. This revision is based on the NAIC model regulation.

Section 89.776(3)(vi) has been revised to clarify that for basic outpatient prescription drug benefit, the outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006. This revision is based on the NAIC model regulation.

Section 89.776(3)(vii) has been revised to clarify that for extended outpatient prescription drug benefit, the outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006. This revision is based on the NAIC model regulation.

Section 89.776(3)(ix) has been revised to delete specific references to preventive screening tests or preventive services. This language has been replaced by general language to contemplate any future changes that Medicare may make in coverage to specific preventive services. This revision is based on the NAIC model regulation.

Section 89.776(3)(xi) has been revised and moved to § 89.777(g) (relating to standard Medicare supplement benefit plans). This revision is based on the NAIC model regulation.

Section 89.776(4) has been added to set forth benefit standards for Medicare supplement Plans K and L. This revision is based on the NAIC model regulation.

Section 89.777(b) (relating to standard Medicare supplement benefit plans) has been revised to clarify the language which sets forth requirements for sale of Medicare Supplement policies in this Commonwealth and provide specific reference to subsection (g) and § 89.777a (relating to Medicare Select policies and certificates). This revision is based on the NAIC model regulation.

Section 89.777(c) has been revised to include reference to the new Medicare supplement plans available as required by the MMA. This revision is based on the NAIC model regulation.

Section 89.777(e)(9) has been revised to specify that outpatient prescription drug benefit may not be included in a Medicare supplement Plan H sold after December 31, 2005. This revision is based on the NAIC model regulation.

Section 89.777(e)(10) has been revised to specify that outpatient prescription drug benefit may not be included in a Medicare supplement Plan I sold after December 31, 2005. This revision is based on the NAIC model regulation.

Section 89.777(e)(11) has been revised to specify that outpatient prescription drug benefit may not be included in a Medicare supplement Plan J and high deductible

Plan J sold after December 31, 2005. This revision is based on the NAIC model regulation.

Section 89.777(e)(12) has been revised to specify that outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

Section 89.777(e)(13) has been revised to add requirements for Standardized Medicare Supplement benefit Plan K. This revision is based on the NAIC model regulation.

Section 89.777(e)(14) has been revised to add requirements for Standardized Medicare Supplement benefit Plan L. This revision is based on the NAIC model regulation.

Section 89.777(g) has been added to set forth the requirements for new or innovative benefits, previously under § 89.776(3)(xi). Effective December 31, 2005, the outpatient prescription drug program will not constitute an innovative benefit. This revision is based on the NAIC model regulation.

Section 89.777a(j)(3) (relating to Medicare select policies and certificates) has been revised to clarify that expenses incurred when using an out-of-network provider in a Medicare Select policy do not count toward the out-of-pocket annual limit contained in Plans K and L. This revision is based on the NAIC model regulation.

Section 89.777a(n)(2) and (o)(2) has been revised to clarify that coverage for prescription drugs does not constitute a “significant benefit” for the purposes of comparing Medicare supplement policies or certificates being replaced. This revision is based on the NAIC model regulation.

Section 89.778(d) (relating to open enrollment) has been revised to clarify that §§ 89.789(b) and (c) and 89.790(a) (relating to prohibition against preexisting conditions, waiting periods, elimination periods and probationary periods in replacement policies or certificates; and guaranteed issue for eligible persons) are not to be construed as preventing the exclusions of benefits. This revision is based on the NAIC model regulation.

Section 89.780(a)(2) (relating to loss ratio standards and refund or credit premiums) has been revised to include language relating to home health care expenses previously in § 89.773(4). This revision is based on the NAIC model regulation.

Section 89.780(b)(1) has been revised to delete the reference to Appendix E and to provide this data shall be filed using an applicable Refund Calculation Form prescribed by the Department.

Section 89.781(b) (relating to filing and approval of policies and certificates and premium rates) has been revised to allow issuers to file riders or amendments to delete outpatient prescription drug benefits as required by the MMA. This revision is based on the NAIC model regulation.

Section 89.781(c)(2)(ii) has been renumbered as (d)(2)(ii) and revised to change “agent” to “producer.” This revision reflects the changes made by Act 147.

Section 89.782(a) and (b) (relating to permitted compensation agreements) has been revised to change “agent” to “producer.” This revision reflects the changes made by Act 147.

Section 89.783(a)(6) (relating to required disclosure provisions) has been revised to change “Health Care

Financing Administration” to “Centers for Medicare & Medicaid Services.” This revision is based on the NAIC model regulation.

Section 89.783(a)(8) has been deleted to promote National uniformity and consistency in Medicare supplement standards. This revision is based on the NAIC model regulation.

Section 89.783(c) has been revised to reflect notice requirements for issuers as required by the MMA. This revision is based on the NAIC model regulation.

Section 89.783(c)(3) has been renumbered as subsection (d)(3) and revised to reflect the availability of new Medicare supplement plans. This revision is based on the NAIC model regulation.

Section 89.783(c)(5) has been renumbered as subsection (d)(5) and revised to change “agent” to “producer.” This revision reflects the changes made by Act 147.

Section 89.783(c)(6) has been renumbered as subsection (d)(6) and revised to reflect the availability of new Medicare supplement plans. This revision is based on the NAIC model regulation.

Section 89.783(d)(2) has been renumbered as subsection (e)(2), revised to delete the reference to Appendix I and to provide that the disclosure statement shall be on a form prescribed by the Department.

Section 89.783(f) has been added to provide that the Department will maintain all forms regarding Medicare Supplement Chapter 89 in written and electronic form. These forms will be available upon request to assure that Medicare Supplement issuers and subscribers have access to the most up-to-date information and coverage requirements. The Department will also incorporate the forms formerly in Appendices E, F and I into the Department’s website to provide consumers and insurers with easier access to the plans. This will allow both consumers and insurers access to the plans 24 hours a day, 7 days a week, not just when the Department is open for business. Furthermore, the Department will publish notice in the *Pennsylvania Bulletin* of the availability of the amended forms when revisions are made available to the Department by the United States Department of Health and Human Services.

Section 89.784 (relating to requirements for application forms and replacement coverage) has been renumbered throughout. This revision was made to clarify and maintain consistency within the regulation.

Section 89.784 has been revised to require application forms to inquire whether the applicant currently has Medicare Advantage or Medicaid coverage. This revision is based on the NAIC model regulation.

Section 89.784(1) has been revised to inform the applicant of important rights and modified the questions to be asked by the issuer to reflect those changes required by the MMA. This revision is based on the NAIC model regulation.

Section 89.784(1)(iv) has been revised to inform the applicant of important rights regarding suspension of coverage as it relates to the changes required by the MMA. This revision is based on the NAIC model regulation.

Section 89.784(1)(v) has been revised to inform the applicant of important rights regarding suspension of coverage in circumstances when, by reason of disability, an individual later becomes covered by an employer or

union-based group health plan as it relates to the changes required by the MMA. This revision is based on the NAIC model regulation.

Section 89.784(1)(vi) has been renumbered to accommodate changes required by the MMA.

Section 89.784(2) has been revised to add questions designed to elicit whether an applicant is eligible for guaranteed issue of a Medicare supplement insurance policy. This revision reflects changes required by the MMA. This revision is based on the NAIC model regulation.

Section 89.784(3) has been revised to move the requirement formerly in subsection (d). This revision is based on the NAIC model regulation.

Section 89.784(4) has been revised to add Medicare Advantage insurance. Revisions were made to clarify reasons for replacement of Medicare supplement policies. This revision reflects changes required by the MMA. This revision is based on the NAIC model regulation.

Section 89.786(a)(1) and (b)(3) (relating to standards for marketing) has been revised to change “agent” to “producer.” This revision reflects the changes made by Act 147.

Section 89.787(a) (relating to appropriateness of recommended purchase and excessive insurance) has been revised to change “agent” to “producer.” This revision reflects the changes made by Act 147.

Section 89.787(c) has been revised to clarify the appropriateness for enrollment in a Medicare supplement policy upon termination of Medicare Part C coverage. This revision is based on the NAIC model regulation.

Section 89.790(a)(1) and (b)(7) (relating to guaranteed issue for eligible persons) has been revised to deem an eligible person as one who has enrolled in Medicare Part D. This revision is based on the NAIC model regulation.

Section 89.790(b)(2), (5) and (6) has been revised to change “Medicare+Choice” to “Medicare Advantage.” This revision reflects changes required by the MMA. This revision is based on the NAIC model regulation.

Section 89.790(b)(2)(iv)(B) and (4)(iii) has been revised to change “agent” to “producer.” This revision reflects the changes made by Act 147.

Section 89.790(c)(1) has been revised to clarify the time frame for the guarantee issue period. This revision is based on the NAIC model regulation.

Section 89.790(c)(4) has been revised to change “section” to “subsection.” This revision was made to clarify and maintain consistency within the regulation.

Section 89.790(c)(5) has been added to provide clarification regarding the guarantee issue period relating to those individuals who enroll in Medicare Part D. This revision is based on the NAIC model regulation.

Section 89.790(e)(1), (2) and (4) has been added to provide clarification regarding products to which an eligible person may be entitled as required by the MMA. This revision is based on the NAIC model regulation.

Fiscal Impact

The Department can review revised Medicare supplement filings in the course of normal business and anticipates that it will experience minimal or no increase in cost in its review.

Insurers are required to comply with the new Federal requirements to sell Medicare Supplement insurance.

Therefore, the insurance industry will not incur additional costs due to the promulgation of this final-omitted rulemaking.

Effectiveness/Sunset Date

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, no sunset date has been assigned.

Contact Person

Questions regarding the final-omitted rulemaking should be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, psalvatore@state.pa.us.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on February 11, 2005, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on April 13, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. The Attorney General approved the regulation on February 28, 2005. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 14, 2004, and approved the final-omitted rulemaking.

Findings

The Commissioner finds that:

(1) There is good cause to amend Subchapter K, effective upon publication with the proposed rulemaking omitted. Deferral of the effective date of these regulations would be impractical and not serve the public interest. Under section 204(3) of the CDL, there is no purpose to be served by deferring the effective date. An immediate effective date will best serve the public interest by ensuring the Commonwealth's compliance with the new Federal requirements and retention of enforcement authority over all aspects of Medicare supplement policies.

(2) There is good cause to forego public notice of the intention to amend Subchapter K because notice of the amendment under the circumstances is unnecessary and impractical under section 204(3) of the CDL for the following reasons:

(i) The changes mandated by Federal law will go into effect with or without regulatory action.

(ii) If the amendments are not implemented as established by the Federal law, regulatory oversight of these requirements will be assumed by the Federal government. If this were to occur it would split regulation of Medicare supplement policies between the Commonwealth and the Federal government. Dual regulation would negatively impact consumers in this Commonwealth due to a shortage in Federal enforcement staffing. Accordingly, it would be more difficult for consumers in this Commonwealth to have complaints concerning the new requirements addressed by the Federal government in a timely manner.

(iii) Public comment cannot change the fact that these Federal requirements will be implemented (either by the

Commonwealth or the Federal government). Nor can public comment have any impact upon the content of the new Federal mandates.

Order

The Commissioner, acting under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 31 Pa Code Chapter 89, are amended by amending §§ 89.772—89.777, 89.777a, 89.778, 89.780—89.784, 89.786, 89.787 and 89.790 and Appendix E to read as set forth in Annex A.

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 5019 (April 30, 2005).)

Fiscal Note: 11-224. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 89. APPROVAL OF LIFE, ACCIDENT AND HEALTH INSURANCE

Subchapter K. MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

§ 89.772. Definitions.

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

Applicant—

(i) In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits.

(ii) In the case of a group Medicare supplement policy, the proposed certificateholder.

Bankruptcy—The condition under which a Medicare Advantage organization plan that is not an issuer has filed, or has had filed against it, a petition or other action seeking a declaration of bankruptcy under the provisions of the United States Bankruptcy Code (11 U.S.C.) and has ceased doing business in this Commonwealth.

Certificate—A certificate delivered or issued for delivery in this Commonwealth under a group Medicare supplement policy.

Certificate form—The form on which the certificate is delivered or issued for delivery by the issuer.

Commissioner—The Insurance Commissioner of the Commonwealth.

Continuous period of creditable coverage—The period during which an individual was covered by creditable

coverage, if during the period of the coverage the individual had no breaks in coverage greater than 63 days.

Creditable coverage—The definition contained in the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191, 110 Stat. 1936), as adopted by the Commonwealth under the Pennsylvania Health Care Insurance Portability Act (40 P. S. §§ 1302.1—1302.7), is incorporated herein by reference.

Employee welfare benefit plan—A plan, fund or program of employee benefits as defined in section 3 of the Employee Retirement Income Security Act or ERISA (29 U.S.C.A. § 1002).

HHS Secretary—The Secretary of the United States Department of Health and Human Services.

Insolvency—The condition under which an issuer, licensed to transact business in this Commonwealth by the Commissioner, has had a final order of liquidation entered against it, or a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.

Issuer—The term includes insurance companies, fraternal benefit societies and nonprofit corporations subject to 40 Pa.C.S. Chapters 61 and 63 (relating to hospital plan corporations; and professional health services plan corporations) and other entities delivering or issuing for delivery Medicare supplement policies or certificates in this Commonwealth.

Medicare—The program established by the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 (42 U.S.C.A. §§ 1395—1395b-4) as then constituted or later amended.

Medicare Advantage plan—A plan of coverage for health benefits under Medicare Part C as defined in section 1859 (b)(1) of the Social Security Act (42 U.S.C.A. § 1395w-28(b)(1)) and includes:

(i) Coordinated care plans which provide health care services, including health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations and preferred provider organization plans.

(ii) Medicare medical savings account plans coupled with a contribution into a Medicare Advantage plan medical savings account.

(iii) Medicare Advantage private fee-for-service plans.

Medicare supplement policy—

(i) A group or individual policy of insurance or a subscriber contract other than a policy issued under a contract under section 1876 of the Social Security Act (42 U.S.C.A. §§ 1395—1395mm) or a policy issued under a demonstration project specified in section 1882 of the SSA (42 U.S.C.A. § 1395ss(g)(1)), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.

(ii) The term does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug Plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under section 1833 (a)(1)(A) of the Social Security Act (42 U.S.C.A. 13951 (a)(1)(A)).

Policy form—The form on which the policy is delivered or issued for delivery by the issuer.

Producer—An insurance producer as defined by the act of December 6, 2002 (P. L. 1183, No. 147) (40 P. S. §§ 310.1—310.99a), known as the Producer Licensing Modernization Act.

§ 89.773. Policy definitions and terms.

A policy or certificate may not be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate, unless the policy or certificate contains definitions or terms which conform to the requirements of this section.

(1) The terms “accident,” “accidental injury” or “accidental means” shall be defined to employ “result” language and may not include words which establish an accidental means test or use words, such as “external, violent, visible wounds” or similar words of description or characterization.

(i) The definition may not be more restrictive than the following: “Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force.”

(ii) The definition may provide that injuries may not include injuries for which benefits are provided or available under workers' compensation, employer's liability or similar law or motor vehicle no-fault plan, unless prohibited by law.

(2) The terms “benefit period” or “Medicare benefit period” may not be defined more restrictively than as defined in the Medicare Program.

(3) The terms “convalescent nursing home,” “extended care facility” or “skilled nursing facility” may not be defined more restrictively than as defined in the Medicare Program.

(4) The term “health care expenses” for purposes of § 89.780 (relating to loss ratio standards and refund or credit of premium), shall be defined to mean expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers.

(5) The term “hospital” may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare Program.

(6) The term “Medicare” shall be defined in the policy and certificate. Medicare may be substantially defined as “The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended,” or “Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof,” or words of similar import.

(7) The term “Medicare eligible expenses” shall be defined to mean expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

(8) The term “physician” may not be defined more restrictively than as defined in the Medicare Program.

(9) The term “sickness” may not be defined to be more restrictive than the following: “Sickness means illness or disease of an insured person which is diagnosed or treated after the effective date of insurance and while the

insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

§ 89.774. Exclusions and limitations.

(a) Except for permitted preexisting condition clauses as described in §§ 89.775(1)(i) and 89.776(1)(i) (relating to minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992; and benefits standards for policies or certificates issued or delivered on or after July 30, 1992), a policy or certificate may not be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

(b) A Medicare supplement policy or certificate may not use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

(c) A Medicare supplement policy or certificate in force in this Commonwealth may not contain benefits which duplicate benefits provided by Medicare.

(d) The following applies to issuance and renewal limitations of Medicare supplement policies:

(1) Subject to §§ 89.775 (1)(iv), (v) and (vii) and 89.776 (1)(iv) and (v) (relating to minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992; and benefits standards for policies or certificates issued or delivered on or after July 30, 1992), a Medicare supplement policy with benefits for outpatient prescription drugs in existence prior to January 1, 2006, shall be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

(2) A Medicare supplement policy with benefits for outpatient prescription drugs may not be issued after December 31, 2005.

(3) After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs may not be renewed after the policyholder enrolls in Medicare Part D unless the following conditions apply:

(i) The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual's coverage under a Part D plan.

(ii) Premiums are adjusted to reflect the elimination of outpatient prescription drug coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

§ 89.775. Minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992.

A policy or certificate may not be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are consistent with this subchapter.

(1) *General standards.* The following standards apply to Medicare supplement policies and certificates and are in addition to the other requirements of this subchapter:

(i) *Exclusion/limitation of benefits.* A Medicare supplement policy or certificate may not exclude or limit benefits for losses incurred more than 6 months from the

effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(ii) *Indemnification of sickness and accidents.* A Medicare supplement policy or certificate may not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(iii) *Cost sharing amounts under Medicare.* A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with these changes.

(iv) *Termination of coverage.* A noncancellable, guaranteed renewable or noncancellable and guaranteed renewable Medicare supplement policy may not:

(A) Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(B) Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

(v) *Restrictions on termination of policies and certificates.*

(A) Except as authorized by the Commissioner, an issuer may neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

(B) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in clause (D), the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

(I) An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy.

(II) An individual Medicare supplement policy which provides only benefits that are required to meet the minimum standards as defined in § 89.776(2) (relating to benefits standards for policies or certificates issued or delivered on or after July 30, 1992).

(C) If membership in a group is terminated, the issuer shall do one of the following:

(I) Offer the certificateholder conversion opportunities that are described in clause (B).

(II) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(D) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy will not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(vi) Termination of a Medicare supplement policy or certificate shall be without prejudice to a continuous loss

which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(vii) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the act of December 8, 2003 (Pub. L. 108-173, 117 Stat. 2066), the modified policy shall be deemed to satisfy the guaranteed renewal requirement of this subsection.

(viii) If a hospital plan corporation or a professional health services plan corporation issues a subscriber contract which does not include the required benefits, the contract shall be issued in conjunction with another contract, including at least the remainder of the benefits in this subchapter, to qualify as Medicare supplement insurance. In the alternative, two or more corporations may act jointly and issue a single contract which contains the required benefits.

(2) *Minimum benefit standards.* The following represent minimum benefit standards:

(i) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period.

(ii) Coverage for all or none of the Medicare Part A inpatient hospital deductible amount. If the insurer desires, in consideration of a reduced premium, to offer a contract without coverage for the initial deductible under Part A, it may do so only if the insured is given the option of purchasing the contract from that insurer with coverage for all of the Part A deductible.

(iii) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during the use of Medicare's lifetime hospital inpatient reserve days.

(iv) Upon exhaustion of Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 90% of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days.

(v) Coverage under Medicare Part A for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under Federal regulations, unless replaced in accordance with Federal regulations or already paid for under Part B.

(vi) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible.

(vii) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first 3 pints of blood, or equivalent quantities of packed red blood cells, as defined under Federal regulations, unless replaced in accordance with Federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

(viii) If a hospital plan corporation or a professional health service plan corporation issues a subscriber contract which does not include the required benefits, the

contract shall be issued in conjunction with another contract, including at least the remainder of the benefits in this subchapter, to qualify as Medicare supplement insurance. In the alternative, two or more corporations may act jointly and issue a single contract which contains the required benefits.

§ 89.776. Benefits standards for policies or certificates issued or delivered on or after July 30, 1992.

The following standards apply to Medicare supplement policies or certificates delivered or issued for delivery in this Commonwealth on or after July 30, 1992. A policy or certificate may not be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) *General standards.* The following standards apply to Medicare supplement policies and certificates and are in addition to other requirements of this subchapter:

(i) *Exclusions and limitations.* A Medicare supplement policy or certificate may not exclude or limit benefits for losses incurred more than 6 months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(ii) *Indemnification of sickness and accidents.* A Medicare supplement policy or certificate may not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(iii) *Cost sharing amounts under Medicare.* A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with these changes.

(iv) *Termination of coverage.* A Medicare supplement policy or certificate may not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(v) *Cancellation or nonrenewal of policy.* Each Medicare supplement policy shall be guaranteed renewable.

(A) The issuer may not cancel or nonrenew the policy solely on the ground of health status of the individual.

(B) The issuer may not cancel or nonrenew the policy for a reason other than nonpayment of premium or material misrepresentation.

(C) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under clause (E), the issuer shall offer certificateholders an individual Medicare supplement policy which, at the option of the certificateholder, does one of the following:

(I) Provides for continuation of the benefits contained in the group policy.

(II) Provides for benefits that otherwise meet the requirements of this section.

(D) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall do one of the following:

(I) Offer the certificateholder the conversion opportunity described in clause (C).

(II) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(E) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to persons covered under the old group policy on its date of termination. Coverage under the new policy may not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(F) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, the act of December 8, 2003 (Pub. L. 108-173, 117 Stat. 2066), the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this paragraph.

(vi) *Extension of benefits.* Termination of a Medicare supplement policy or certificate shall be without prejudice to a continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(vii) *Suspension by policyholder.*

(A) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months) in which the policyholder or certificateholder has applied for and is determined to be entitled to Medical Assistance under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396u), but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90 days after the date the individual becomes entitled to this assistance.

(B) If a suspension occurs and if the policyholder or certificateholder loses entitlement to Medical Assistance, the policy or certificate shall be automatically reinstated (effective as of the date of termination of the entitlement) as of the termination of the entitlement if the policyholder or certificateholder provides notice of loss of the entitlement within 90 days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of the entitlement.

(C) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) of the Social Security Act (42 U.S.C.A. § 426(b)) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v) of the Social Security Act (42 U.S.C.A. § 1395y(b)(1)(A)(v))). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

(D) Reinstitution of these coverages as described in clauses (B) and (C):

(I) May not provide for a waiting period with respect to treatment of preexisting conditions.

(II) Shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of the suspension. If the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, reinstatement of the policy for Medicare Part D enrollees shall be without coverage for outpatient prescription drugs and shall otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension.

(III) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder if the coverage had not been suspended.

(2) *Standards for basic (core) benefits common to benefit Plans A—J.* Every issuer shall make available a policy or certificate, including only the following basic core package of benefits to each prospective insured. An issuer shall also offer a policy or certificate to prospective insureds meeting the Plan B benefit plan. An issuer may make available to prospective insureds Medicare Supplement Insurance Benefit Plans C, D, E, F, G, H, I and J as listed in § 89.777(e) (relating to standard Medicare supplement benefit plans). The core packages are as follows:

(i) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period.

(ii) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used.

(iii) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance.

(iv) Coverage under Medicare Parts A and B for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under Federal regulations), unless replaced in accordance with Federal regulations.

(v) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

(3) *Standards for additional benefits.* The following additional benefits shall be included in Medicare Supplement Benefit Plans B, C, D, E, F, G, H, I and J only as provided by § 89.777.

(i) *Medicare Part A deductible.* Coverage for the Medicare Part A inpatient hospital deductible amount per benefit period.

(ii) *Skilled nursing facility care.* Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.

(iii) *Medicare Part B deductible.* Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(iv) *Eighty percent of the Medicare Part B excess charges.* Coverage for 80% of the difference between the actual Medicare Part B charges as billed, not to exceed a charge limitation established by the Medicare Program, State Law, including, but not limited, to the Health Care Practitioner Medicare Fee Control Act (35 P. S. §§ 449.31—449.36), and the Medicare-approved Part B charge.

(v) *Medicare Part B excess charges.* One hundred percent of the Medicare Part B excess charges: coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed a charge limitation established by the Medicare Program, State law, including, but not limited to, the Health Care Practitioner Medicare Fee Control Act and the Medicare-approved Part B charge.

(vi) *Basic outpatient prescription drug benefit.* Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible, to a maximum of \$1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(vii) *Extended outpatient prescription drug benefit.* Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible to a maximum of \$3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(viii) *Medically necessary emergency care in a foreign country.* Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" means care needed immediately because of an injury or an illness of sudden and unexpected onset.

(ix) *Preventive medical care benefit.* Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of \$120 annually under this benefit. This benefit may not include payment for a procedure covered by Medicare. Coverage for the preventive health services not covered by Medicare is as follows:

(A) An annual clinical preventive medical history and physical examination that may include tests and services described in clause (B) and patient education to address preventive health care measures.

(B) Preventive screening tests or preventive services, the selection and frequency of which is determined to be medically appropriate by the attending physician.

(x) *At-home recovery benefit.* Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

(A) For purposes of this benefit, the following definitions apply:

(I) *Activities of daily living*—The term includes bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered and changing bandages or other dressings.

(II) *Care provider*—A qualified or licensed home health aid or homemaker, personal care aid or nurse provided through a licensed home health care agency or referred by a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

(III) *Home*—A place used by the insured as a place of residence, if the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility may not be considered the insured's place of residence.

(IV) *At-home recovery visit*—The period of a visit required to provide at-home recovery care, without limit on the duration of the visit, except that each consecutive 4 hours in a 24-hour period of services provided by a care provider is one visit.

(B) Coverage requirements and limitations are as follows:

(I) At-home recovery services provided shall be primarily services which assist in activities of daily living.

(II) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(III) Coverage is limited to:

(-a-) No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits may not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment.

(-b-) The actual charges for each visit up to a maximum reimbursement of \$40 per visit.

(-c-) One thousand six hundred dollars per calendar year.

(-d-) Seven visits in 1 week.

(-e-) Care furnished on a visiting basis in the insured's home.

(-f-) Services provided by a care provider as defined in this section.

(-g-) At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

(-h-) At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than 8 weeks after the service date of the last Medicare approved home health care visit.

(C) Coverage is excluded for:

(I) Home care visits paid for by Medicare or other government programs.

(II) Care provided by family members, unpaid volunteers or providers who are not care providers.

(4) *Standards for Plans K and L.*

(i) Standardized Medicare supplement benefit Plan K shall consist of the following:

(A) Coverage of 100% of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period.

(B) Coverage of 100% of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period.

(C) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of the 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance.

(D) Medicare Part A Deductible: Coverage for 50% of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in clause (J).

(E) Skilled nursing facility care: Coverage for 50% of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in clause (J).

(F) Hospice care: Coverage for 50% of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in clause (J).

(G) Coverage for 50%, under Medicare Part A or B, of the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under Federal regulations) unless replaced in accordance with Federal regulations until the out-of-pocket limitation is met as described in clause (J).

(H) Except for coverage provided in clause (I), coverage for 50% of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in clause (J).

(I) Coverage of 100% of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible.

(J) Coverage of 100% of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$4,000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the United States Department of Health and Human Services.

(ii) Standardized Medicare supplement benefit Plan L shall consist of the following:

(A) The benefits described in subparagraph (i)(A), (B), (C) and (I).

(B) The benefits described in subparagraph (i)(D), (E), (F), (G) and (H), but substituting 75% for 50%.

(C) The benefit described in subparagraph (i)(J) but substituting \$2,000 for \$4,000.

§ 89.777. Standard Medicare supplement benefit plans.

(a) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic core benefits, as defined in § 89.776(2) (relating to benefits standards for policies or certificates issued for delivery on or after July 30, 1992). An issuer shall also offer a policy or certificate to prospective insureds meeting the Plan B benefit plan.

(b) Groups, packages or combinations of Medicare supplement benefits other than those listed in this section may not be offered for sale in this Commonwealth except as may be permitted in subsection (f) and § 89.777a (relating to Medicare Select policies and certificates).

(c) Benefit plans shall be uniform in structure, language, designation and format to the standard benefit Plans A—L listed in this section and conform to the definitions in § 89.773 (relating to policy definitions and terms). Each benefit shall be structured in accordance with the format in §§ 89.776(2) and (3) or (4) and list the benefits in the order shown in this section. For purposes of this section, "structure, language and format" means style, arrangement and overall content of a benefit.

(d) An issuer may use, in addition to the benefit plan designations required in subsection (c), other designations to the extent permitted by law.

(e) The make-up of benefit plans shall be as follows:

(1) Standardized Medicare supplement benefit Plan A shall be limited to the basic (core) benefits common to all benefit plans, as defined in § 89.776(2).

(2) Standardized Medicare supplement benefit Plan B shall include only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A Deductible as defined in § 89.776(3)(i).

(3) Standardized Medicare supplement benefit Plan C shall include only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in § 89.776(3)(i)—(iii) and (viii).

(4) Standardized Medicare supplement benefit Plan D shall include only the following: the core benefit (as defined in § 89.776(2)), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and the at-home recovery benefit as defined in § 89.776(3)(i), (ii), (viii) and (x).

(5) Standardized Medicare supplement benefit Plan E shall include only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined in § 89.776(3)(i), (ii), (viii) and (ix).

(6) Standardized Medicare supplement benefit Plan F shall consist of only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, 100% of the Medicare Part B excess charges and medically necessary emergency care in a foreign country as defined in § 89.776(3)(i)—(iii), (v) and (viii).

(7) Standardized Medicare supplement benefit high deductible Plan "F" shall include only the following: 100% of covered expenses following the payment of the annual high deductible Plan "F" deductible. The covered expenses

include the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, 100% of the Medicare Part B excess charges and medically necessary emergency care in a foreign country as defined in § 89.776(3)(i)—(iii), (v) and (viii) respectively. The annual high deductible Plan “F” deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement Plan “F” policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan “F” deductible shall be \$1,500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the HHS Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10.

(8) Standardized Medicare supplemental benefit Plan G shall include only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, 80% of the Medicare Part B excess charges, medically necessary emergency care in a foreign country and the at-home recovery benefit as defined in § 89.776(3)(i), (ii), (iv), (viii) and (x).

(9) Standardized Medicare supplement benefit Plan H shall consist of only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit and medically necessary emergency care in a foreign country as defined in § 89.776(3)(i), (ii), (vi) and (viii). The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(10) Standardized Medicare supplement benefit Plan I shall consist of only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country and at-home recovery benefit as defined in § 89.776(3)(i), (ii), (v), (vi), (viii) and (x). The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(11) Standardized Medicare supplement benefit Plan J shall consist of only the following: the core benefit as defined in § 89.776(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100% of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in § 89.776(3)(i)—(iii), (v) and (vii)—(x). The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(12) Standardized Medicare supplement benefit high deductible Plan “J” shall consist of only the following: 100% of covered expenses following the payment of the annual high deductible Plan “J” deductible. The covered expenses include the core benefit as defined in § 89.776(2) plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100% of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in § 89.776(3)(i)—(iii), (v) and (vii)—(x) respectively. The annual high deductible Plan “J” deductible shall consist of out-of-pocket expenses, other than premiums, for services

covered by the Medicare supplement Plan “J” policy, and shall be in addition to any other specific benefit deductibles. The annual deductible shall be \$1,500 for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the HHS Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10. The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(13) Standardized Medicare Supplement benefit Plan K shall consist of only those benefits described in § 89.776(4)(i).

(14) Standardized Medicare Supplement benefit Plan L shall consist of only those benefits described in § 89.776(4)(ii).

(f) New or innovative benefits must conform to this subsection. An issuer may, with the prior approval of the Commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefit may not include an outpatient prescription drug program.

§ 89.777a. Medicare select policies and certificates.

(a) This section applies to Medicare Select policies and certificates, as defined in this section.

(b) A policy or certificate may not be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section.

(c) For the purposes of this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

Complaint—Dissatisfaction expressed orally or in writing by an individual insured under a Medicare Select policy or certificate concerning a Medicare Select issuer or its network providers.

Grievance—Dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate concerning the administration, claims practices or provision of services with a Medicare Select issuer or its network providers.

Medicare Select issuer—An issuer offering, or seeking to offer, a Medicare Select policy or certificate.

Medicare Select policy or Medicare Select certificate—A Medicare supplement policy or certificate, respectively, that contains restricted network provisions.

Network provider—A provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

Restricted network provision—A provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

Service area—The geographic area approved by the Commissioner within which an issuer is authorized to offer a Medicare Select policy.

(d) The Commissioner may authorize an issuer to offer a Medicare Select policy or certificate, under this section, and section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 (42 U.S.C.A. § 1395b-2) if the Commissioner finds that the issuer has satisfied the requirements of this section.

(e) A Medicare Select issuer may not issue a Medicare Select policy or certificate in this State until its plan of operation has been approved by the Commissioner.

(f) A Medicare Select issuer shall file a proposed plan of operation with the Commissioner in a format prescribed by the Commissioner. The plan of operation shall contain at least the following information:

(1) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

(i) Services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect the usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

(ii) The number of network providers in the service area is sufficient, with respect to current and expected policyholders, to either:

(A) Deliver adequately all services that are subject to a restricted network provision.

(B) Make appropriate referrals.

(iii) There are written agreements with network providers describing both parties' specific responsibilities.

(iv) Emergency care is available 24 hours per day and 7 days per week.

(v) In the case of covered services that are subject to a restricted network provision and are provided on a pre-paid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This subparagraph does not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

(2) A statement or map providing a clear description of the service area.

(3) A description of the grievance procedure to be utilized.

(4) A description of the complaint procedure to be utilized.

(5) A description of the quality assurance program, including the following:

(i) The formal organizational structure.

(ii) The written criteria for selection, retention and removal of network providers.

(iii) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

(6) A list and description, by specialty, of the network providers.

(7) Copies of the written information proposed to be used by the issuer to comply with subsection (j).

(8) Other information pertinent to the plan of operation requested by the Commissioner.

(g) A Medicare Select issuer shall file:

(1) Proposed changes to the plan of operation, except for changes to the list of network providers, with the Commissioner prior to implementing the changes. Changes shall be considered approved by the Commissioner after 30 days unless specifically disapproved.

(2) An updated list of network providers with the Commissioner at least quarterly, if changes occur.

(h) A Medicare Select policy or certificate may not restrict payment for covered services provided by non-network providers if the following apply:

(1) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition.

(2) It is not reasonable to obtain services through a network provider.

(i) A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

(j) A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

(1) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

(i) Medicare supplement policies or certificates offered by the issuer.

(ii) Other Medicare Select policies or certificates.

(2) A description, including the address, phone number and hours of operation, of the network providers, including primary care physicians, specialty physicians, hospitals and other providers.

(3) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-pocket providers do not count toward the out-of-pocket annual limit contained in Plans K and L.

(4) A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

(5) A description of limitations on referrals to restricted network providers and to other providers.

(6) A description of the policyholder's rights to purchase another Medicare supplement policy or certificate otherwise offered by the issuer.

(7) A description of the Medicare Select issuer's quality assurance program and grievance procedure.

(k) Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided under subsection (j) and that the applicant understands the restrictions of the Medicare Select policy or certificate.

(l) A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be

aimed at mutual agreement for settlement and may include arbitration procedures.

(1) The complaint and grievance procedure shall be described in the policy and certificates and in the outline of coverage.

(2) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a complaint or grievance may be registered with the issuer.

(3) Complaints and grievances shall be considered within 45 days. If a benefit determination by Medicare is necessary, the 45-day review period may not begin until after the Medicare determination has been made. The complaint or grievance shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

(4) If a complaint or grievance is found to be valid, corrective action shall be taken within 45 days.

(5) The concerned parties shall be notified about the results of a complaint or grievance within 45 days of the decision.

(6) The issuer shall report by March 31 to the Commissioner regarding its grievance procedure. The report shall be in a format prescribed by the Commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of the grievances.

(m) At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

(n) For purposes of this section the following apply:

(1) At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for 6 months.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a "significant benefit" means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

(o) Medicare Select policies and certificates shall provide for continuation of coverage in the event the United States Department of Health and Human Services Secretary determines that Medicare Select policies and certificates issued under this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

(1) Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does

not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a "significant benefit" means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

(p) A Medicare Select issuer shall comply with reasonable requests for data made by State or Federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

§ 89.778. Open enrollment.

(a) An issuer may not deny or condition the issuance or effectiveness of a Medicare supplement policy or certificate available for sale in this Commonwealth, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the 6-month period beginning with the first day of the first month in which an individual enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an issuer shall be made available to applicants who qualify under this subsection without regard to age. In the case of group policies, an issuer may condition issuance on whether an applicant is a member or is eligible for membership in the insured group.

(b) If an applicant qualifies under subsection (a) and submits an application during the time period referenced in subsection (a) and, as of the date of application, has had a continuous period of creditable coverage of at least 6 months, the issuer may not exclude benefits based on a preexisting condition.

(c) If the applicant qualifies under subsection (a) and submits an application during the time period referenced in subsection (a) and, as of the date of application, has had a continuous period of creditable coverage that is less than 6 months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The HHS Secretary shall specify the manner of the reduction under this subsection.

(d) Except as provided in subsections (b) and (c) and § 89.789 and 89.790 (relating to prohibition against preexisting conditions, waiting periods, elimination periods and probationary periods in replacement policies or certificates; and guarantee issue for eligible persons), subsection (a) will not be construed as preventing the exclusion of benefits under a policy, during the first 6 months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the 6 months before it became effective.

§ 89.780. Loss ratio standards and refund or credit of premium.

(a) *Loss ratio standards.*

(1) A Medicare Supplement policy form or certificate form may not be delivered or issued for delivery unless the policy form or certificate form can be expected, as

estimated for the entire period for which rates are computed to return to policyholders and certificateholders in the form of aggregate benefits, a percentage of the aggregate amount of premiums earned as listed in this paragraph. The amount returned to policyholders and certificateholders shall be calculated on the basis of incurred claims experience or incurred health care expenses when coverage is provided by a health maintenance organization on a service rather than reimbursement basis, and on earned premiums for the period. The calculation shall be made in accordance with accepted actuarial principles and practices. This does not include anticipated refunds or credits provided under the policy form or certificate form. The amount returned as benefits shall be equal to:

(i) At least 75% of the aggregate amount of premiums earned in the case of group policies.

(ii) At least 65% of the aggregate amount of premiums earned in the case of individual policies.

(2) Incurred health care expenses where coverage is provided by a health maintenance organization shall not include:

- (i) Home office and overhead costs.
- (ii) Advertising costs.
- (iii) Commissions and other acquisition costs.
- (iv) Taxes.
- (v) Capital costs.
- (vi) Administrative costs.
- (vii) Claims processing costs.

(3) Filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

(4) For policies issued prior to July 30, 1992, expected claims in relation to premiums shall meet the following:

(i) The originally filed anticipated loss ratio when combined with the actual experience since inception.

(ii) The appropriate loss ratio requirement from paragraph (1) when combined with actual experience beginning with May 11, 1996, to date.

(iii) The appropriate loss ratio requirement from paragraph (1) over the entire future period for which the rates are computed to provide coverage.

(b) *Refund or credit calculation.*

(1) An issuer shall collect data for each standard Medicare supplement benefit plan and file the data with the Commissioner on or by May 31 of each year using an applicable Refund Calculation Form, as prescribed by the Department.

(2) If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a Statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

(3) For the purposes of this section, for policies or certificates issued prior to July 30, 1992, the issuer shall make the refund or credit calculation separately for all individual policies combined and all other group policies combined for experience after May 11, 1996. The first report is due by May 31, 1998.

(4) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. This refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but it may not be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

(c) *Annual filing of premium rates.* An issuer of Medicare supplement policies and certificates issued before, on or after July 30, 1992, in this Commonwealth shall file annually its rates, rating schedule and supporting documentation, including ratios of incurred losses to earned premiums by policy duration for approval by the Commissioner in accordance with the filing requirements and procedures prescribed by the Commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. That demonstration shall exclude active life reserves. An expected 3rd-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than 3 years. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare policies or certificates in this Commonwealth shall file with the Commissioner, in accordance with the applicable filing procedures of the Commonwealth:

(1) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Supporting documents as necessary to justify the adjustment shall accompany the filing.

(i) An issuer shall make premium adjustments as necessary to produce an expected loss ratio under the policy or certificate that will conform with minimum loss ratio standards for the Medicare supplement policies, and that will result in an expected loss ratio at least as great as that originally anticipated by the issuer for that policy or certificate. A premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described in this section may not be made with respect to a policy at any time other than upon its renewal date or anniversary date.

(ii) If an issuer fails to make premium adjustments acceptable to the Commissioner, the Commissioner may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this section.

(2) Appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. These riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

(d) *Public hearings.* The Commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before, on or after July 30, 1992, if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the Commissioner.

§ 89.781. Filing and approval of policies and certificates and premium rates.

(a) *Approval of policy or certificate.* An issuer may not deliver or issue for delivery a policy or certificate to a resident of this Commonwealth, unless the policy form or certificate form has been filed with and approved by the Commissioner in accordance with filing requirements and procedures prescribed by the Commissioner.

(b) An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the act of December 8, 2003 (Pub. L. No. 108-173, 117 Stat. 2066), only with the commissioner in the state in which the policy or certificate was issued.

(c) *Filing of rating schedule and supporting documentation.* An issuer may not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the Commissioner in accordance with the filing requirements and procedures prescribed by the Commissioner.

(d) *Exceptions.*

(1) Except as provided in paragraph (2), an issuer may not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

(2) An issuer may offer, with the approval of the Commissioner, up to three additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan. These additional forms may include one or more of the following three variations. Forms with only these variations will be regarded as new policy forms under each type:

- (i) The inclusion of new or innovative benefits.
- (ii) The addition of either direct response or producer marketing methods.
- (iii) The addition of either guaranteed issue or underwritten coverage.

(3) For the purpose of this section, a "type" means an individual policy, a group policy, an individual Medicare Select Policy or a group Medicare Select Policy.

(e) *Availability of policy form.*

(1) Except as provided in subsection (a), an issuer shall continue to make available for purchase any policy form or certificate form issued after July 30, 1992, that has been approved by the Commissioner. A policy form or certificate form may not be considered to be available for purchase, unless the issuer has actively offered it for sale in the previous 12 months.

(i) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the Commissioner in writing its decision at least 30 days prior to discontinuing the availability of the form of the

policy or certificate. After receipt of the notice by the Commissioner, the issuer may not offer for sale the policy form or certificate form in this Commonwealth.

(ii) An issuer that discontinues the availability of a policy form or certificate form under subsection (a) may not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for 5 years after the issuer provides notice to the Commissioner of the discontinuance. The period of discontinuance may be reduced if the Commissioner determines that a shorter period is appropriate.

(2) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this section.

(3) A change in the rating structure or methodology shall be considered a discontinuance under paragraph (1), unless the issuer complies with the following requirements:

(i) The issuer provides an actuarial memorandum, in a form and manner prescribed by the Commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

(ii) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The Commissioner may approve a change to the differential which is in the public interest.

(f) *Combination of forms.*

(1) Except as provided in paragraph (2), the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in § 89.780 (relating to loss ratio standards and refund or credit of premium).

(2) Forms assumed under an assumption reinsurance agreement may not be combined with the experience of other forms for purposes of the refund or credit calculation.

§ 89.782. Permitted compensation arrangements.

(a) An issuer or other entity may provide a commission or other compensation to a producer or other representative for the sale of a Medicare supplement policy or certificate only if the 1st-year commission or other 1st-year compensation is no more than 200% of the commission or other compensation paid for selling or servicing the policy or certificate in the 2nd year or period.

(b) The commission or other compensation provided in subsequent (renewal) years shall be the same as that provided in the 2nd year or period and shall be provided for no fewer than 5 renewal years.

(c) An issuer or other entity may not provide compensation to its producers or its other representatives and a producer may not receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.

(d) For purposes of this section, compensation includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate, including bonuses, gifts, prizes, awards and finders fees.

§ 89.783. Required disclosure provisions.(a) *General rules.*

(1) Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of this provision shall be consistent with the type of contract issued. This provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

(2) Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, riders or endorsements added to a Medicare supplement policy after the date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, a rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. When a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

(3) Medicare supplement policies or certificates may not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or similar words.

(4) If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, these limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

(5) Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder has the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied. The notice shall contain a company mailing address to which the policyholder or certificateholder should direct the return policy or certificate. Upon receipt of a request for a refund, the company shall promptly refund the total premium amount paid directly to the policyholder or certificateholder. When an insurer asks questions in the application concerning the medical history of an individual applying for "coverage," a notice shall be given to the individual urging them to verify the accuracy and completeness of the medical history information on the application and warning them that erroneous or incomplete application data could jeopardize their claim.

(6) Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to a person eligible for Medicare, shall provide to these applicants a *Guide to Health Insurance for People with Medicare* in the form developed jointly by the National Association of Insurance Commissioners and Centers for Medicare & Medicaid Services (CMS) and in a type size no smaller

than 12-point type. Delivery of the *Guide* shall be made whether or not these policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this subchapter. Except in the case of direct response issuers, delivery of the *Guide* shall be made to the applicant at the time of application and acknowledgment of receipt of the *Guide* shall be obtained by the issuers. Direct response issuers shall deliver the *Guide* to the applicant upon request but not later than at the time the policy is delivered.

(7) For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character and line spacing.

(b) *Notice requirements.*

(1) As soon as practicable, but no later than 30 days prior to the annual effective date of Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the Commissioner. The notice shall:

(i) Include a description of revisions to the Medicare Program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate.

(ii) Inform each policyholder or certificateholder as to when a premium adjustment is to be made due to changes in Medicare.

(2) The notice of benefit modifications and premium adjustments shall be in outline form and in clear and simple terms to facilitate comprehension.

(3) These notices may not contain or be accompanied by solicitation.

(4) Once the Department has approved the form, a "Notice of Change" can be used to modify the deductible and co-payment amounts to reflect Medicare changes without submitting the notice for additional approval. Once the Department has approved the form, only format changes are required to be submitted for review.

(c) *MMA notice requirements.* Issuers shall comply with any notice requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the act of December 8, 2003 (Pub. L. No. 108-173, 117 Stat. 2066).

(d) *Outline of coverage requirements for Medicare supplement policies.*

(1) Issuers shall provide an outline of coverage to applicants at the time the application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant.

(2) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(3) The outline of coverage provided to applicants under this section consists of four parts: a cover page,

premium information, disclosure pages and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed in this paragraph in no less than 12 point type. All Plans A—L shall be shown on the cover page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

(4) Once the Department has approved the format, an "Outline of Coverage" can be modified to have the deductible and co-payment requirements reflect Medicare changes, and the rate changes reflected, without submitting the Outline of Coverage for review. Only those forms containing a format change are required to be submitted for review.

(5) The following items shall be included in the outline of coverage in the order prescribed in this paragraph:

PREMIUM INFORMATION (Boldface Type)

We (insert issuer's name) can only raise your premium if we raise the premium for all policies like yours in this Commonwealth. (If the premium is based on the increasing age of the insured, include information specifying when premiums will change.)

DISCLOSURES (Boldface Type)

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY (Boldface Type)

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY (Boldface Type)

If you find that you are not satisfied with your policy, you may return it to (insert issuer's address). If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT (Boldface Type)

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE (Boldface Type)

This policy may not fully cover all of your medical costs. (for producers:) Neither (insert company's name) nor its producers are connected with Medicare.

(for direct response:) (insert company's name) is not connected with Medicare.

COMPLETE ANSWERS ARE VERY IMPORTANT (Boldface Type)

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. (If the policy or certificate is guaranteed issue, this paragraph need not appear.)

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

(Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this subchapter. An issuer may use additional benefit plan designations on these charts pursuant to § 89.777(d)).

(Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the Commissioner.)

(6) The cover page and the accompanying charts for Plan A to Plan L of the Outlines of Coverage are available upon request from the Department in printed and electronic formats. In addition, notice will be published, in the *Pennsylvania Bulletin*, of the availability of the amended outlines when revisions are made available to the Department by the United States Department of Health and Human Services as published in the *Federal Register*. The Outlines of Coverages will be made available on the Department's website at <http://www.insurance.state.pa.us>.

(e) *Notice regarding policies or certificates which are not Medicare supplement policies.*

(1) An accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm), disability income policy; or other policy identified in § 89.771(b) (relating to applicability and scope) issued for delivery in this Commonwealth to persons eligible for Medicare, shall notify the insured under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds.

The notice shall be at least 12 point type and shall contain the following language:

"THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CONTRACT). If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

(2) Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection (d)(1) shall disclose the extent to which the policy duplicates Medicare. The disclosure statement shall be provided in the form prescribed by the Department as set forth in the Medicare Supplement forms relating to Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare as a part of, or together with, the application for the policy or certificate.

(f) Applicable forms relating to Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare, Refund Calculations and Reporting of Duplicate Medicare Policies for Medicare Supplement Chapter 89 are available upon request from the Department in printed and electronic formats. In addition, notice will be published, in the *Pennsylvania Bulletin*, of the availability of amended Medicare Supplement forms when revisions are

made. These Medicare Supplement forms will be made available on the Department's website at <http://www.insurance.state.pa.us>.

§ 89.784. Requirements for application forms and replacement coverage.

Application forms shall include the following requirements and questions designed to elicit information as to whether, as of the date of application, the applicant currently has Medicare supplement, Medicare Advantage, Medicaid coverage, or another health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and producer containing these questions and statements may be used.

(1) *Statements.*

(i) You do not need more than one Medicare supplement policy.

(ii) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

(iii) You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

(iv) If, after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy or, if the Medicare supplement policy is no longer available, a substantially equivalent policy will be reinstated if requested within 90 days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstated policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of suspension.

(v) If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstated if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstated policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of suspension.

(vi) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

(2) *Questions.* If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. PLEASE ANSWER ALL QUESTIONS.

Please mark Yes or NO below with an "X"

To the best of your knowledge,

(i) Did you turn age 65 in the last 6 months?

Yes ____ NO ____

(ii) Did you enroll in Medicare Part B in the last 6 months?

YES ____ NO ____

(iii) If yes, what is the effective date? _____

(iv) Are you covered for medical assistance through the state Medicaid program?

YES ____ NO ____

(A) NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost," please answer NO to this question.

(B) If yes,

(1) Will Medicaid pay your premiums for this Medicare supplement policy?

YES ____ NO ____

(2) Do you receive any benefits from Medicaid OTHER THAN payments towards your Medicare Part B premium?

YES ____ NO ____

(v) If you had any from any Medicare plan other than the original Medicare within the last 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.

START ____ / ____ / ____ END ____ / ____ / ____

(vi) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy?

YES ____ NO ____

(vii) Was this your first time in this type of Medicare plan?

YES ____ NO ____

(viii) Did you drop a Medicare supplement policy to enrollment in the Medicare Plan?

YES ____ NO ____

(ix) Do you have another Medicare supplement policy in force?

YES ____ NO ____

(A) If so, with what company and what plan do you have (optional for Direct Mailers)?

(B) If so, do you intend to replace your current Medicare supplement policy with this policy?

YES ____ NO ____

(x) Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan)

YES ____ NO ____

(A) If so, with what company and what kind of policy?

(B) What are your dates of coverage under the policy (If you are still covered under the other policy, leave "END" blank.)?

START ____ / ____ / ____ END ____ / ____ / ____

(3) Producers shall list on the application form the following health insurance policies they have sold to the applicant:

- (i) Policies sold which are still in force.
- (ii) Policies sold in the past 5 years which are no longer in force.

(4) Notice. The notice for an issuer shall be provided in substantially the following form in at least 12 point type.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE OR MEDICARE ADVANTAGE

(Insurance company's name and address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to (your application) (information you have furnished), you intend to terminate existing Medicare supplement or Medicare Advantage and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy.

You should review this coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, PRODUCER (OR OTHER REPRESENTATIVE):

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan. The replacement policy is being purchased for the following reason(s) (check one):

- ____ Additional benefits.
- ____ No change in benefits, but lower premium.
- ____ Fewer benefits and lower premiums.
- ____ My plan has outpatient prescription drug coverage and I am enrolling in Part D.

____ Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment (optional only for Direct Mailers.)

____ Other. (please specify)

1. Note: If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing pre-existing condition limitations, please skip to statement 2 below. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. (If the policy or certificate is guaranteed issue, this paragraph need not appear.)

4. Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

(Signature of producer or other representative)*

(Typed Name and Address of issuer, producer or other representative)

(Applicant's Signature)

(Date)

*Signature not required for direct response sales.

(f) Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

§ 89.786. Standards for marketing.

(a) An issuer, directly or through its producers, shall:

(1) Establish marketing procedures to assure that comparison of policies by its producers will be fair and accurate.

(2) Establish marketing procedures to assure excessive insurance is not sold or issued.

(3) Display prominently by type, stamp or other appropriate means, on the first page of the policy the following:

“Notice to buyer: This policy may not cover all of your medical expenses.”

(4) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of this insurance.

(5) Establish auditable procedures for verifying compliance with this subsection.

(b) In addition to the practices prohibited by the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15), the following acts and practices are prohibited:

(1) *Twisting.* Knowingly making any misleading representation or incomplete or fraudulent comparison of insurance policies or insurers for the purpose of inducing, or tending to induce, a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert an insurance policy or to take out a policy of insurance with another insurer.

(2) *High pressure tactics.* Employing a method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(3) *Cold lead advertising.* Making use directly or indirectly of a method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by a producer or insurance company.

(c) The terms “Medicare Supplement,” “Medigap,” “Medicare Wrap-Around” and similar words may not be used unless the policy is issued in compliance with this subchapter.

§ 89.787. Appropriateness of recommended purchase and excessive insurance.

(a) In recommending the purchase or replacement of a Medicare supplement policy or certificate, a producer shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

(b) A sale of Medicare supplement coverage that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

(c) An issuer may not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C unless the effective date of the coverage is after the termination date of the individual’s Part C coverage.

§ 89.790. Guaranteed issue for eligible persons.

(a) *Guaranteed issue.*

(1) Eligible persons are those individuals described in subsection (b) who, seek to enroll under the policy during the period specified in subsection (c), and who submit

evidence of the date of termination, disenrollment, or Medicare Part D enrollment with the application for a Medicare supplement policy.

(2) With respect to eligible persons, an issuer may not:

(i) Deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection (e) that is offered and is available for issuance to new enrollees by the issuer.

(ii) Discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care or medical condition.

(iii) Impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

(b) *Eligible persons.* An eligible person is an individual described in paragraphs (1)—(7):

(1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all supplemental Medicare health benefits to the individual; or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates, or the plan ceases to provide health benefits to the individual because the individual leaves the plan.

(2) The individual is enrolled with a Medicare Advantage organization under a Medicare Advantage plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under section 1894 of the Social Security Act (42 U.S.C.A. § 1395eee), and there are circumstances similar to those described as follows that would permit discontinuance of the individual’s enrollment with the provider if the individual were enrolled in a Medicare Advantage plan:

(i) The certification of the organization or plan under this part has been terminated.

(ii) The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides.

(iii) The individual is no longer eligible to elect the plan because of a change in the individual’s place of residence or other change in circumstances specified by the HHS Secretary, but not including termination of the individual’s enrollment on the basis described in section 1851(g)(3)(B) of the Social Security Act (42 U.S.C.A. § 1395w-21(g)(3)(B)) (when the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856 of the Social Security Act (42 U.S.C.A. § 1395w-26), or the plan is terminated for all individuals within a residence area).

(iv) The individual demonstrates, in accordance with guidelines established by the HHS Secretary, that one of the following applies:

(A) The organization offering the plan substantially violated a material provision of the organization’s contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available

under the plan or the failure to provide the covered care in accordance with applicable quality standards.

(B) The organization, or producer or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual.

(v) The individual meets other exceptional conditions the HHS Secretary may provide.

(3) The individual's enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under paragraph (2) and the individual is enrolled with one of the following:

(i) An eligible organization under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm) (Medicare cost).

(ii) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999.

(iii) An organization under an agreement under section 1833(a)(1)(A) of the Social Security Act (42 U.S.C.A. § 1395l(a)(1)(A)) (health care prepayment plan).

(iv) An organization under a Medicare Select policy.

(4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because one of the following applies:

(i) The insolvency of the issuer or bankruptcy of the nonissuer organization or of other involuntary termination of coverage or enrollment under the policy.

(ii) The issuer of the policy substantially violated a material provision of the policy.

(iii) The issuer, or a producer or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual.

(5) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage organization under a Medicare Advantage plan under Part C of Medicare, any eligible organization under a contract under section 1876 of the Social Security Act (Medicare cost) (42 U.S.C.A. § 1395mm), any similar organization operating under demonstration project authority, any PACE provider under section 1894 of the Social Security Act, or any Medicare Select policy and the subsequent enrollment under this paragraph is terminated by the enrollee during the first 12 months of the subsequent enrollment (during which the enrollee is permitted to terminate the subsequent enrollment under section 1851(e) of the Social Security Act).

(6) The individual, upon first becoming eligible for benefits under Part A and enrolled in Part B, if eligible, of Medicare, enrolls in a Medicare Advantage plan under Part C of Medicare, or with a PACE provider under section 1894 of the Social Security Act, and disenrolls from the plan or program within 12 months after the effective date of enrollment.

(7) The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare

supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in subsection (e)(4).

(c) *Guaranteed issue time periods.*

(1) In the case of an individual described in subsection (b)(1), the guaranteed issue period begins on the later of one of the following:

(i) The date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of a termination or cessation).

(ii) The date that the applicable coverage terminates or ceases; and ends 63 days thereafter.

(2) In the case of an individual described in subsection (b)(2), (3), (5) or (6) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated.

(3) In the case of an individual described in subsection (b)(4)(i), the guaranteed issue period begins on the earlier of the following:

(i) The date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any.

(ii) The date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated.

(4) In the case of an individual described in subsection (b)(2), (4)(ii), (4)(iii), (5) or (6) who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date.

(5) In the case of an individual described in subsection (b)(7), the guaranteed issue period begins on the date the individual receives notice pursuant to section 1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the 60-day period immediately preceding the initial Part D enrollment period and ends on the date that is 63 days after the effective date of the individual's coverage under Medicare Part D.

(6) In the case of an individual described in subsection (b) but not described in subsections (d)—(f), the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date.

(d) *Extended medigap access for interrupted trial periods.*

(1) In the case of an individual described in subsection (b)(5) (or deemed to be so described, under this paragraph) whose enrollment with an organization or provider described in subsection (b)(5) is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in subsection (b)(5).

(2) In the case of an individual described in subsection (b)(6) (or deemed to be so described, under this paragraph) whose enrollment with a plan or in a program described in subsection (b)(6) is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in subsection (b)(6).

(3) For the purposes of subsection (b)(5) and (6), no enrollment of an individual with an organization or provider described in subsection (b)(5), or with a plan or in a program described in subsection (b)(6), may be deemed to be an initial enrollment under this paragraph after the 2-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

(e) *Products to which eligible persons are entitled.* The Medicare supplement policy to which eligible persons are entitled under:

(1) Subsection (b)(1)—(4) is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L offered by an issuer.

(2) Subsection (b)(5) is one of the following:

(i) Subject to subparagraph (ii), the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in paragraph (1).

(ii) After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, one of the following:

(A) The policy available from the same issuer but modified to remove outpatient prescription drug coverage.

(B) At the election of the policyholder, an A, B, C, F (including F with a high deductible), K or L policy that is offered by any issuer.

(3) Subsection (b)(6) includes any Medicare supplement policy offered by an issuer.

(4) Subsection (b)(7) is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F, (including F with a high deductible), K or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

(f) *Notification provisions.*

(1) At the time of an event described in subsection (b) because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy or plan, the organization that terminates the contract or agreement, the issuer terminating the policy or the administrator of the plan being terminated, respectively, shall notify individuals of their rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection (a). The notice shall be communicated contemporaneously with the notification of termination.

(2) At the time of an event described in subsection (b) because of which an individual ceases enrollment under a contract or agreement, policy or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively,

shall notify individuals of their rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection (a). The notice shall be communicated within 10 working days of the issuer receiving notification of disenrollment.

Appendix E. (Reserved)

[Pa.B. Doc. No. 05-885. Filed for public inspection May 6, 2005, 9:00 a.m.]

Title 49—VOCATIONAL AND PROFESSIONAL STANDARDS

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

Oral Orders

The State Board of Occupational Therapy Education and Licensure (Board) amends § 42.25 (pertaining to oral orders) to read as set forth in Annex A.

Omission of Proposed Rulemaking

Under section 204 of the act of July 31, 1968 (P. L. 469, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL) the Board has omitted procedures for proposed rulemaking set forth in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202). Proposed rulemaking has been omitted because public comment is unnecessary. The amendment merely revises § 42.25 to conform to a change in the Occupational Therapy Practice Act (act) (63 P. S. §§ 1501—1519) that was amended by the act of May 14, 2004 (P. L. 220, No. 30) (Act 30). The regulated community has been informed of the statutory change through the Board's newsletter, which is distributed to all licensees, and through a revised copy of the act and a special notice that appear on the Occupational Therapy page of the Department of State's website.

Description of Amendment

Prior to the passage of Act 30, section 14 of the act (63 P. S. § 1514) authorized an occupational therapist to implement direct occupational therapy to an individual for a specific medical condition based on a referral from a licensed physician or a licensed podiatrist. Act 30 added licensed optometrists to the categories of health care practitioners who may refer an individual to an occupational therapist for the implementation of direct occupational therapy for a specific medical condition. Currently, § 42.25 only refers to accepting referrals from licensed physicians and licensed podiatrists. This rulemaking amends § 42.25 to reflect that a licensed optometrist may also make referrals.

Statutory Authority

Section 5(b) of the act (63 P. S. § 1505(b)) authorizes the Board to promulgate and adopt rules and regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of the act.

Fiscal Impact and Paperwork Requirements

The amendment will not have a fiscal impact on, or create additional paperwork for, the regulated community or the political subdivisions of the Commonwealth. There may be fiscal savings to the general public. Prior to Act 30, when an optometrist determined that a patient would benefit from occupational therapy, the optometrist had to first obtain the referral from a physician or refer the patient back to the physician to obtain a referral. Commonwealth agencies whose regulations and policy statements limit implementation of direct occupational therapy to situations in which a physician has made a referral or order may consider revising their regulations.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (act) (71 P.S. § 745.5a(c)), on March 11, 2005, the Board submitted copies of the regulation with proposed rule-making omitted to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. On the same date, the Board submitted a copy of the regulation to the Office of Attorney General under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506)

Under section 5.1(e) and (j.2) of the act (71 P.S. § 745.5a(e) and (j.2)), the regulation was approved by the House and Senate Committees on April 13, 2005, and approved by IRRC on April 14, 2005.

Additional Information

For additional information about the amendments, submit inquiries to Lisa Burns, State Board of Occupational Therapy Education and Licensure, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389, ST-OCCUPATIONAL@state.pa.us.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section 204 of the CDL because public comment is unnecessary in that the amendments adopted by this order merely implement an amendment to the act.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by amending § 42.25 to read as set forth in Annex A.

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

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

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

MELANIE A. WENNICK,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 35 Pa.B. 2703 (April 30, 2005).)

Fiscal Note: 16A-675. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

MINIMUM STANDARDS OF PRACTICE

§ 42.25. Oral orders.

(a) An occupational therapist shall accept a referral in the form of a written order from a licensed physician, licensed optometrist or licensed podiatrist in accordance with section 14 of the act (63 P.S. § 1514) unless the urgency of the medical circumstances requires immediate treatment. In these circumstances, an occupational therapist may accept an oral order for occupational therapy from a licensed physician, licensed optometrist or licensed podiatrist, if the oral order is immediately transcribed, including the date and time, in the patient's medical record and signed by the occupational therapist taking the order.

(b) The countersignature of the licensed physician, licensed optometrist or licensed podiatrist shall be obtained within 5 days of receipt of the oral order in the case of an occupational therapist providing ordered services in a private office setting. In the case of an occupational therapist providing services in a setting that is independent of the prescribing physician's, optometrist's or podiatrist's office, the countersignature on a written copy of the order may be mailed or faxed to the occupational therapist.

(c) In the case of an occupational therapist providing services in a facility licensed by the Department of Health, the countersignature of the licensed physician, licensed optometrist or licensed podiatrist shall be obtained in accordance with applicable regulations of the Department of Health governing the facility, including 28 Pa. Code §§ 211.3 and 601.31 (relating to oral and telephone orders; and acceptance of patients, plan of treatment and medical supervision).

[Pa.B. Doc. No. 05-886. Filed for public inspection May 6, 2005, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 2600 AND 2620]

[Correction]

Personal Care Homes

An error occurred in the ordering language of the final-form rulemaking which appeared at 35 Pa.B. 2499, 2539 (April 23, 2005). The effective date of § 2600.65(d) was published incorrectly. The correct version of the ordering language is as follows, with ellipses referring to the existing text:

Order

The Department, acting under the Public Welfare Code, orders that:

* * * * *

(d) This Order shall take effect on October 24, 2005, with the exception of § 2600.65(d) that shall take effect on April 24, 2006, § 2600.19(g) that shall take effect on October 24, 2006, and §§ 2600.122, 2600.130(e) and 2600.182 that shall take effect on April 24, 2007.

[Pa.B. Doc. No. 05-823. Filed for public inspection April 22, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective April 14, 2005.

The organization chart at 35 Pa.B. 2754 (May 7, 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. 05-887. Filed for public inspection May 6, 2005, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

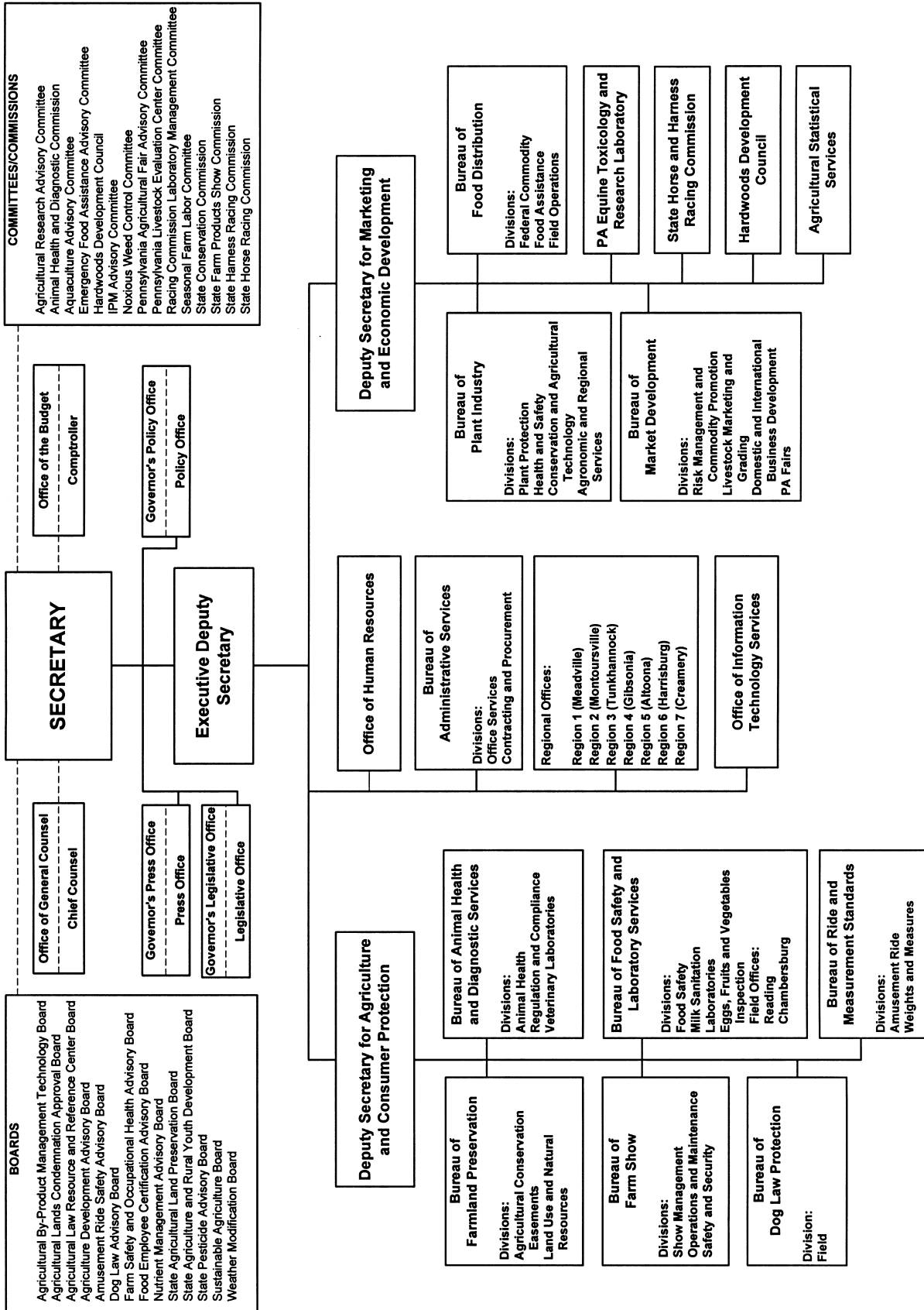
The Executive Board approved a reorganization of the Department of Public Welfare effective April 14, 2005.

The organization chart at 35 Pa.B. 2755 (May 7, 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).

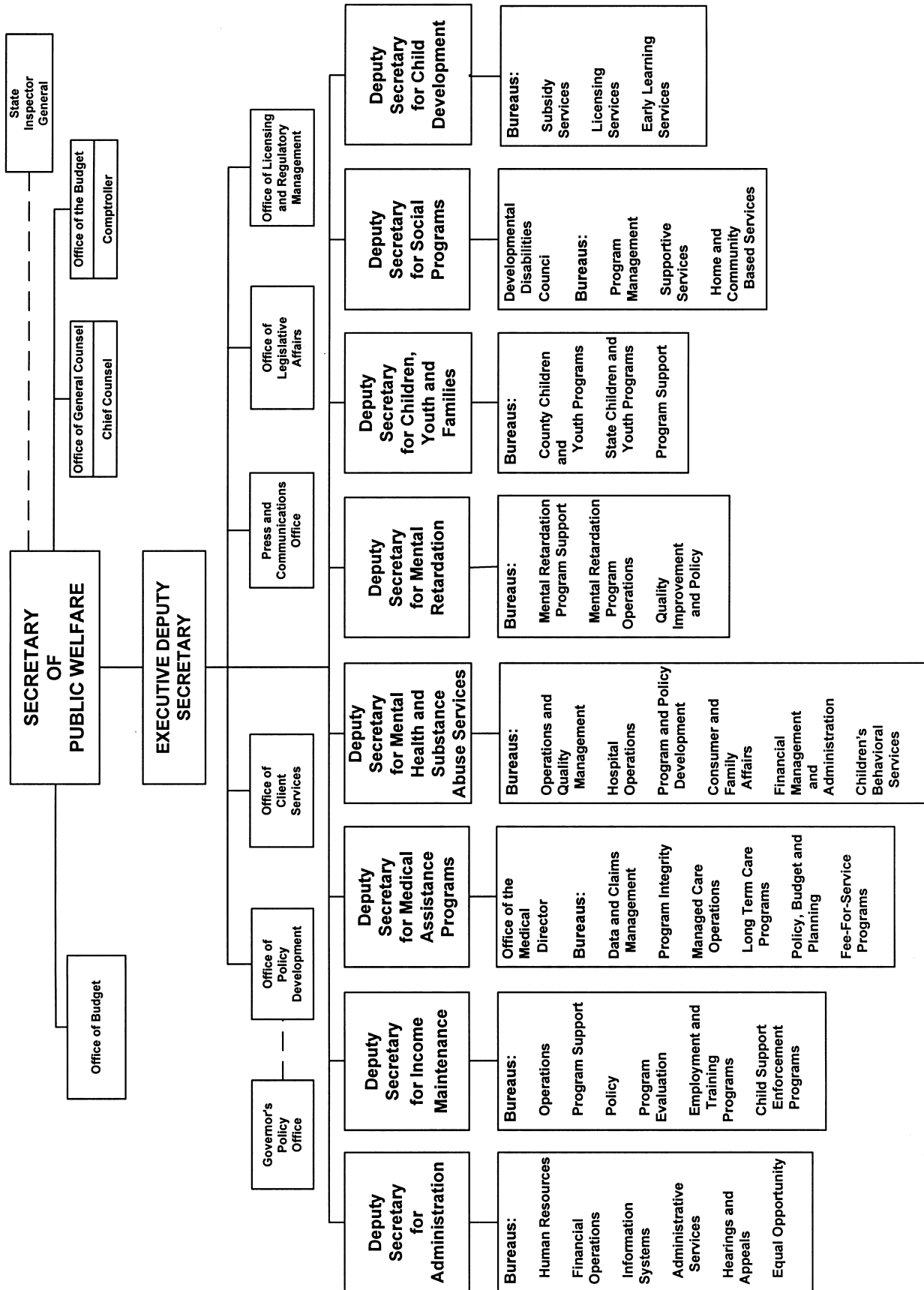
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

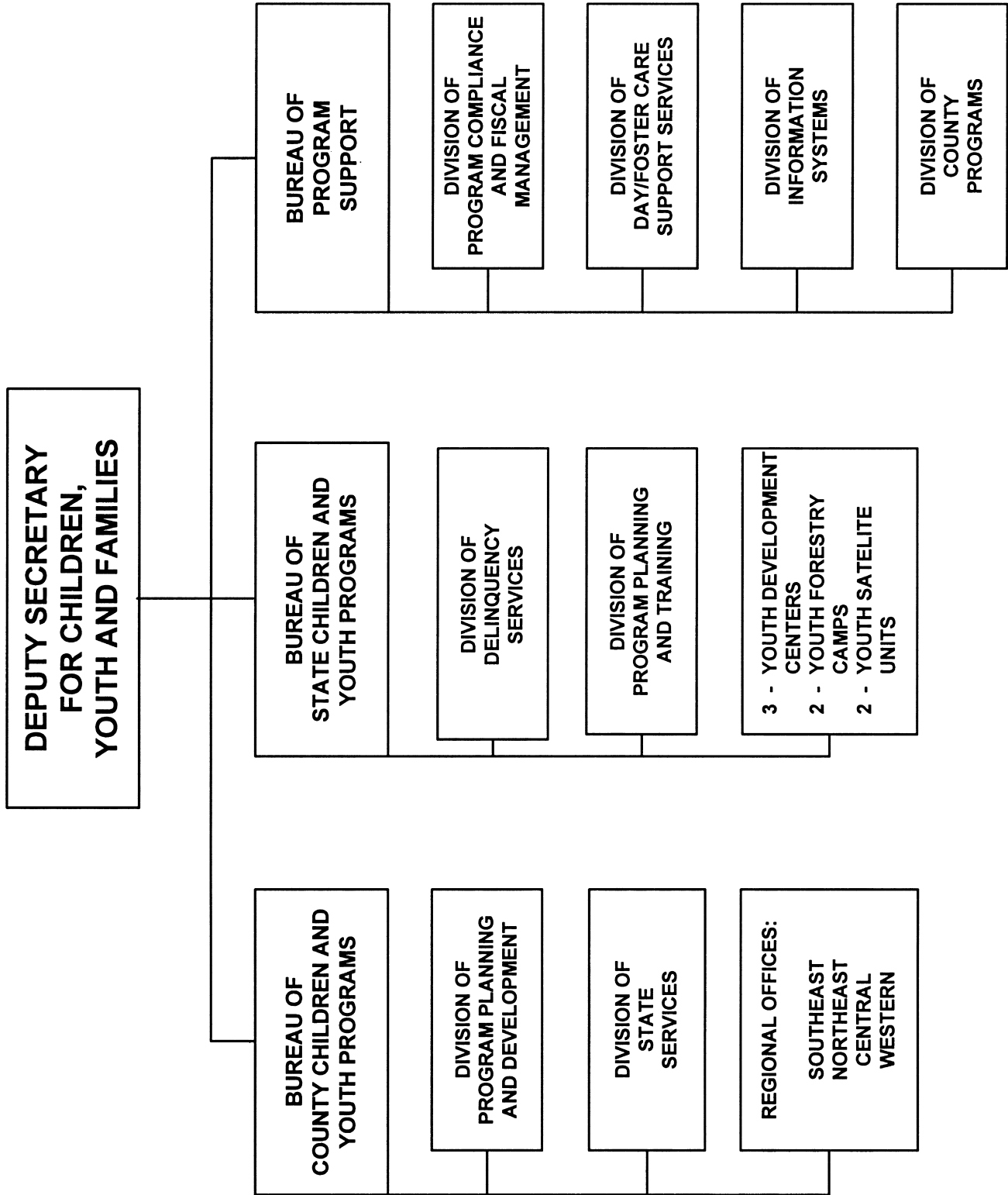
[Pa.B. Doc. No. 05-888. Filed for public inspection May 6, 2005, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

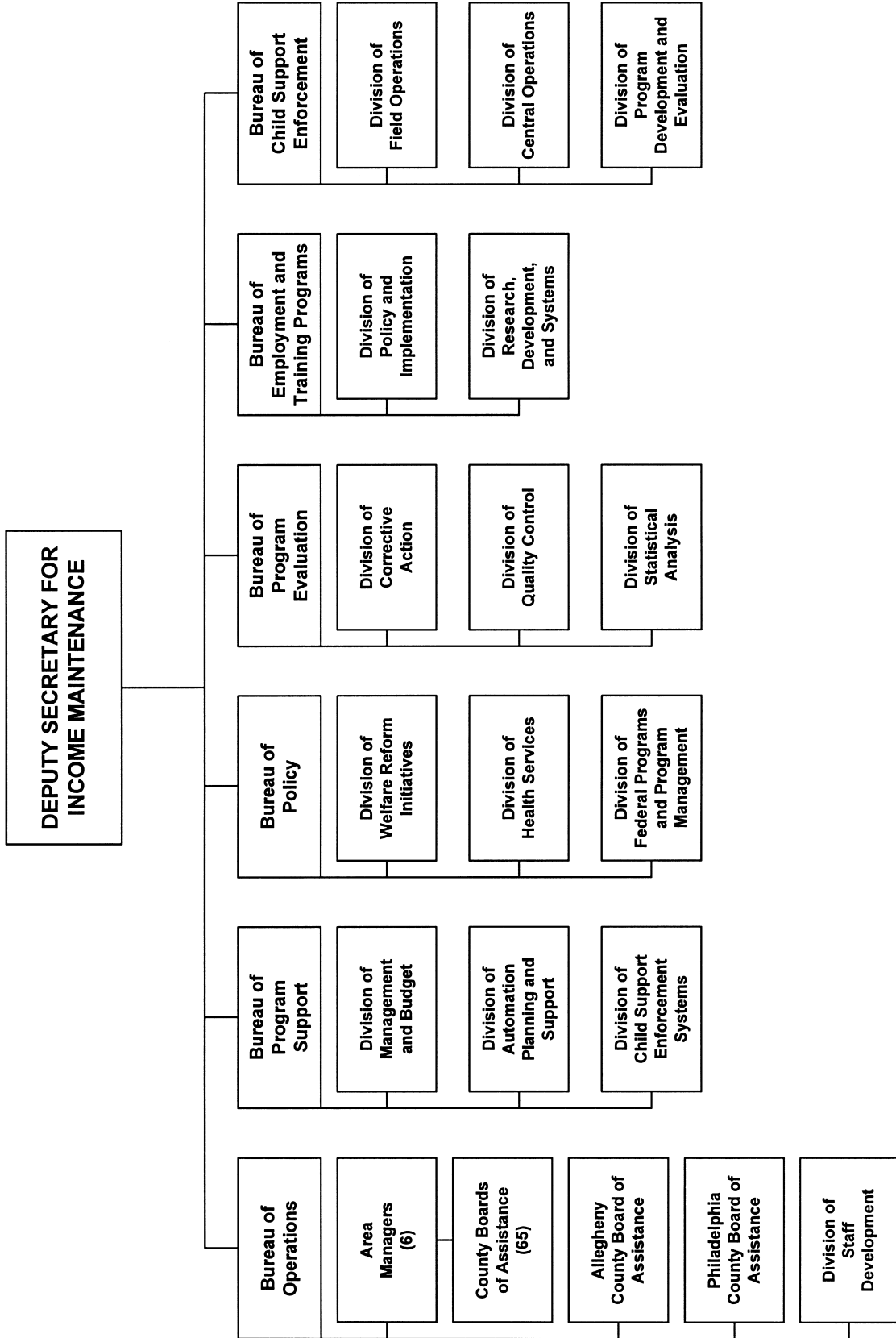


DEPARTMENT OF PUBLIC WELFARE

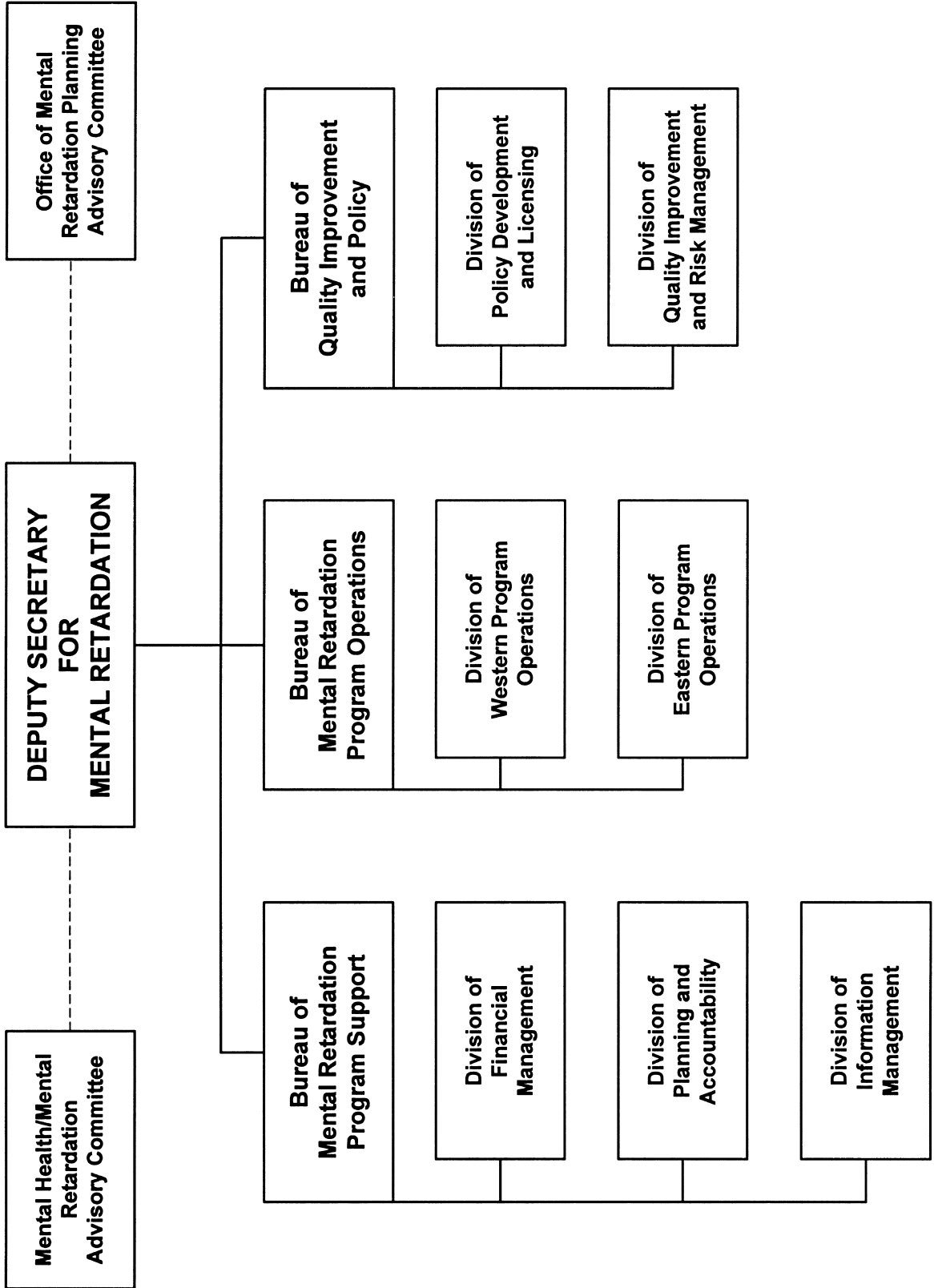




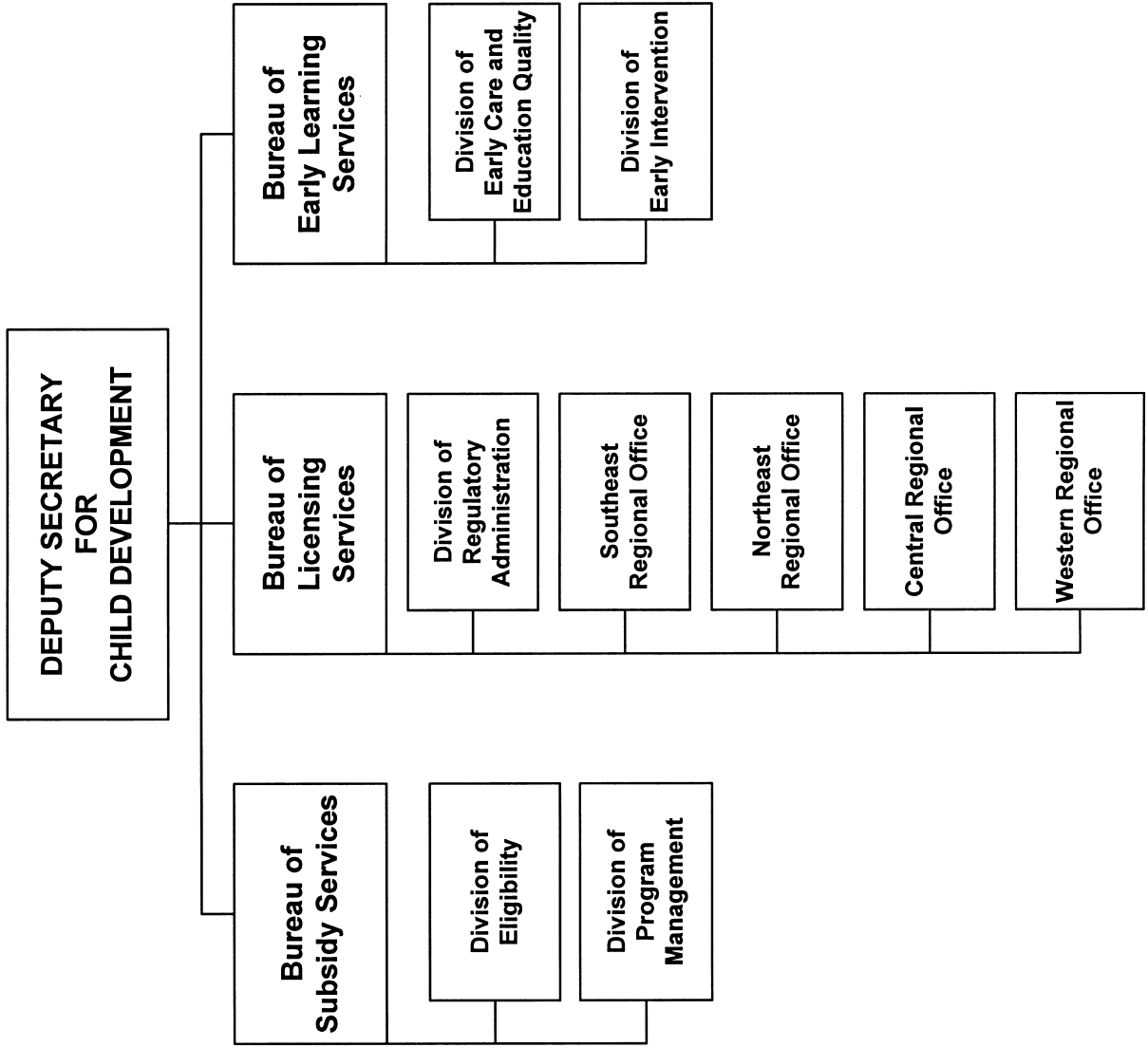
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR INCOME MAINTENANCE



**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MENTAL RETARDATION**



DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR CHILD DEVELOPMENT



NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, May 18, 2005. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Shawnee Inn, Shawnee-on-the-Delaware, PA.

The conference among the commissioners and staff will begin at 10 a.m. Topics of discussion will include: a status report on the PCB Stage 2 TMDL development process; a report on the Delaware Estuary Science Conference of May 10-11, 2005, *Linking Science and Management for the Delaware Estuary*; an update on the Pennsylvania Act 220 State water planning process, including regional priorities; a presentation on the DRBC's Water Monitoring and Assessment Program (Environmental Protection Agency's "Ten Elements Plan"); and a presentation on the April 2005 flooding in the Delaware River Basin (Basin) by the National Weather Service and the Pennsylvania Emergency Management Agency representatives.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the following dockets:

1. *Fry Farms, Inc. D-82-36-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 100 million gallons per 30 days (mg/30 days) of water to the applicant's agricultural irrigation system from new Well Nos. 1 and 2 in the Columbia Formation, and up to 76 mg/30 days from Intake Nos. 1-4 in the farm pond, and to limit the withdrawal from all sources to 176 mg/30 days. The project is located in the Mispillion River Watershed in the Town of Milford, Sussex County, DE.

2. *Artesian Water Company, Inc. D-2002-34 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 43.2 mg/30 days of water to the applicant's public water supply distribution system from a new aquifer storage and recovery well in the Upper Potomac Formation in the Llangollen wellfield, and to retain the existing withdrawal from the applicant's 15 wellfields supplying the New Castle County distribution system at 593.06 mg/30 days. The project is located in the Army Creek Watershed in New Castle County, DE.

3. *William Chandler D-2005-9-1*. An application for approval of a groundwater withdrawal project to supply up to 32 mg/30 days of water to the applicant's irrigation system from new Well Nos. 1 and 2 in the Columbia Formation. The water will be used to irrigate approximately 118 acres of corn and soybeans. The project is located in the Murderkill River Watershed in the Town of Felton, Kent County, DE.

4. *Haddon Township D-66-65 CP-2*. An application for approval of a groundwater withdrawal project to supply water to the applicant's public supply distribution system from replacement Well Nos. 1A-3A and 5 in the Potomac-Raritan-Magothy Formation and to increase the existing withdrawal from all wells from 60 mg/30 days to 62 mg/30 days. The project is located in the Newton Creek Watershed in Haddon Township, Camden County, NJ.

5. *Colorite Polymers D-84-46-2*. An application for the renewal of a groundwater withdrawal project to supply up to 114 mg/30 days of water to the applicant's industrial plant site from supply Well Nos. 4 and 7-10 and up to 12 mg/30 days from Well No. 1. The project is located in the Delaware River Watershed in Burlington Township, Burlington County, NJ. (This was NAR'd as D-84-46 Renewal 2.)

6. *Larchmont Farms, Inc. D-86-37-3*. An application for the renewal of a groundwater and surface water withdrawal project to continue withdrawal of 100 mg/30 days to supply the applicant's agricultural irrigation system from an existing pond; existing Well Nos. 1-3; and new Well Nos. 4-11. The project is located in the Cohansey Formation in Upper Pittsgrove Township, Salem County and Upper Deerfield Township, Cumberland County, NJ.

7. *Aqua New Jersey, Inc. (Formerly Consumers New Jersey Water Company, Inc.) D-93-13 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 21.6 mg/30 days of water to the applicant's Blackwood District public water supply distribution system from new Well No. 20 in the Cohansey Formation, and to retain the existing combined withdrawal of 198.5 mg/30 days from all wells. The Blackwood District distribution system includes a total of 16 wells, of which 10 are located inside the Basin. The system serves an area located primarily within the Basin. Proposed Well No. 20, located within the Basin, will replace Well No. 8, located outside of the Basin. Well No. 8 has become contaminated with MTBE. The project is located in the Big Timber Creek Watershed in Gloucester Township, Camden County, NJ.

8. *Township of Florence D-94-82 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 31.54 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 6 in the Potomac-Raritan-Magothy Aquifer, and to increase the combined withdrawal from all wells by 31.54 mg/30 days, to 115 mg/30 days. The project is located in the Delaware River Watershed in the Township of Florence, Burlington County, NJ.

9. *Borough of Clayton D-95-45 CP-2*. An application for the renewal of groundwater withdrawal project to increase withdrawal from 31.0 mg/30 days to 41.85 mg/30 days to supply the applicant's public water distribution system from existing Well Nos. 3-6 in the Potomac-Raritan-Magothy, Wenonah-Mt. Laurel and Kirkwood-Cohansey formations in the Maurice River watershed. The project is located in Clayton Borough, Gloucester County, NJ. (This was NAR'd as D-95-45 CP Renewal.)

10. *Township of Medford D-95-55 CP-2*. An application to replace the withdrawal of water from Well No. 4 in the applicant's water supply system that has become an unreliable source of supply and that the total withdrawal from all wells remain limited to 77 mg/30 days. The project is located in the South Branch Rancocas Creek Watershed in Medford Township, Burlington County, NJ.

11. *Borough of Branchville D-2000-27 CP-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 6.2 mg/30 days of water to the applicant's public water distribution system from Well Nos. 1 and 2 in the Kittatinny Aquifer, and 6.2 mg/30 days from Dry Brook Reservoir, and to limit the combined total withdrawal from all sources to 6.2 mg/30

days. The project is located in Branchville Borough, Sussex County, NJ. (This docket was NAR'd as D-2000-27 CP)

12. *U. S. Silica Company D-2004-30-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 6.7 mg/30 days of water from existing Well No. 3 in the Kirkwood-Cohansey Formation and up to 491.04 mg/30 days from existing surface water Intake Nos. 1—3 and new Intake Nos. 4 and 5 for sand and gravel processing. The surface water ponds are in connection with and fed by groundwater. The groundwater allocation of 6.7 mg/30 days is used for noncontact cooling water which is returned to the ponds. The surface water is used to process the sand and gravel in a loop system which returns approximately 90% of the water to the ponds. The combined allocation will be limited to 491.04 mg/30 days and 3,910.96 million gallons per year. The project is located in the Maurice River Watershed in Commercial Township, Cumberland County, NJ.

13. *NGC Industries D-2005-4-1*. An application for approval of a surface water withdrawal project to supply up to 19 mg/30 days of water to the applicant's manufacturing facility from Intake No. 1 on the Delaware River. The project is located in the Delaware River Watershed in Pennsauken Township, Camden County, NJ.

14. *Newtown Artesian Water Company D-78-29 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 11.1 mg/30 days of water to the applicant's public water supply distribution system from replacement Well No. 4 in the Stockton Formation, and to limit the existing withdrawal from all wells to 44.81 mg/30 days. In addition, the total annual withdrawal from Replacement Well No. 4 and Well Nos. 5, 6 and 18 (located in the Newtown Creek Subbasin) will be limited to 340 mg/30 days. Replacement Well No. 4 will replace former Well No. 4 which declined substantially in yield. The project also includes a primary interconnection with the Bucks County Water and Sewer Authority for up to 3 million gallons per day (mgd). The project is located in the Newtown Creek and Lower Neshaminy Creek watersheds in Newtown Borough and Newtown and Middletown Townships, Bucks County and is located in the Southeastern Ground Water Protected Area.

15. *Rock-Tenn Company D-80-25-1*. An application for approval of a ground and surface water withdrawal project to supply up to 13.89 mg/30 days of water to the applicant's paper processing facility by means of the Brodhead Creek intake and 0.0039 mg/30 days from the Warehouse Well and the Boiler House Well and to limit the existing withdrawal from all sources to 13.9 mg/30 days. The project is located in the Brodhead Creek Watershed in Delaware Water Gap Borough, Monroe County.

16. *Mid-Atlantic Cannery Association D-86-83-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 5.7 mg/30 days to supply the applicant's bottling and canning facility from existing Well Nos. 1—3. The project is located in the Schuylkill River Watershed in Hamburg Borough, Berks County.

17. *Roamingwood Sewer and Water Association D-88-45 CP-3*. An application for the renewal of a groundwater withdrawal project to reduce withdrawal from 26.69 mg/30 days to 20.0 mg/30 days to supply the applicant's Hideout Development distribution system from existing Well Nos. 1—5. The project is located in the Aerial Creek Watershed in Lake and Salem townships, Wayne County.

18. *Hansen Nurseries D-88-66-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 10.02 mg/30 days to supply the applicant's nursery from existing Well Nos. 1 and 33. The project is located in the Schlegel Run Creek Watershed in Douglass Township, Montgomery County and is located in the Southeastern Pennsylvania Ground Water Protected Area.

19. *Aqua Pennsylvania, Inc. (Formerly Pennsylvania Suburban Water Company) D-91-86 CP-2*. An application to provide up to 50.0 mg/30 days from ten existing wells to the API—Great Valley Division public water supply distribution system. This allocation represents a decrease from 74.76 mg/30 days based on the removal of several declining groundwater sources in the distribution system. The project also includes three existing interconnections: two from Aqua Pennsylvania, Inc. Main and West Chester Divisions and one from Chester Water Authority. The project is located in Hunters Run, Ridley Creek, Chester Creek, Plum Run, Broad Run, Radley Run and Brandywine watersheds in East Goshen, West Goshen, Westtown, Birmingham, West Whiteland and East Bradford Townships, Chester County, and is located in the Southeastern Pennsylvania Ground Water Protected Area.

20. *Big Boulder Corporation D-93-53-2*. An application for the renewal of a surface water withdrawal project to continue withdrawal of 121 mg/30 days to supply the applicant's snow making operations from an existing surface water intake in Big Boulder Lake, on an unnamed tributary of Tunkhannock Creek. The project is located in Kidder Township, Carbon County.

21. *Newstech PA, LLP D-94-22-2*. An application to expand a 0.36 mgd industrial waste treatment plant to process 1.728 mgd. The project is located at the applicant's Northampton pulp mill, formerly owned by Ponderosa Fibers of PA, in Northampton Borough, Northampton County. Following advanced wastewater treatment processes, effluent will be discharged to the Lehigh River through the existing outfall, which is located in the drainage area of the Lower Delaware River Management Plan.

22. *DS Waters of America, LP D-97-46-2*. An application to continue the withdrawal of up to 300,000 gallons per day (gpd) (9.0 mg/30 days) of spring water at the Arrowhead Springs Farm with the addition of a new source designated Spring No. 1, also known as Big Spring. Spring No. 1 will be used in conjunction with the existing source, Spring No. 3, as the primary sources for the withdrawal. The applicant will continue to utilize spring water for bulk water supply to its bottling plants located in Lancaster and Ephrata, PA. The project intakes are located on a tributary to Mill Creek in the Tulpehocken Creek Watershed, in Millcreek Township, Lebanon County.

23. *Northampton Bucks County Municipal Authority D-2001-13 CP-2*. An application for renewal of a groundwater withdrawal project to continue to supply up to 66.0 mg/30 days of water for public water supply from existing Wells Nos. 1—13, 16 and 17, all located in the Stockton Formation. No increase in allocation is proposed. The project is located in the Neshaminy Creek and Ironworks Creek watersheds in Northampton Township, Bucks County in the Southeastern Ground Water Protected Area.

24. *RiverCrest Community Association, Inc. D-2001-45-2*. An application to rerate a sewage treatment plant (STP) from a maximum monthly flow of 0.1 mgd to

process up to 114,675 gpd, while continuing to provide advanced secondary level treatment by means of extended aeration and rapid sand filtration processes. Construction of the River Crest STP is nearing completion at the River Crest golf course community development located off Black Rock Road and SR 29 in Upper Providence Township, Montgomery County. For most of the year, STP effluent will be spray irrigated on approximately 142 acres of golf course grounds and about 27 acres of turf at the development. However, during prolonged cold and wet weather periods, effluent will flow from two storage ponds to unnamed tributaries of the Schuylkill River, an area conditionally designated as "Modified Recreational" in the Commission's *Comprehensive Plan*.

25. *Borough of Strausstown D-2005-6 CP-1*. An application to construct a 0.065 mgd STP to provide advanced secondary treatment by means of activated sludge and chemically-aided phosphorus removal processes. The proposed STP and sewage collection system will serve Strausstown Borough and a portion of Upper Tulpehocken Township, both in Berks County. Following ultraviolet light disinfection, STP effluent will be discharged to Jackson Creek, a tributary of Little Northkill Creek in the Tulpehocken Creek Watershed. The proposed STP will be situated off the intersection of Pennsylvania Route 183 and Old Route 22 (Main Street) in Upper Tulpehocken Township.

26. *Pennsylvania Department of Conservation and Natural Resources D-2005-8 CP-1*. An application to replace a 33,000 gpd extended aeration STP with a 60,000 gpd sequencing batch reactor process. The new STP will continue to serve visitors and staff at the Hickory Run State Park facility, located off SR 534 at the head of the Hickory Run Trail in Kidder Township, Carbon County. STP effluent will continue to be discharged to Hickory Run, a tributary of the Lehigh River in the drainage area of the Lower Delaware River Management Plan. The existing STP outfall will be demolished. Ultraviolet light disinfection will be provided.

In addition to the public hearing on the previous dockets, the Commission's 1:30 p.m. business meeting will include possible action on a resolution to amend the *Water Quality Regulations, Water Code and Comprehensive Plan* by establishing Pollutant Minimization Plan Requirements for point and nonpoint source discharges following issuance of a TMDL or assimilative capacity

determination; a resolution for the minutes to solicit public comment on permanent designation of the Lower Delaware River as Special Protection Waters with a classification of Significant Resource Waters, including numeric values for existing water quality in the Lower Delaware River; a resolution authorizing the Executive Director to enter into an agreement with the United States Army Corps of Engineers for the removal of debris from the Port Jervis Ice Diversion Channel; a resolution for the minutes authorizing the Executive Director to engage the firm of Public Affairs Management LLC for up to 3 months to communicate the benefits of the Commission to various government bodies and to advance the restoration of Federal funding in accordance with Section 13.3 of the *Compact*; a resolution authorizing the Executive Director to accept funds from the Pennsylvania Department of Environmental Protection for biological sampling and assessment to support Pennsylvania's Regional Environmental Monitoring and Assessment Program; and a resolution providing for the election of the Commission Chair, Vice Chair and Second Vice Chair for Fiscal Year 2005-2006.

The meeting will also include: adoption of the minutes of the January 19, 2005, and March 16, 2005, business meetings; announcements; a report on Basin hydrologic conditions; a report by the Executive Director; a report by the Commission's general counsel; and an opportunity for public dialogue. Draft dockets and the resolutions scheduled for public hearing or action on May 18, 2005, will be posted on the Commission's website: www.drbc.net (select "Next DRBC meeting"). Additional documents regarding the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 05-889. Filed for public inspection May 6, 2005, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 19, 2005.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-15-05	KNBT Bancorp, Inc., Bethlehem, to acquire 100% of the voting shares of Northeast Pennsylvania Financial Corp., Hazleton	Bethlehem	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-12-05	Enterprise Bank, Allison Park, and Enterprise Interim Bank, Allison Park Surviving Institution— Enterprise Bank, Allison Park	Allison Park	Filed
	Merger will be effected solely to facilitate the acquisition of Enterprise Bank by Enterprise Financial Services Group, Inc., a newly formed Pennsylvania corporation and proposed bank holding company.		
4-15-05	Keystone Bank & Trust Company, Bethlehem, First Federal Bank, Hazelton, and Northeast Pennsylvania Trust Company, Hazelton Surviving Institution— Keystone Bank & Trust Company, Bethlehem	Bethlehem	Approved
4-15-05	Farmers & Merchants Bank and Trust, Hagerstown, MD, Susquehanna Bank, Baltimore, MD, Citizens Bank of Southern Pennsylvania, Greencastle, PA, and First American Bank of Pennsylvania, Everett, PA Surviving Institution— Farmers & Merchants Bank and Trust, Hagerstown, MD, with a change in name to Susquehanna Bank.	Hagerstown, MD	Effective
	<i>Note:</i> The four previously noted merger proponents are all wholly owned subsidiaries of Susquehanna Bancshares, Inc., Lititz, PA.		
4-18-05	Clearfield Bank & Trust Company Clearfield Clearfield County	Clearfield	Approved
	Purchase of assets/assumption of liabilities of one branch of First Commonwealth Bank, Indiana, Located at: 511 Pine Grove Road State College Centre County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-7-05	Bank of Hanover and Trust Company Hanover York County	8-12 Locust Lane Westminster Carroll County, MD	Opened
4-8-05	Pennsylvania Business Bank Philadelphia Philadelphia County	1132 Cooper Street Deptford Gloucester County, NJ	Opened
4-11-05	East Penn Bank Emmaus Lehigh County	18 South Second Street Emmaus Lehigh County	Opened
4-13-05	Affinity Bank of Pennsylvania Wyomissing Berks County	29 North Sixth Street Reading Berks County	Approved
4-13-05	Abington Savings Bank Jenkintown Montgomery County	1111 Easton Road Warrington Bucks County	Approved
4-13-05	West Milton State Bank West Milton Union County	Corner of Pine Street and U. S. Route 522 Beaver Springs Spring Township Snyder County	Approved

NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-18-05	Mid Penn Bank Millersburg Dauphin County	5500 Allentown Boulevard Harrisburg Dauphin County	Opened
4-18-05	Fulton Bank Lancaster Lancaster County	2747 Century Boulevard Sinking Spring Spring Township Berks County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-13-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Seven branches in Butler County at the following locations: 301 North Main Street Butler Butler County 1521 North Main Street Butler Butler County 700 Moraine Point Plaza Butler Butler County 20111 Route 19 Cranberry Mall Cranberry Township Butler County Main Street Saxonburg Butler County 223 Grove City Road Slippery Rock Butler County 100 North Main Street Zelienople Butler County	Approved
4-18-05	Lafayette Ambassador Bank Easton Northampton County	1401 Easton Avenue Bethlehem Northampton County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-890. Filed for public inspection May 6, 2005, 9:00 a.m.]

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 26, 2005.

BANKING INSTITUTIONS**Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-18-05	F. N. B. Corporation, Hermitage, to acquire 100% of the voting shares of NSD Bancorp, Inc., Pittsburgh, and thereby indirectly acquire NorthSide Bank, Pittsburgh	Hermitage	Effective

Effective as of the acquisition date, NorthSide Bank merged with and into First National Bank of Pennsylvania, Greenville, and is no longer regulated by this Department.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-14-05	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	6918 Brous Avenue Philadelphia Philadelphia County	Opened
4-18-05	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1411 Rhawn Street Philadelphia Philadelphia County	Opened
4-22-05	Parkvale Savings Bank Monroeville Allegheny County	1420 Greengate Centre Circle Greensburg Westmoreland County	Filed
4-26-05	Citizens & Northern Bank Wellsboro Tioga County	Corner of Foy and Dewey Avenues Williamsport Lycoming County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-15-05	Irwin Bank & Trust Company Irwin Westmoreland County	512 Broadway Pitcairn Allegheny County	Effective

SAVINGS INSTITUTIONS**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
4-21-05	Hometown Building and Loan Association Montgomeryville Montgomery County (Formerly Philadelphia, Philadelphia County)	Articles of Dissolution filed with Department of State. Corporate existence terminated.

Main Office Relocations

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
4-11-05	Washington Savings Association Philadelphia Philadelphia County	<i>To:</i> 2900 Comly Road Philadelphia Philadelphia County <i>From:</i> 2701 East Allegheny Avenue Philadelphia Philadelphia County	Effective

Note: The former main office at 2701 East Allegheny Avenue, Philadelphia, will continue as a branch office of Washington Savings Association.

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-21-05	Utilities Employees Credit Union Sinking Spring Berks County	The amendment to Article 8 provides for additional language to item 5 of the credit union's field of membership <i>from</i> : "The spouse, children (including stepchildren and adopted children), and grandchildren of a member;" <i>to</i> : "The spouse, children (including stepchildren and adopted children), grandchildren, parents, and siblings of a member."	Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-891. Filed for public inspection May 6, 2005, 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 and T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS602202	Denco Tire Recycling, Inc. 333 Industrial Boulevard Stockertown, PA 18083-0100	Northampton County Stockertown Borough	UNT to Bushkill Creek 01F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0209261	Liberty Township 197 Morresburg Road Danville, PA 17821	Montour County Liberty Township	Catawissa—Roaring Creeks 5E	Y
PA0009032 IW	GTE Operations Support Incorporated 600 Hidden Ridge Drive Irving, TX 75038	Muncy Township Lycoming County	West Branch Susquehanna River 10-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0101940	Country Estates Mobile Home Park R. R. 2, Box 12A Kennerdell, PA 16374-8706	Clinton Township Venango County	Trout 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.

NPDES PA0058963, Industrial Wastewater, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located at 451 East Reliance Road, Telford Borough, **Bucks County**, PA 18969.

Description of Proposed Activity: This application is for issuance of a new NPDES permit to discharge stormwater runoff from a Ready-Mix Concrete Batch Plant to a UNT to Mill Creek.

The receiving stream, Mill Creek is in the State Water Plan watershed 3E—Perkiomen and is classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on Environmental Protection Agency's effluent guidelines.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids (TSS)	50	100	100
Oil and Grease		Monitor and Report	
pH	Within limits of 6.0 and 9.0 Standard Units at all times		

The EPA waiver is in effect.

Major Permit Conditions:

1. The permittee shall implement Best Management Practices to control total suspended solids with effluent limits posted above and maintain the pH of the stormwater runoff between 6.0 and 9.0.
2. The permittee shall monitor the pH of the receiving stream during periods when stormwater runoff is discharging from the site.

PA0011231, IW, SIC 46/13, **Buckeye Pipe Line Company, LP**, P. O. Box 368, Emmans, PA 18049-0368. This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Proposed Activity: Streamwater discharge from Chelsea Pipe Line Station and Tank Farm.

The receiving stream, Boosers Run a tributary a Marcus Hook Creek, is in the State Water Plan watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. There is no public water supply down stream to this discharge.

The proposed effluent limits for Outfall 001—003, are based on stormwater flow, are as follows:

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	Monitor and Report	Monitor and Report
Gasoline Rang Organics	Monitor and Report	Monitor and Report
Diesel Range Organics	Monitor and Report	Monitor and Report

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

1. BAT/ELG Reopener.
2. Change of Ownership.
3. Product Contaminated Stormwater Runoff.
4. Additional Monitoring and Reporting Requirements.
5. Preparedness, Prevention and Contingency (PPC) Planning.
6. Other Discharges Associated with the Facility.
7. Definitions.

PA0057720, Industrial Waste, SIC 2033, **Sunny Dell Foods, Inc.**, 214 South Mill Road, Kennett Square, PA 19348. This facility is located in Kennett Township, **Chester County**.

Description of Proposed Activity: This application requests approval of a renewal NPDES permit. Outfall 001 discharges 0.05 mgd of treated process wastewater from mushroom washing, blanching and cleanup. Outfall 002 discharges 0.09 mgd of cooling water from can cooling.

The receiving stream, West Branch Red Clay Creek, is in the State Water Plan watershed 3I and is classified for: TSF, aquatic life, water supply and recreation. No downstream public water supply intakes are in this Commonwealth. The State line is 3 miles downstream and a public water supply intake is located 7 miles downstream from the State line in Delaware (Stanton Plant Delaware Waterworks).

The proposed effluent limits for Outfall 001 are, based on a discharge flow of 0.05 mgd, as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			9.5	19	24
Total Suspended Solids	12.5	19	30	45	60
Total Dissolved Solids	417	834	1,000	2,000	2,500
NH ₃ N			1.9	3.8	4.8
Total Phosphorus			1.9	3.8	4.8
Oil and Grease			15		30
Dissolved Oxygen			5.0 (Inst. Min.)		
Fecal Coliform			200/100 ml (Geo Mean)		1,000/100
pH (Std Units)			6.0 (Inst. Min.)		9.0

The proposed effluent limits for Outfall 002 are, based on a discharge flow of 0.09 mgd, as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			2.0	4.0	5.0
Total Suspended Solids	22.5	33.8	30	45	60
NH ₃ N			Monitor and Report	Monitor and Report	Monitor and Report
Total Phosphorus			0.075	0.15	0.19
Dissolved Oxygen			5.0 (Inst. Min.)		
Fecal Coliform			200/100 ml (Geo Mean)		1,000/100 ml
pH (Std Units)			6.0 (Inst. Min.)		9.0
Total Residual Chlorine			0.5		1.2

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Temperature			Daily Avg. °F		Inst. Max °F
January 1—January 31			87		110
February 1—February 29			83		110
March 1—May 31			110		110
June 1—June 15			92		110
June 16—June 30			108		110
July 1—July 31			78		110
August 1—October 15			110		110
October 16—October 31			98		110
November 1—November 15			110		110
November 16—November 30			73		110
December 1—December 31			77		110

The proposed mass limits for CBOD₅, NH₃N and Phosphorus are combined for Outfalls 001 and 002:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅ Outfall 001 + Outfall 002	5.4	1.9			
NH ₃ N as N Outfall 001 + Outfall 002	0.9	1.8			
Total Phosphorus Outfall 001 + Outfall 002	0.9	1.8			

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

1. Notification of Designation of Operator.
2. Effective Disinfection.
3. Remedial Measures if Unsatisfactory Effluent.
4. Discharge to Small Stream.
5. BAT/ELG Reopener.
6. Thermal Requirements.
7. 2°F Temperature Change in 1-Hour.
8. No Chemical Additives.
9. Change in Ownership.
10. TRC Requirements.
11. Solids Handling.
12. TMDL/WLA Data.
13. I-Max.
14. Submit DMR Including No Discharge.

PA0026867, Sewage, SIC 59, **Abington Township**, 1176 Old York Road, Abington, PA 19001-3713. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 3.91 mgd of treated sanitary sewage from a facility located at 1000 Fitzwatertown Road, Roslyn, PA 19001-4008.

The receiving stream, Sandy Run, is in the State Water Plan watershed 3F (Lower Schuylkill) and is classified for: TSF. The nearest downstream public water supply intake for City of Philadelphia—Queen Lane Intake is located on the Schuylkill River. The final effluent limits listed for this permit are based on the final Wissahickon TMDL dated October 9, 2003, which established waste load allocations for this facility for the parameters CBOD₅, Ammonia as N, Nitrite + Nitrate as N and Dissolved Oxygen.

The proposed effluent limits for Outfall 001, effective from permit issuance through 36 months, are based on a design flow of 3.91 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅ (5-01 to 10-31)	326	489	10	15	20
(11-01 to 4-30)	652	978	20	30	40
Total Suspended Solids	978	1,467	30	45	60
Ammonia as N (5-01 to 10-31)	65		2.0		4.0
(11-01 to 4-30)	130		4.0		8.0

NOTICES

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
Phosphorus as P			Monitor and Report		Monitor and Report
Nitrite + Nitrate as N			Monitor and Report		
Iron			Monitor and Report		
Total			Monitor and Report		
Dissolved			Monitor and Report		
Aluminum, Total			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			Minimum of 5.0 at all times		
pH			Within limits of 6.0 to 9.0 Standard Units		

The proposed effluent limits for Outfall 001, effective from 37 months through permit expiration, are based on a design flow of 3.91 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	245	367	7.5	11.25	15
(11-1 to 4-30)	489	734	15	22.5	30
Total Suspended Solids	978	1,467	30	45	60
Ammonia as N					
(5-1 to 10-31)	23		0.72		1.44
(11-1 to 4-30)	70		2.16		4.32
Phosphorus as P			Monitor and Report		Monitor and Report
Orthophosphate-P	59		1.82		3.64
Nitrite + Nitrate as N			Monitor and Report		
Iron			Monitor and Report		
Total			Monitor and Report		
Dissolved			Monitor and Report		
Aluminum, Total			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			Minimum of 7.0 at all times		
pH			Within limits of 6.0 to 9.0 standard units		

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. UV Disinfection.
9. Sludge Disposal Requirements.
10. TMDL/WLA Analysis.
11. WET Tests Required for Renewal.
12. Chronic WET Monitoring.
13. Instantaneous Maximum Limits.
14. Requirements Applicable to Stormwater Outfalls.
15. Operations and Maintenance Plan.
16. Laboratory Certification.
17. Copper/Water Effects Ratio.

The EPA waiver is not in effect.

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

Application No. PA 0036269, Sewage, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363.

Description of activity: The application is for the renewal of an NPDES permit for an increased discharge of treated sewage from a publicly owned treatment works in Hopewell Township, **York County**.

The receiving water, Ebaughs Creek, is in Watershed 7-I and is classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Aberdeen Proving Ground in Maryland is located on Deer Creek, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 based on an annual average flow rate of 0.625 mgd, to become effective 2 years following permit issuance when the upgraded plant is operational, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	22		30
(11-1 to 4-30)	25	40	50	
Total Suspended Solids	30	45		60
Total Phosphorus	2.0			4.0
NH ₃ -N (5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	8.5			17
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		5,300/100 ml as a geometric average		
Total Metals*		Monitor and Report		
Whole Effluent Toxicity (TUc)		2.2		

* Total Metals include Total Copper, Total Lead, Total Zinc, Total Selenium, Total Silver, Total Mercury, Total Cadmium and Total Antimony.

Final limitations for Total Nitrogen and Total Phosphorus on an average annual mass loading basis are proposed to implement the Chesapeake Bay Tributary Strategy for point sources.

Individuals can make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0081264, Sewage, **Mountainview Thoroughbred Racing Association (Penn National of Grantville)**, P. O. Box 32, Grantville, PA 17028. This facility is located in East Hanover Township, **Dauphin County**.

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

The receiving stream is a UNT of the Swatara Creek, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.23 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12
Total Phosphorus	2.0		4.0
Total Nitrogen		5,601 lbs/year Annual Average	
Total Phosphorus		700 lbs/year Annual Average	
Total Residual Chlorine	0.2		0.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,300/100 ml as a geometric average	

Individuals make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

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

PA0228907, Sewage, **Nippenose Township**, P. O. Box 201, 220 Second Street, Antes Fort, PA 17720. This proposed facility is located in Nippenose Township, **Lycoming County**.

Description of Proposed Activity: Construction of a proposed treatment facility.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 10A and is classified for: WWF. The nearest downstream public water supply intake is Pennsylvania American Water Company in Milton located on West Branch Susquehanna River, approximately 40.5 miles below the proposed point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.070 mgd.

Parameter	Average		Maximum	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Daily (mg/l)	Maximum (mg/l)
CBOD ₅	25	40		50
TSS	30	45		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric mean 2,000/100ml as a geometric mean		
pH		6.0 to 9.0 at all times		
Total Nitrogen		Monitor and Report		
Total Phosphorous		Monitor and Report		
Transmissivity		Monitor and Report		

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

PA0090379, Industrial Waste, SIC, 4941, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated process water from the Jacksonville Water Plant in Black Lick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT of Aultman's Run, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Buffalo Township Water Authority, located at Freeport, 47 miles below the discharge point.

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
Flow (mgd)	Monitor and Report				
Total Suspended Solids		0.020	30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0216712, Industrial Waste, SIC 4941, **Municipal Authority of the City of New Kensington**, P. O. Box 577, New Kensington, PA 15068. This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from the MACNK H. Burns Smith Water Treatment Plant in the City of New Kensington, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Municipal Authority of New Kensington, located near Outfalls 001/002 on the Allegheny River, at the discharge point.

Outfall 001: existing discharge, design flow of 0.387 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0

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

Other Conditions: Residual solids control, floating solids control, stormwater conditions, chemical additive requirements, Total Residual Chlorine conditions.

The EPA waiver is in effect.

PA0218219, Industrial Waste, SIC 4491, **C & C Marine Maintenance Company**, P. O. Box 520, Point Pleasant, WV 25550. This application is for issuance of an NPDES permit to discharge treated process water from the Georgetown Landing in Georgetown Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is in East Liverpool, OH, 1.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.003 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		75
NH ₃ N			20		40
Oil and Grease			15		30
Iron			3.0		7.5
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0027618, Sewage, **Bethel Park Municipal Authority**, 5100 West Library Avenue, Bethel Park, PA 15102. This application is for renewal of an NPDES permit to discharge treated sewage from Piney Fork Wastewater Treatment Plant in South Park Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Piney Fork, 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 Pennsylvania-American Water Company.

Outfall 001: existing discharge, design flow of 4.92 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
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	0.16			0.53
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: SW2 will be permitted to discharge uncontaminated stormwater runoff from the WWTP site.

The EPA waiver is not in effect.

PA0093785, Sewage, **Williamhouse LLC**. This application is for renewal of an NPDES permit to discharge treated sewage from Williamhouse Sewage Treatment Plant in Upper Tyrone Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.014 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21.0
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			
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096890, Sewage, **G & G Mobile Home Sales**, 23 Oakridge Heights Drive, Oakdale, PA 15071-3914. This application is for renewal of an NPDES permit to discharge treated sewage from Oakridge Heights Mobile Home Park No. 2 Sewage Treatment Plant in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of North Branch Robinson 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: West View Borough Municipal Authority on Ohio River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252921, Sewage, **Dana Mining Company of PA, Inc.**, P. O. Box 1209, Morgantown, WV 26507. This application is for issuance of an NPDES permit to discharge treated sewage from 4-West Deep Mine Portal STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunkard 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: Dunkard Valley Joint Municipal Authority.

Outfall 001: new discharge, design flow of 0.003 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0098272, Sewage, **May Day, Inc.**, R. D. 1, Box 54, Vanderbilt, PA 15486. This application is for renewal of an NPDES permit to discharge treated sewage from May Day II Personal Care Home STP in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Browns 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: Carmichaels Municipal Water Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.0125 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.8			11.6
(11-1 to 4-30)	17.4			34.8
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	0.7			1.7
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0038814—Amendment No. 1, Sewerage, Ellport Borough Sewer Authority, 313 Burns Avenue, Ellwood City, PA 16117. This proposed facility is located in Ellport Borough, **Lawrence County**.

Description of Proposed Activity: Amendment of limits for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority intake located on the Beaver River at Eastvale, approximately 11 miles below the point of discharge.

The receiving stream, Connoquenessing Creek, is in watershed 20-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.356 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Total Residual Chlorine	1.0		2.0

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)

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

WQM Permit No. 4605405, Sewerage, Limerick Township Municipal Authority, 529 King Road, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 75 lot single family residential subdivision on a 53 acre parcel and a 10" gravity sanitary sewer extension.

WQM Permit No. 1505414, Sewerage, Coatesville Catholic Regional School Board of Governors, 1090 North Manor Road, Honeybrook, PA 19344. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of an sewage treatment plant with drip disposal for an elementary school, church, chapel, parish center and rectory.

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

WQM Permit No. 3805401, Sewerage (Republication), South Annville Township Authority, 829 South Spruce Street, Annville, PA 17003. This proposed facility is located in Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of public sewer system which will consist of approximately 44,000 feet of gravity collection system, two pumping stations and 18,000 feet of force main pipe.

WQM Permit No. 0105401, Sewerage (Republication), Straban Township, 1745 Granite Station Road, Gettysburg, PA 17325-8232. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Construction of the Granite Station Road Low Pressure Sewer Extension.

WQM Permit No. 3605201, CAFO (Republication), Roher Dairy, LLC, 124 Charlestown Road, Washington Borough, PA 17582. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion of existing operation by building a 114.5 foot by 420 foot building.

WQM Permit No. 3805402, Sewerage, South Lebanon Township, 1800 S. 5th Avenue, Lebanon, PA 17042. This proposed facility is located in South Lebanon Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/operation of Wilhelm Road Pump Station.

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

WQM Permit No. 1705401, Sewerage 4952, **River Hill Power Company, LLC**, 94 Spruce Street, Indiana, PA 15701-8424. This proposed facility is located in Karthaus Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant has proposed to treat onsite sewage at the proposed Waste Coal Fired Plant with a packaged sanitary treatment system.

WQM Permit No. 5905401, Sewerage 4952, **Liberty Area Municipal Authority**, P. O. Box 73, Liberty, PA 16930. This proposed facility is located in Liberty Borough/Liberty Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewer collection system and a 75,000 gallon per day recirculating sand filter sewage treatment plant. 28,600 feet of the sewer will be a septic tank effluent collection system. 8,700 feet will be conventional gravity sewer. Disinfection will be by UV light. A cascade aerator will increase dissolved oxygen levels prior to discharge to Blockhouse Creek.

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

WQM Permit No. 0204409, Sewerage, **City of McKeesport**, 201 Lysle Boulevard, McKeesport, PA 15132. This proposed facility is located in the City of McKeesport, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction of a relief sewer along Hartman Street to eliminate sewer back-ups.

WQM Permit No. 0274469-A5, Sewerage, **Allegheny County Sanitary Authority**, 3300 Preble Avenue, Pittsburgh, PA 15233-1092. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for mechanical improvements and the construction and operation of concrete tanks at the headworks facility.

WQM Permit No. 561S15-A1, Sewerage, **Highland Water and Sewer Authority**, 120 Tank Drive, Johnstown, PA 15904. This proposed facility is located in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Application to replace and upsize the Hostettler Road sewers and the Inglisid interceptor sewer.

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.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505023	Golf Zone Realty, LLC The Golf Zone 1020 Easton Road Horsham, PA 19044	Chester	West Brandywine Township	Indian Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505009	Richard Eric Rylka HC 1, Box 630 C Brodheads ville, PA 18322	Monroe	Chestnuthill Township	McMichaels Creek HQ-CWF
PAI024505010	Adrian Dumitru 1232 Pine Ridge Bushkill, PA 18324	Monroe	Smithfield Township	Marshalls Creek HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025205003	Matamoras Municipal Authority 304 Pennsylvania Ave. Matamoras, PA 18336	Pike	Matamoras Borough Westfall Township	UNT to Delaware River HQ-CWF

Schuylkill County Conservation District: 1206 Ag Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025405001	Jeld—Wen 700 West Main St. Ringtown, PA 17967	Schuylkill	Ringtown Borough Union Township	UNT to Dark Run HQ-CWF

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

Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI002605001	William Lamberson 2023 County Line Road Pittsburgh, PA 15622	Fayette	Saltlick Township	Trout Run HQ-CWF

Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056305003	George Zaimes 105 Thousand Oaks Drive Pittsburgh, PA 15241	Washington	North Strabane Township	Little Chartiers Creek WWF

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)

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT and T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4605504 , Public Water Supply	
Applicant	Cabot Corporation
Township	Douglass
County	Montgomery
Responsible Official	Timothy Knapp
Type of Facility	PWS
Consulting Engineer	Spotts, Stevens and McCoy, Inc.
Application Received Date	April 19, 2005
Description of Action	Permitting of an existing public water supply system currently used for nonconsumptive potable use.

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

Permit No. 0605502 , Public Water Supply	
Applicant	Pennsylvania-American Water
Municipality	Lower Heidelberg Township
County	Berks
Responsible Official	William C Kelvington, VP Operations 800 W. Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply

Consulting Engineer Michael J Daschbach, P. E.
Entech Engineering Inc
4 South Fourth Street
Reading, PA 19603

Application Received Date 3/22/2005

Description of Action Addition of the Calvary Well Facility P-28 to the Penn District with associated treatment.

Permit No. 0605504, Public Water Supply.

Applicant **Muhlenberg Township Authority**

Municipality Muhlenberg Township

County **Berks**

Responsible Official Robert Walborn, Manager
P. O. Box 145
Wernersville, PA 19565-0145

Type of Facility Public Water Supply

Consulting Engineer Douglas McGill, P. E.
CJZ Technical Group
2 Rick Road
Reading, PA 19607

Application Received Date 3/28/2005

Description of Action Extension of distribution system and associated booster pump station to serve proposed Saylor Farm Estates subdivision.

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 and 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.

Nace's Greenhouses, Perkasio Borough, **Bucks County**. Samuel J. Kucia, ECI, 500 E. Washington Street, Suite 375, Norristown, PA 19401 on behalf of Tom Calhoun, Moulton Builders, 301 N. Broad Street, Lansdale, PA 19446 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by inorganics.

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

American Eagle Paper Plant, Tyrone Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Blair County Development Corporation, 3900 Industrial Park Road, Altoona, PA 16602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals, solvents, VOCs and SVOCs. The contamination is from historical use and the site will continue to function as a paper mill. The site is being remediated as a Special Industrial Area.

Milton Hershey High School, Derry Township, **Dauphin County**. Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Milton Hershey High School, 801 Spartan Lane, Hershey, PA 17033, submitted a Notice of Intent to Remediate site soils contaminated with used motor oil. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on March 17, 2005.

Mifflin County Industrial Development Corporation Recreational Site, Granville Township, **Mifflin County**. ARM Group Inc., 1129 West Governor Road, Hershey, PA 17033-0797 on behalf of Mifflin County

Industrial Development Corporation Recreational Site, MCIDC Plaza, 6395 103N, Lewistown, PA 17044, submitted a Notice of Intent to Remediate site soils with arsenic, cadmium, chromium, lead and zinc and groundwater contaminated with antimony, cadmium, lead and thallium. The applicant proposes to remediate the site to meet the Site Specific Standard requirement. The site is to be redeveloped into a regional park in the future.

Fort Indiantown Gap Army National Guard Training Center, East Hanover Township, **Lebanon County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs, Environmental Section, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils contaminated with heating oil. The applicant proposes to remediate the site to meet the Statewide Health standard requirements and the site will be used for residential and nonresidential purposes.

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

Calumet Lubricants Rouseville Plt, Rouseville Township, **Venango County**. Daniel Bremer, Rybricon Env. Consulting, 302 Seneca Street, 2nd Floor, Oil City, PA 16301 on behalf of Dan Chapman, Calumet Lubricants Co., 1884 Allegheny Ave., Reno, PA 16343 has submitted a Notice of Intent to Remediate. Site has been used for petroleum refinery operations since the 1800s. Soil and Groundwater have been impacted by Diesel Fuel, Fuel Oil, Kerosene, Lead, Motor Oil, Polynuclear Aromatic Hydrocarbons and Unleaded Gasoline. Methyl ethyl ketone (2-Butanone) and toluene are present in subsurface media in the vicinity of the former dewaxing plant. The site may be reused for nonresidential commercial or industrial purposes in the future. Proof of publication was submitted to *The Derrick* and published April 15, 2005.

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

Pennzoil Quaker State, Cornplanter Township, **Venango County**. Daniel M. Bremer, Rybricon Env. Consulting 302 Seneca Street, Oil City, PA 16301 on behalf of Harry Perrine, Pennzoil-Quaker State Co., d/b/a Shell OPUS, 260 Elm Street, Oil City, PA 16301 has submitted a Notice of Intent to Remediate. Site is a former petroleum refining facility. Primary concern is with Soil and Groundwater contaminated with petroleum based separate phase liquid, benzene and 1,3,5-trimethylbenzene. Future nonresidential development of this property is a possibility.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application for Determination of Applicability for General Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGR038SW010. Tire Visions, Inc., 938 Mine Road, Northern Cambria, PA 15716, **Cambria County**. Former Greenwich Collier-

ies Facility, 938 Mine Road, Northern Cambria, PA 15716. An application of Determination of Applicability for the general permit for processing and beneficial use of waste tires, tire derived material and tire derived fuel, was received in the Regional Office on March 23, 2005.

Comments concerning the application should be directed to David Eberle, Acting Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department of Environmental Protection, Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may contact the Department through the Pennsylvania AT and 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.

36-05014F: Alumax Mill Products, Inc. (P. O. Box 3167, Manheim Pike, PA 17604) for replacement of an existing baghouse at their secondary aluminum production plant in Manheim Township, Lancaster County. The facility is subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Secondary Aluminum Production.

36-05081A: Lancaster County Solid Waste Management Authority (1299 Harrisburg Pike, Lancaster, PA 17604) for construction of a landfill gas collection and control system at their Frey Farm-Creswell Landfill in Manor Township, Lancaster County.

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

30-00099C: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) for installation and operation of Wet Spray Dust Suppressant System on their existing coal unloading and conveying equipment at Hatfield's Ferry Power Station in Monongahela Township, Greene County.

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

43-308A: ERGON Trucking, Inc. (944 New Castle Mercer Road, Mercer, PA 16137) plan approval for post-construction of a crude oil truck loading rack at their facility in the City of Mercer, Mercer 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.

46-0242A: BAE SYS Information and Electronics Sys Integration, Inc. (305 Richardson Road, Lansdale, PA 19446) for a Federally enforceable emission cap for facility wide NOx emissions at in Montgomery Township, Montgomery County. This facility is a Synthetic Minor. Emissions from all the sources will be cap to 23 tons of NOx per year. The Plan approval will contain recordkeeping and operating restriction 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.

39-00004: Mack Trucks, Inc. (7000 Alburdis Road, Macungie, PA) for amendment to their Title V Operating Permit to incorporate the plan approval that was issued on November 4, 2004, to increase the allowable VOC emission limits for the cab color booth/undercoat and cab color bake oven and to include an elective restriction for facility wide Hazardous Air Pollutants (HAPs) emissions in Lower Macungie Township, Lehigh County. The maximum allowable VOC emissions for the cab color booth/undercoat and cab color bake oven will increase from 76.6 to 101.5 tons per year. The permittee has taken an elective restriction on HAPs for the entire facility not to exceed 10 tons and 25 tons for individual and combined HAPs, respectively. The Plan Approval and Operating Permit will contain additional recordkeeping and reporting requirements designed to ensure compliance with all applicable air quality requirements.

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

41-310-001I: Hanson Aggregates (PA), Inc. (2200 Springfield Pike, Connellsville, PA 15425) for construction of a 200 ton per hour Bar Mark Vertical Shaft Impactor (VSI) model Mak MK II crusher at their Pine Creek quarry in located in Limestone Township, Lycoming County.

The Department of Environmental Protection's (Department) review of the information submitted by Hanson indicates that the source constructed will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the Department's best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the Federal New Source Performance Standards of 40 CFR Part 60, Subpart OOO, 60.670—60.676.

Based upon this finding, the Department proposes to issue plan approval for the construction of a 200 ton per hour Bar Mark VSI model Mak MK II crusher. Additionally, if the Department subsequently determines that the respective air contamination source is being operated and maintained in accordance with the conditions of the plan approval as well as all applicable regulatory requirements, the conditions established in the plan approval will be incorporated into the State only operating permit by means of administrative amendment in accordance with 25 Pa. Code § 127.450. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

1. The Bar Mark VSI crusher shall only be used to process washed (wet) stone. The crusher shall not process more than 200 tons per hour of material. The permittee shall maintain records of the amount of material processed through the crusher on a monthly basis.

2. The operation of the Bar Mark VSI crusher shall not result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa Code § 123.1.

3. The total particulate matter emissions from the Bar Mark VSI crusher shall not exceed 1.05 tons in any 12 consecutive month period.

4. The Bar Mark VSI crusher is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676, and shall comply with all applicable requirements of this subpart. The submission of all requests, reports, applications, submittals and other communications relating to the Bar Mark VSI crusher shall be made available to the Department and the United States Environmental Protection Agency as required by 40 CFR 60.4.

47-00011A: Hanson Aggregates (PA), Inc. (2200 Springfield Pike, Connellsville, PA 15425) for construction of a 140 ton per hour Fisher Industries model 13-449 air separator and two associated 30" wide conveyors (identified as C-27 and C-28) for their Milton quarry located in located in Limestone Township, **Montour County**. The respective facility is a minor facility for which a State Only operating permit (47-00011) has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Hanson indicates that the source constructed will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the Federal New Source Performance Standards of 40 CFR Part 60, Subpart 000, 60.670—60.676.

Based upon this finding, the Department proposes to issue plan approval for the construction of the air separator and conveyors. Additionally, if the Department subsequently determines that the respective air contamination sources are being operated and maintained in accordance with the conditions of the plan approval as well as all applicable regulatory requirements, the conditions established in the plan approval will be incorporated into the State only operating permit via administrative amendment in accordance with 25 Pa. Code § 127.450. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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. Wide-angle spray nozzles shall be located at the discharge of the air separator and the discharge points of conveyors C-27 and C-28 shall be operated on any and all occasions that the respective sources are operated. Operation without simultaneous operation of the water spray dust suppression system can take place only in those unusual instances where processed materials contain sufficient moisture so as not to create air contaminant emissions in excess of 25 Pa. Code § 123.1. If, however, the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the permittee may not operate the sources.

2. The operation of the Fisher air separator and conveyors C-27 and C-28 shall not result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code § 123.1.

3. The air separator shall not process more than 140 tons of material per hour. The permittee shall maintain records of the amount of material processed through the air separator on a monthly basis.

4. Conveyor C-28 shall be covered from its feed to discharge point.

5. The total particulate matter emissions from the air separator and associated conveyors shall not exceed 2.89 tons in any 12 consecutive month period.

6. The Fisher air separator and associated conveyors are subject to subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676, and shall comply with all applicable requirements of this subpart. The submission of all requests, reports, applications, submittals and other communications relating to the air separator and its associated conveyors shall be made available to the Department and the United States Environmental Protection Agency as required by 40 CFR 60.4.

OPERATING PERMITS

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

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

06-05069G: East Penn Mfg. Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) for construction of two lead oxide mills each controlled by a cyclone, fabric collector and HEPA filter in Richmond Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The plan approval will include restrictions, monitoring, work practices, testing, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility is currently covered by the Operating Permit No. 06-1069 and the Title V Operating Permit Application No. 06-05069. The plan approval will be incorporated into the application.

36-05026: R. R. Donnelley and Sons Co. (1375 Harrisburg Pike, Lancaster, PA 17601) for operation of printing presses controlled by a regenerative thermal oxidizer at their Lancaster West facility in Lancaster City, **Lancaster County**. This action is a renewal of the Title V Operating Permit issued in 2000. The major emissions at the printing facility are VOCs and HAPs from the solvents in the inks. The renewal permit includes the requirements contained in the original Title V Operating Permit as well as additional Compliance Assurance Monitoring practices.

36-05138: Quality Custom Cabinetry, Inc. (125 Peters Road, New Holland, PA 17557) for operation of a wooden cabinet manufacturing facility in Earl Township, **Lancaster County**. This previously was permitted as a synthetic minor facility and now a Title V facility due to increases in production. The emissions at the woodworking facility shall be limited to less than 75 tons per year of VOCs, 10 tons of a single HAP and 25 tons of combined HAPs. The permit includes recordkeeping, reporting and work practice requirements to keep the facility operating within all applicable air quality regulations.

06-05042: Hanover Foods Corp. (P. O. Box 334, Hanover, PA 17331) for operation of a vegetable canning facility in Penn and Heidelberg Townships, **York County**.

This action is a renewal of the Title V Operating Permit issued in 2000. The major emissions at the cannery are NO_x and SO_x resulting from four boilers. The renewal permit includes the requirements contained in the original Title V Operating permit as well as additional monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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.

09-00050: Hanson Aggregates BMC, Inc. (1900 Sullivan Trail, Easton, PA 18044) for operation of a Hot Mix Asphalt facility in Wrightstown Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The major sources of air emissions are two Asphalt Plants, a portable crushing circuit and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

35-00054: Bardane Manufacturing Co. (P. O. Box 70, Delaware Street, Jermyn, PA 18433-0070) for a State Only Operating Permit for a facility in Jermyn Borough, **Lackawanna County**. The sources at the facility include one zinc smelting oven and one burn tank (evaporator). Both sources are natural gas fired and controlled by a wet scrubber. The sources do not have the potential to emit major quantities of regulated pollutants above Title V thresholds. The proposed State Only Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

40-00088: Pennsy Supply, Inc. (1 Clear Spring Road, Annville, PA 17003) for a quarry/stone crushing plant in Salem Township, **Luzerne County**. The facility's main sources include stone crushing, screening and conveying equipment. The facility has the potential to emit PM, VOCs, hazardous air pollutants, NO_x, SO_x and CO below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

40-00041: Back Mountain Veterinary Hospital (732 Center Hill Road, Dallas, PA 18612) for a Natural Minor Operating Permit for operations at their facility in Dallas Township, **Luzerne County**. The main source at their facility is a No. 2 fuel oil/diesel fuel fired animal crematorium. The source does not have the potential to emit major quantities of regulated pollutants above Title V thresholds. The proposed Natural Minor Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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 parts to a nonmetallic mineral crushing plant controlled by wet suppression and a diesel engine/generator controlled by combustion controls in Alsace Township, **Berks County**. The facility is a non-Title V (State-only) facility. Some of the equipment will be subject to 40 CFR Part 60, Subpart 000, Standards of Performance for New Stationary Sources. The approval will include emission limits for the engine/generator. The approval will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

67-03128: Bookspan, Inc. (501 Ridge Avenue, Hanover, PA 17331) for operation of their book distribution facility in Penn Township, **York County**. The facility has the following potential annual emissions: 39 tons SO_x, 14 tons NO_x, 3 tons PM₁₀ and 2 tons CO. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

20-00232: Meadville Plating Co., Inc. (10775 Franklin Pike, Meadville, PA 16335) for a hard chromium electroplating operation in West Mead Township, **Crawford County**.

20-00291: Taylor-Ramsey Corp. (631 West Central Avenue, Titusville, PA 16354) for operation of a wood-fired boiler at a lumber processing facility at their Spears Division Plant located in the City of Titusville, **Crawford County**.

10-00319: Main Steel Polishing (6 Whitney Drive, Harmony, PA 16037) for the polishing of stainless steel in the City of Harmony, **Butler County**.

25-00268: Steris Corp. (2424 West 23rd Street, Erie, PA 16506) for manufacturing of hospital equipment and sterilizers in the City of Erie, **Erie County**.

25-00974: Hi-Tech Plating Co., Inc. (1015 West 18th Street, Erie, PA 16502) to perform hard chromium electroplating operations in the City of Erie, **Erie County**.

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

S04-007: Albert Einstein Medical Center (5501 Old York Road, Philadelphia, PA 19141) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 300 HP boilers, a 900 HP boiler, a 10.5 mmBtu/hr co-gen unit, a 1,225 kW peak shaving generator and nine emergency generators.

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

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

N05-001: Jerith Manufacturing Company, Inc. (14400 McNulty Road, Philadelphia, PA 19154) for the operation of a aluminum fencing manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers and three emergency generators.

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

Persons who wish to file protest or comments on the 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**

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

The following permit applications to conduct mining activities have been received by the Department of Envi-

ronmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

Effluent Limits

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

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

¹The parameter is applicable at all times.

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

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

30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville No. 2 Mine in Gilmore Township, **Greene County** for the M North Mains Shaft and Substation Site. Surface Acres Proposed 17.2. No additional discharges. Application received February 25, 2005.

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

56040102 and NPDES No. PA0249564. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, revision of an existing bituminous surface mine to add mining activities on the Little Pittsburgh coal seam in Brothersvalley Township, **Somerset County**, affecting 51.3 acres. Receiving streams: Swamp Creek, UNTs to Swamp Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 18, 2005.

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

26970103 and NPDES Permit No. PA0201961. Piccolomini Contractors, Inc. (P. O. Box 4, Waltersburg, PA 15488). Revision for an additional 4.5 acres to an existing bituminous surface mine, located in Franklin Township, **Fayette County**, affecting 53 acres. Receiving stream: unnamed tributary to Redstone Creek, classified for the follow use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: April 21, 2005.

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

24673003 and NPDES Permit No. PA0119849. Tamburlin Bros. Coal Co., Inc., (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous strip, auger and use of a coproduct operation in Fox Township, **Elk County** affecting 56.2 acres. Receiving streams: Limestone Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 11, 2005.

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

40940203R2. Hudson Anthracite, Inc., (202 Main Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation in Jenkins Township, **Luzerne County** affecting 165.3 acres, receiving stream: none. Application received April 18, 2005.

Coal Applications Withdrawn

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

56050101 and NPDES Permit No. PA0249696. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 299.2 acres. Receiving streams: UNTs to/and Casselman River UNTs to/and Stony Batter Run classified for the following uses: WWF and CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2005. Permit Withdrawn April 12, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 mg/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.

7174SM1C5 and NPDES Permit No. PA0009407. Hempt Bros., Inc., (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Steelton Borough and Swatara Township, **Dauphin County**, receiving stream: Susquehanna River, classified for the following use: WWF. Application received April 21, 2005.

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 and 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.

E23-450. County of Delaware, Government Center Building, Room 206, 201 West Front Street, Media, PA 19063-2788, Marple, Upper Providence Townships, **Delaware County**, ACOE Philadelphia District.

Delaware County Bridge No. 47 Replacement Project

To construct and maintain a single span prestressed concrete spread box beam bridge with a clear span of 55 feet and an underclearance of approximately 4.83 feet and an overflow pipe with a length of 40 feet and a diameter of 24 inches to replace the existing structures, which span Crum Creek (WWF). The work will include the following activities:

1. To impact approximately 50 feet of Crum Creek (WWF) for the construction of the bridge abutments, wingwalls and other appurtenant structures.

2. To place fill and impact 0.017 acre of wetland "A" (PEM) for the widening of Crum Creek Road. The amount of wetland impact is considered a de minimis impact and wetland mitigation is not required.

3. To construct and maintain a stormwater outfall within the floodway of Crum Creek (WWF) to pair with an additional stormwater inlet for runoff deriving from super-elevation extension associated with modification to the Crum Creek and Waters Edge Roads.

4. To perform various grading activities to accommodate the provision of the new abutment and extension of the new bridge span.

5. To install a temporary cofferdam to facilitate the free flow of the stream during construction.

6. To place approximately 25 cubic yards of rip rap at the base of the abutments to protect against scour.

The project will temporarily impact 200 feet of stream and permanently impact approximately 50 feet of stream and 0.017 acre of wetland. The project site is located along Crum Creek Road (T-421) approximately 0.4 mile north of the intersection of Crum Creek and Waters Edge Roads with Maple Township on the east side and Upper Providence Township on the west side, Delaware County (Media, PA Quadrangle N: 12.17 inches; W: 0.03 inch).

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

E52-200. John S. and Patricia J. McKay, 112 Masthope Avenue, Lackawaxen, PA 18435, in Lackawaxen Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a two-span private bridge, having an overall span of 80 feet and an underclearance of approximately 8 feet, across Masthope Creek (HQ-CWF). The mid pier will be located outside of the normal flow channel. The crossing will replace an existing ford crossing. The project is located approximately 2,000 feet upstream of the confluence of Masthope Creek and the Delaware River. (Narrowsburg, NY-PA Quadrangle N: 7.0 inches; W: 4.4 inches).

E40-649. Oley Creek Watershed Association, Inc., P. O. Box 412, Drums, PA 18222, in Dennis Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Oley Creek (CWF), utilizing a 48-inch culvert; and to reconstruct approximately 175 linear feet upchannel in the vicinity of the culvert, utilizing boulder weir structures and boulder bank revetment. The project is located approximately 1,200 feet upstream of the confluence of the tributary with Oley Creek and approximately 2,500 feet upstream of the Beach Mountain Lake Reservoir. (Freeland, PA Quadrangle N: 9.1 inches; W: 4.9 inches).

E13-145. Northeast Pharmacy Services, 600 Industrial Road, P. O. Box 97, Nesquehoning, PA 18240, in Nesquehoning Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a gravel truck turn-around area and an outfall structure consisting of an 18-inch diameter pipe, endwall and riprap apron in the floodway of Broad Run (HQ-CWF). The project is located immediately northwest of Industrial Road and Forest Hollow Road. (Nesquehoning, PA Quadrangle N: 19.7 inches; W: 15.0 inches).

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

E34-115. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830 in Port royal Borough, Turbett Township and Milford Township, **Juniata County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a three span bridge with a total clear span of 253 feet on a 45° skew with a minimum underclearance of 18.6 feet across Tuscarora Creek (CWF) and associated improvements on SR 0075, Section A02, Segment 0630, Offset 0000 to improve the traffic safety condition of the road located in Port Royal Borough (Mifflintown, PA Quadrangle N: 5.0 inch; W: 2.36 inches) in Port Royal Borough, Milford and Turbett Townships, Juniata County.

E36-795. Paradise Township, P. O. Box 40, Paradise, PA 17562 in Paradise Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain an 8-foot by 24-foot wooden covered bridge over the mill race of Eshleman Run (CWF) (New Holland, PA Quadrangle N: 0.9 inch; W: 16.4 inches) in Paradise Township, Lancaster County.

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

E14-474. Houtzdale Municipal Authority, 561 Kirk Street, P. O. Box 97, Houtzdale, PA 16651. Mountain Branch Upper Intake, in Rush Township, **Centre County**, ACOE Baltimore District (Houtzdale, PA Quadrangle N: 4.1 inches; W: 7.4 inches).

To reroute Mountain Branch to improve water intake capability by removing 166 cubic yards of earthen deposits from the left stream bank and place No. 4 stone riprap on 70 linear feet of the right stream bank to straighten the approach to the intake and stabilize the area with riprap located 7,000 feet up Mountain Branch from the confluence of Trim Root Run into Mountain Branch. The project proposes to impact 100 linear feet of Mountain Branch, which is a HQ-CWF with no wetland impacts.

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

E02-1495. Lowe's Home Improvement Center, Inc., P. O. Box 1111, N. Wilkesboro, NC 28656. To place fill in wetlands in Richland Township, **Allegheny County**, Pittsburgh ACOE District. (Glenshaw, PA Quadrangle N: 21.5 inches; W: 9.9 inches and Latitude: 40° 37' 6"—Longitude: 79° 56' 47"). The applicant proposes to place and maintain fill in 0.22 acre of wetlands (PEM) as part of a proposed Lowe's Home Improvement Center located at the Richland Mall. The project is located along the west side of the Route 8 and Pioneer Road intersection. To mitigate for the wetland impacts the applicant proposes to pay into the Wetland Replacement Fund.

E02-1496. Verona Borough, 736 Railroad Avenue, Verona, PA 15147. To expand an existing dock on the Allegheny River in Verona Borough, **Allegheny County**, Pittsburgh ACOE District. (Braddock, PA Quadrangle N: 22.0 inches; W: 13.6 inches and Latitude: 40° 29' 45"—Longitude: 79° 50' 52"). The applicant proposes to construct and maintain an expansion to an existing boat dock along the left bank of the Allegheny River (WWF) near River Mile 10.5. This permit will replace the applicants existing General Permits GP020204203 and GP030204296 and will cancel the Submerged Lands License Agreement for the General Permit for the boat dock.

E04-311. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To remove and replace a bridge in Hopewell Township, **Beaver County**, Pittsburgh ACOE District. (Aliquippa, PA Quadrangle N: 18.2 inches; W: 7.7 inches and Latitude: 40° 36' 1"—Longitude: 80° 18' 20"). The applicant proposes to remove the existing Green Garden Road Bridge and construct and maintain a new bridge having a span of 120.23 feet with an underclearance of 10.2 feet across the channel of Raccoon Creek (WWF) for the purpose of improving highway safety. The project is located on SR 3016, Section B02, Station 504+88.94 at

the intersection of Green Garden Road, Service Creek Road, Todd Road and Mill Street and will impact 210.0 linear feet of stream channel.

E32-470. Todd Heming, Indiana County Airport Authority, 801 Water Street, Indiana, PA 15701. To place fill in wetlands and to construct two stream enclosures in White Township, **Indiana County**, Pittsburgh ACOE District. (Clymer, PA Quadrangle N: 1.3 inches; W: 14.3 inches and Latitude: 40° 38' 56"—Longitude: 79° 6' 20"). The applicant proposes to place and maintain fill in 0.29 acre of wetlands and to construct and maintain two stream enclosures for a total length of 284 feet in two unnamed tributaries to Ramsey Run (CWF) for the purpose of relocating SR 1001 (Geesey Road) as part of safety improvement of Indiana County Jimmy Stewart Airport.

E63-572. Carole Koerbel, 312 Dillo Road, Clinton, PA 15026. To construct a residential bridge in Hanover Township, **Washington County**, Pittsburgh ACOE District. (Burgettstown, PA Quadrangle N: 16.5 inches; W: 0.9 inch and Latitude: 40° 27' 57"—Longitude: 80° 22' 52"). The applicant proposes to construct and maintain a bridge having a span of 12.0 feet with an underclearance of 10.0 feet across the channel of Dilloe Run (WWF) for the purpose of providing access to applicant's property. The project is located approximately 5,100.0 feet upstream from the confluence of said stream and Raccoon Creek and will impact 14.0 linear feet of stream channel.

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

E27-044A. Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. West Hickory Bridge Across Allegheny River, in Harmony Township and Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 12.7 inches; W: 4.2 inches).

The applicant proposes to remove the existing structure and to construct and maintain a three span, steel girder bridge having span lengths of 210 feet (west span), 320 feet (center span) and 230 feet (east span) and a minimum underclearance of 26.0 feet across the Allegheny River on SR 0127, Section B00 approximately 0.1 mile west of the intersection of SR 0127 and SR 62. Project includes a construction causeway downstream of the proposed bridge. The Allegheny River is a perennial stream classified as a WWF. The project proposes to impact approximately 100 linear feet of stream.

E27-077. Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. West Hickory Bridge Across Allegheny River, in Harmony Township and Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 12.7 inches; W: 4.2 inches).

The applicant proposes to remove the existing structure and to construct and maintain a three span, steel girder bridge having span lengths of 210 feet (west span), 320 feet (center span) and 230 feet (east span) and a minimum underclearance of 26.0 feet across the Allegheny River on SR 0127, Section B00 approximately 0.1 mile west of the intersection of SR 0127 and SR 62. Project includes a construction causeway downstream of the proposed bridge. The Allegheny River is a perennial stream classified as a WWF. The project proposes to impact approximately 100 linear feet of stream.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0112755	Betty Williams R. D. 1, Box 308 Gaines, PA 16921	Tioga County Gaines Township	UNT to Pine Creek (9A)	Y
PA0024104 SP	Spring Township Municipal Authority P. O. Box 133 Beaver Spring, PA 17812	Snyder County Spring Township	Beaver Creek 6A	Y
PA0112330	Country Squire Mobile Home Park Melvin G. Rummings 290 Tochter Street Jersey Shore, PA 17740	Woodward Township Lycoming County	Antes-Lycoming Creeks (10A)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113719 Sewerage Public	Perry Township Municipal 9351 State Route 35 Mt. Pleasant Mills, PA 17853	Snyder County Perry Township	North Branch Mahantango Creek 6C	Y
PA0209058 SP	Montour Townhship 195 Rupert Road Bloomsburg PA 17851	Columbia County Montour Township	Fishing Creek 5C	Y
PA0110124	Harvest Moon Mobile Home Park David A Liberti 38 Harvest Moon Park Linden, PA 17744	Woodward Township Lycoming County	Antes-Lycoming Creeks (10A)	Y
PA0228150 IW	Embassy Powdered Metals, Inc. P. O. Box 344 Emporium, PA 15834	Emporium Borough Cameron County	Driftwood Branch Sinnemahoning Creek 8-A	Y
PA0228184	J & D Campground, LLC 973 Southern Drive Catawissa, PA 17820	Franklin Township Columbia County	Roaring Creek 5E (Catawissa—Roaring Creeks)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217751 Industrial Waste	Borough of Sewickley Water Authority P. O. Box 190 Sewickley PA 15143	Allegheny County Osborne Borough	Tributary to the Ohio River	Y
PA0218545 Sewage	Quecreek Mining Inc. 1576 Stoystown Road Friedens, PA 15541	Somerset County Lincoln Township	UNT of Quemahoning Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221848	United States Department of Agriculture Allegheny National Forest Willow Bay Recreation Area 222 Liberty Street P. O. Box 847 Warren, PA 16365-2304	Corydon Township Warren County	UNT to Allegheny River 16-B	Y
PA0025551	United States Department of Agriculture Allegheny National Forest Dew Drop Recreation Area 222 Liberty Street P. O. Box 847 Warren, PA 16365-2304	Mead Township Warren County	UNT to Allegheny River 16-E	Y
PA0025534	United States Department of Agriculture Allegheny National Forest Kiasutha Recreation Area 222 Liberty Street P. O. Box 847 Warren, PA 16365-2304	Hamilton Township McKean County	UNT to Allegheny River 16-B	Y
PA0025542	United States Department of Agriculture Allegheny National Forest Kinza Beach Recreation Area 222 Liberty Avenue P. O. Box 847 Warren, PA 16365-2304	Mead Township Warren County	UNT to Allegheny River 16 -B	Y

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

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

NPDES Permit No. PA0058904, Industrial Waste, **Glenside Ready Mix Concrete Company**, 800 Fitzwatertown Road, Willow Grove, PA 19090. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for a new discharge into an UNT to Pennypack Creek in Watershed 3J.

NPDES Permit No. PA0058866, Industrial Waste, **Blommer Chocolate Company**, P. O. Box 45, 1101 Blommer Drive, East Greenville, PA 18041-0045. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for a new discharge into an UNT to Perkiomen Creek in Watershed 3E.

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

NPDES Permit No. PA0026638, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611-1513. This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Wyomissing Creek in Watershed 3-C.

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

PA0043681, Sewage, SIC 4952, **Valley Joint Sewer Authority**, One South River Street, Athens, PA 18810. This proposed facility is located in Athens Borough, **Bradford County**.

Description of Proposed Activity: The Authority is applying to renew the existing NPDES permit. The annual average design flow will remain at 2.25 mgd. No changes to the facility are being made at this time.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 4B and is classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River, 151.35 miles below the point of discharge at Danville, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25.

<i>Discharge Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)		200 col/100 mL as a geometric mean		
(10-1 to 4-30)		2,000 col/100 mL as a geometric mean		
pH		Within the range of 6.0 to 9.0		

PA0228851, CAFO (SIC 0213), **Country View Family Farms**, R. D. 2, Box 54A, Columbia Crossroads, PA 16914. This proposed facility will be located in Columbia Township, **Bradford County**.

Description of Proposed Activity: Permit was issued to Country View Family Farms for the new swine operation (at Van Blarcom Farms) will consist of a breeding and gestation barn, a farrowing barn, a grower barn, a solids separating area, a stacking area and manure storage ponds. Manure will be conveyed from under-barn storages to solids separating area, where solids will be removed and liquids will be further conveyed to the manure storage ponds. The manure storages will have HDPE liners and leak detection systems. The two manure storages will have a total storage of 2,754,100 gallons. All manure will be land applied on lands operated by Van Blarcom Farms. Total AEUs at the site will be 1,316.3.

The nearest stream, North Branch Sugar Creek, is in the State Water Plan watershed 4C and is classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO individual permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

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

NPDES Permit No. PA0002372, Industrial Waste, **Honeywell Specialty Wax and Chemicals, Farmers Valley Plant**, 45 Route 446, Smethport, PA 16749. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Potato Creek in Watershed 16-C.

NPDES Permit No. PA0002674, Industrial Waste, **American Refining Group—Bradford Refinery**, 77 North Kendall Avenue, Bradford, PA 16701. This proposed facility is located in Bradford City and Foster Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Tunungwant Creek and Foster Brook in Watershed 16-C.

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

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

WQM Permit No. 4604418 Sewerage, **Rivercrest Community Association**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station to serve 78 units in the Phase II subdivision.

WQM Permit No. 0905402 Sewerage, **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Action/Activity: Removing and replacing two existing sewage pumps and motors and existing concrete wetwell top and modifications of electrical and pump control system.

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

WQM Permit No. 0804202, CAFO Operation (SIC 0213), **Van Blarcom Farms**, R. D. 2, Box 54A, Columbia Crossroads, PA 16914. This proposed facility will be located in Columbia Township, **Bradford County**.

Description of Proposed Activity: Permit was issued to Van Blarcom Farms for the swine operation, which will consist of a breeding and gestation barn, a farrowing barn, a grower barn, a solids separating area, a stacking area and manure storage ponds. Manure will be conveyed from under-barn storages to solids separating area, where solids will be removed and liquids will be further conveyed to the manure storage ponds. The manure storages will have HDPE liners and leak detection systems. The two manure storages will have a total storage of 2,754,100 gallons. All manure will be land applied on lands operated by Van Blarcom Farms. Total AEUs at the site will be 1,316.3.

WQM Permit No. 4704404 Sewage 4952, **Borough of Danville**, 239 Mill Street, Danville, PA 17821. This proposed facility is located in Danville Borough, **Montour County**.

Description of Proposed Action/Activity: The applicant applied for a re-rating of the sewage plant organic load from 5,980 to 9,812 pounds per day.

WQM Permit No. 1988401-T2, Sewerage 4952, **Margaret Sassaman and Brian Rhodomoyer**, 3014 State Rt. 487, Orangeville, PA 17859. This facility is located in Fishing Creek Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of a WQM Part II Permit for small flow sewage treatment facilities serving a single residence.

WQM Permit No. WQM1805201, CAFO Operation, **Schrack Farms Partnership**, 860 West Valley Road, Loganton, PA 17747. This proposed facility is located in Greene Township, **Clinton County**.

Description of Proposed Action/Activity: A permit has been issued for the construction of an anaerobic digester manure processing system in which solids will be digested while producing energy.

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

WQM Permit No. WQG018368, Sewerage, **Darcell L and Matthew G. Duda**, P. O. Box 83, Conneautville, PA 16406. This proposed facility is located in Beaver Township, **Crawford County**.

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

WQM Permit No. WQG018363, Sewerage, **Patricia A. and Thomas W. Peckham, Moon Meadows Deli and Pizza**, 9915 Station Road, Erie, PA 16510. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Small Flow Sewage Treatment Plant for a restaurant.

WQM Permit No. 4304414, Sewerage, **Reynolds Disposal Company**, 301 Arlington Drive, Greenville, PA 16125. This proposed facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Construction/modification/operation of sewerage wastewater facilities.

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

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504090	Great Valley School District Sugartown Elementary School Addition 47 Church Road Malvern, PA 19355	Chester	Willistown Township	Crum Creek (EV)
PAI012305001	International Diversified Investments P. O. Box 1127 Edgemont, PA 19028	Delaware	Edgemont Township	Ridley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024005001	Michael Twigg P. O. Box 8451 Harrisburg, PA 17105	Luzerne	Fairmount Township	Kitchen Creek HQ-CWF
PAS10U131R	Charles Chrin 400 South Greenwood Ave. Easton, PA 18045	Northampton	Palmer Township	Bushkill Creek HQ-CWF
PAI024804044	Wagner Enterprises, Ltd. P. O. Box 3154 Easton, PA 18043	Northampton	City of Bethlehem	Saucon Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404018	Gary P. Ream Sports Management Group Inc. 134 Sports Camp Drive Woodward, PA 16882	Centre	Haines Township	UNT Pine Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103713(1)	Lawrence County Conservation District 430 Court Street New Castle, PA 16101-4262	Lawrence	New Beaver Borough	North Fork Little Beaver Creek HW-CWF
PAI061005001	Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023-2299	Butler	Jefferson Township	UNT Little Buffalo Creek HQ-TSF

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

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

List of NPDES and/or Other General Permit Types

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

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Parkeshburg Borough Chester County	PAR10G388-R	JB Brandolini, Inc. Parkeshburg Knoll 1200 Burning Bush Lane West Chester, PA 19380	UNT Buck Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG2001505001	West Chester Area School District Henderson North Athletic Fields 1181 McDermott Drive West Chester, PA 19380	Taylor Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Delaware County	PAR10J248-1	Aqua PA 762 West Lancaster Avenue Bryn Mawr, PA 19010	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Delaware County	PAR10J003-1R	Henderson Group 112 Chesley Drive, Suite 200 Media, PA 19063	Long Hook Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004604178	Godshall Quality Meats 675 Mill Road Telford, PA 19438	Indian Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604177	Piazza Family Limited Partnership Pottstown Honda 401 South Schuylkill Avenue Norristown, PA 19401	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004604191	Tab Development 133 Old Gulf Road Development 529 Fayette Street Conshohocken, PA 19428	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Collegeville Borough Montgomery County	PAG2004605002	JBT Associates, Inc. Linck Tract 3953 Ridge Pike P. O. Box 26823 Collegeville, PA 19426	UNT Perkiomen Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004604232	North Wales Water Authority Merck Phase II Pipeline Projects 200 West Walnut Street North Wales, PA 19454	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004604236	Mikelen, LLC Burnside Avenue Development 2965 West Germantown Pike Fairview Village, PA 19409	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

2793

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Horsham Township Montgomery County	PAG2004604217	Terrance Tumolo Commonwealth National Golf Course 250 Babylon Road Horsham, PA 19044	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004605026	Skrolling Stone Associates, LP Desage Tract 156 South Bethlehem Pike Ambler, PA 19002	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newton Township Lackawanna County	PAG2003505009	Robert Doble Department of Transporations District 4-0 P. O. Box 111 Scranton, PA 18501	Falls Creek CWF	Lackawanna County Cons. Dist. (570) 281-9495
Blakely Borough Lackawanna County	PAG2003505006	Phillip Sladicka 200 Delaware St. Olyphant, PA 18447	Hull Creek CWF	Lackawanna County Cons. Dist. (570) 281-9495
Northampton Borough Northampton County	PAG2004805001	Ashley Development Corp. 559 Main St. Bethlehem, PA 18018	Hokendauqua Creek CWF	Northampton County Cons. Dist. (610) 746-1971
Mahoning Township Carbon County	PAG2001305003	H & H Development Group 6466 Riverview Rd. Slatington, PA 18080	Beaver Run CWF	Carbon County Cons. Dist. (610) 377-4894
Pine Grove Township Schuylkill County	PAG2005404037	Newstead Development, LLC P. O. Box 163 100 Hammersmith Dr. Pine Grove, PA 17963	Swatara Creek CWF	Schuylkill County Cons. Dist. (570) 622-3742
Berwick Township Adams County	PAR100156	Charles Goodhart Department of Transportation 2140 Herr St. Herr, PA 17103	Pine Run WWF	Stefani Pililis Adams County Conservation District (717) 334-5171
Littlestown Borough Adams County	PAG2000105006	Miriam Pfaff 450 North Queen St. Littlestown, PA 17340	Alloway Creek WWF	Stefani Pililis Adams County Conservation District (717) 334-5171
Berwick Township Adams County	PAR100156	Ron Noble B & D Development 605 Gitts Run Rd. Hanover, PA 17331	UNT to South Branch Conewago Creek WWF	Stefani Pililis Adams County Conservation District (717) 334-5171
Lower Paxton Township, Dauphin County	PAG2002204019	Lower Paxton Township Authority 425 Prince St. Harrisburg, PA 17109	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township, Dauphin County	PAG2002205005	Phoenix Investors 633 Fishing Creek Valley Rd. Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Swatara Township, Dauphin County	PAG2002205019	Kinsley Construction, Inc. 2700 Water St. York, PA 17405	Laurel Run WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Swatara Township, Dauphin County	PAG2002205004	Brian Morgan 306 Linn St. Harrisburg, PA 17109	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Swatara Township, Dauphin County	PAG2002205023	Morgan Brothers Construction 306 Linn St. Harrisburg, PA 17109	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Penn Township Lancaster County	PAG20036040791	Fox Clearing, LLC 214A Willow Valley Lakes Dr. Willow Street, PA 17584	Little Conestoga Creek, Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Brecknock Township Lancaster County	PAG2003604102	A C Homes 965 Park Rd. Blandon, PA 19510	UNT to Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003604119	Lasco Bathware 8101 E. Kaiser Blvd. Anaheim, CA 92808	UNT to Conewago Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003604124	Joseph W Overmeyer 2356 Mount Pleasant Rd. Mount Joy, PA 17552	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Borough Lancaster County	PAG2003604125	Turkey Hill LP 257 Centerville Rd. Lancaster, PA 17608	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Cocalico Township Lancaster County	PAG2003604127	Dave Norcini 7 Kates Glen Paoli, PA 19301	Stony Run WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003605005	Wengers Feed Mill Inc. 101 West Harrisburg Ave. Rheems, PA 17570	UNT to Donegal Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Borough Lancaster County	PAG2003605006	Washaw Capital 2137 Embassy Dr. Suite 113 Lancaster, PA 17608	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5

NOTICES

2795

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bart Township Lancaster County	PAG2003605010	Sameul L Glick 1321 Georgetown Rd. Quarryville, PA 17566	UNT to Nickel Mines Run WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Delaware Township Juniata County	PAG2033405001	Department of Transportation 1924-30 Daisy St. P. O. Box 342, Clearfield, PA 16830	Cocolamus Creek TSF	Juniata County Conservation District R. R. 2 Box 302 Mifflintown, PA 17059 (717) 436-8953, Ext. 5
Spring Grove Borough York County	PAG2006704122	Spring Forge Development Mike Jeffers 2700 Water Street P. O. Box 2886 York, PA 17405	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006704104	Mark Shaffer Pro Pallet, LLC 1730 Butter Road Dover, PA 17315	Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006705009	Kenneth Snyder, Jr. 4050A Carlisle Road Dover, PA 17315	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Paradise Township York County	PAG2006704108	Paul Burkentine Stone Ridge Development 200 E. Water Street Abbottstown, PA 17301	Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Centre County Boggs Township	PAG2001405004	Oak Hill Estates, Phase II Steve MacNamara 400 Bush Hollow Rd. Julian, PA 16844	Moose Run/Bald Eagle Creeks CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA (570) 784-1310
Columbia County South Centre Township	PAG2001905004	Central Columbia Sch. Dist. Ralph DeFrain 4777 Old Berwick Rd. Bloomsburg, PA 17815	UNT Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA (570) 784-1310
Columbia County Montour Township	PAG2001905007	Columbia County Commissioners Court House 35 West Main St. Bloomsburg, PA 17815	Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA (570) 784-1310
Bradford County Athens Township	PAG2000805004	Columbia Natural Resources, LLC P. O. Box 6070 Clarkestown, WV 25362	Wolcott Creek WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (814) 265-5539
Cambria County Portage Township	PAG2001105004	Cambria County Commissioners 200 South Center St. Ebensburg, PA 15931	Little Conemaugh River (CWF)	Cambria County CD (814) 472-2120

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Fayette County Menallen Township	PAG2002604036	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Monongahela River (WWF)	Fayette County CD (724) 438-4497
Fayette County Redstone Township	PAG2002605010	Kenneth Klein 8 North Beeson Avenue Uniontown, PA 15401	Fourmile Run/Dunlap Creek (WWF)	Fayette County CD (724) 438-4497
Washington County Fallowfield Township	PAG2006305013	Frank Gavlic & Sons, Inc. 110 Main Street Bentleyville, PA 15314	Tributary to Pigeon Creek (WWF)	Washington County CD (724) 228-6774
Washington County Peters Township	PAG2006305016	Greg Weimer 206 Hardwood Drive Venetia, PA 15367	Brush Run (WWF)	Washington County CD (724) 228-6774
Butler County Slippery Rock Borough	PAG2001005005	Slippery Rock University Student Housing Slippery Rock University Foundation 1 Morrow Way Slippery Rock, PA 16047	UNT to Slippery Rock Creek CWF	Butler County Conservation District (724) 284-5270
Crawford County Rome and Oil Creek Townships	PAG2002005004	Brian Sprague GLEP 1369 Carltor Road Cochranton, PA 16311	Shirley and Dolly Run, Thompson Creek CWF	Crawford County Conservation District (814) 763-1585
Lawrence County Neshannock and Union Townships	PAG2003704004	Gale Measel, Chairman Neshannock Township Board of Supervisors 3131 Mercer Rd. New Castle, PA 16105	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512
Mercer County City of Hermitage	PAG2004305005	John Hudson Hudson Group, Inc. 2540 Shenango Valley Freeway Hermitage, PA 16148	UNT to Pine Run WWF	Mercer County Conservation District (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Catasauqua Borough Lehigh County North Catasauqua Borough Lehigh County	PAR202231	Phoenix Forging Co. 800 Front Street Catasauqua, PA 18032-2343	Lehigh Canal	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Wilkes-Barre Township Luzerne County	PAR402201	Stericycle, Inc. 1525 Chestnut Hill Road Morgantown, PA 19543	UNT to Spring Run Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Great Bend Township Susquehanna County	PAR212234	Lee Allard Trucking R. R. 1, Box 1484 Great Bend, PA 18821	UNT to Susquehanna River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Lancaster County New Holland Borough Earl Township	PAR803534	Sindall Truck Service Inc. 461 Diller Avenue Building 2, Suite 200 P. O. Box 165 New Holland, PA 17557-0165	UNT to Mill Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

NOTICES

2797

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County Manchester Township	PAR113536	Souriau USA, Inc. 25 Grumbacher Road York, PA 17402	Little Conewago Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Fairview Township	PAR603568	New Cumberland Auto Parts 173 Old York Road New Cumberland, PA 17070	UNT to Yellow Breeches Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Sinking Spring Borough	PAR203512	Hofmann Industries, Inc. 3145 Shillington Road Sinking Spring, PA 19608-0147	UNT to Tulpehocken Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Hanover Borough	PAR203550	Gerard Daniel Worldwide 34 Barnhart Drive Hanover, PA 17331-9586	Oil Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Letterkenny Township	PAR233545	Alex C. Fergusson, Inc. 5000 Letterkenny Road Chambersburg, PA 17201	Muddy Run WWF Rocky Spring Branch TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Westmanchester Township	PAR123527	Frito-Lay, Inc. 3553 Gillespie Drive York, PA 17404	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Altoona City	PAR803676	Gulf Oil Limited Partnership Altoona Terminal 90 Everett Avenue Chelsea, MA 02150-2337	Sugar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Loyalsock Township Lycoming County	PAR704816	Glenn O. Hawbaker, Inc. 711 East College Ave. Bellefonte, PA 16823-6854	Loyalsock Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Genesee Township Potter County	PAR404804	Dominion Transmission, Inc. Ellisburg Compressor Station 685 Pump Station Road Genesee, PA 16923	Rose Lake Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Unity Township Westmoreland County	PAR206147	Kennametal, Inc. 1600 Technology Way P. O. Box 231 Latrobe, PA 15650	UNT to Nine Mile Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Neville Township Allegheny County	PAR706126	Lindy Paving, Inc. R. D. 3, Box 2A New Castle, PA 16105	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Perry County Greenwood Township	PAG043660	Donald L. Campbell, Sr. 237 West Juniata Parkway Millerstown, PA 17062	Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Conoy Township	PAG043725	James and Debra Halbleib 2512 River Road Bainbridge, PA 17502	Stoney Run	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fishing Creek Township Columbia County	PAG044926 Sewerage	Margaret Sassaman and Brian Rhodomoyer 3014 State Rt. 487 Orangeville, PA 17859	Fishing Creek TSF	Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664
Indiana County Cherry Hill Township	PAG046235	Salvatore J. LoPiccolo 1552 Ben Franklin Way Ebensburg, PA 15931	UNT to Yellow Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Waterford Township, Erie County	PAG048338	Marguerite A. Kuhn 882 Hull Road Waterford, PA 16441	UNT to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Beaver Township, Crawford County	PAG049161	Darcell L and Matthew G. Duda P. O. Box 83 Conneautville, PA 16406	UNT to Stone Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township, Warren County	PAG048677	Karen S. and Thomas C. Byler R. R. 2, Box 2188 Russell, PA 16345	UNT to Kiantone Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Ridgway Township, Elk County	PAG048359	Barry B. and Dawn E. Bush 1442 Dill Hill Road Johnsonburg, PA 15845	UNT to Clarion River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dauphin County West Hanover Township	PAG053584	Ray M. and Ruthann Funck 1805 N. Route 934 Annville, PA 17003	Manada Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Jeannette Westmoreland County	PAG056162-A1	Maloy's Amoco 331 Kemerer Drive Greensburg, PA 15601	Tributary of Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-7

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Phone No.</i>
Lancaster County Columbia Borough	PAG073510	Columbia Municipal Authority 308 Locust Street Columbia, PA 17512	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Adams County Bonneauville Borough	PAG083547	Bonneauville Borough Municipal Authority 86 West Hanover Street Gettysburg, PA 17325		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
697 River Road Union County East Buffalo Township	PAG084820	Lewisburg Area Joint Sewer Authority P. O. Box 305 Lewisbug, PA 17837-0305	Lewisburg Area Joint Sewer Authority STP 697 River Road Lewisburg, PA	Northcentral Regional Office (570) 327-3636

General Permit Type—PAG-8 (SSN)

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Allison Farm Biosolids Site Derry Township Westmoreland County	PAG086106-A1	Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor Johnstown, PA 15901	Allison Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Barnhart Farm Biosolids Site Derry Township Westmoreland County	PAG086106-A1	Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor Johnstown, PA 15901	Barnhart Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Phone No.</i>
Franklin County Montgomery Township	PAG093531	S. R. Daley Sons Septic Service 4117 West Weaver Road Greencastle, PA 17225	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Blair County Frankstown Township	PAG093546	Ken Wertz Hauling and Septic Services R. R. 3, Box 365D Hollidaysburg, PA 16648	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County East Donegal Township	PAG103523	Columbia Gas Transmission Corp. 216 Firetower Road Milford, PA 18337	Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 3905501, Public Water Supply.

Applicant	South Whitehall Township Authority 4444 Walbert Avenue Allentown, PA 18104-1699
Borough or Township	South Whitehall Township
County	Lehigh
Type of Facility	PWS
Consulting Engineer	Steven R. Henning, P. E. The Pidcock Company 2451 Parkwood Drive Allentown, PA 18103
Permit to Construct Issued	April 18, 2005

Operations Permit issued to: **Jackson Perry**, 1703 Panther Valley Road, Pine Grove, PA 17963 (PWSID #3546495) Wayne Township, **Schuylkill County** on April

21, 2005, for the operation of facilities approved under construction permit No. 5405501 issued April 13, 2005.

Permit No. Minor Amendment, Public Water Supply.

Applicant	Borough of Jim Thorpe 421 North Street Jim Thorpe, PA 18229
Borough or Township	Jim Thorpe Borough
County	Carbon County
Type of Facility	PWS
Consulting Engineer	Michael J. Daschbach, P. E. Entech Engineering, Inc. 4 South 4th Street P. O. Box 32 Reading, PA 19603
Permit to Construct Issued	April 20, 2005

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

Permit No. 2204508, Public Water Supply.

Applicant	Steelton Borough Authority
Municipality	Steelton Borough
County	Dauphin
Type of Facility	Installation of chlorine booster station, replacement of booster pumps for the high pressure zone and replacement of valving and piping at various locations.
Consulting Engineer	Randolph S Bailey, P. E. Navarro & Wright Consulting Engineers, Inc. 151 Reno Avenue New Cumberland, PA 17070
Permit to Construct Issued:	4/15/2005

Permit No. 2204506, Public Water Supply.

Applicant	Wissahickon Spring Water
Municipality	Williams Township
County	Dauphin
Type of Facility	The addition of a new water source (borehole BH-2) at the Temple Spring bulk water facility.
Consulting Engineer	Thomas G Pullar, P. E. EarthRes Group Inc. P. O. Box 468 Pipersville, PA 18947
Permit to Construct Issued:	4/20/2005

Permit No. 2904501, Public Water Supply.

Applicant	Wells Tannery Water System
Municipality	Wells Township
County	Fulton
Type of Facility	Addition of Wells Nos. 1 and 3 to the Wells Tannery Water System.

Consulting Engineer Jack A Raudenbush, P. E.
Raudenbush Engineering Inc
29 South Union Street
Middletown, PA 17057

Permit to Construct 4/20/2005
Issued:

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

Permit No. 4496031—Amendment 15 (Construction) Public Water Supply.

Applicant **Tulpehocken Spring Water, Inc.**

Township or Borough Benton and Sugarloaf Townships
County **Columbia**

Responsible Official Gary L. Troutman
Tulpehocken Spring Water, Inc.
R. R. 1, Box 114T
Northumberland, PA 17857

Type of Facility Public Water
Supply—Construction

Consulting Engineer Thomas Pullar, P. E. and
Louis Vittorio, P. G.
EARTHRES Group, Inc.
7137 Old Easton Road
P. O. Box 468
Pipersville, PA 18947

Permit Issued Date 4/25/05

Description of Action Use of Group Mountain Springs
source, Sugarloaf Mountain
Spring, as an additional raw
water source of supply for the
existing Oak Park Bottling
Plant. In addition, approval of
construction of pretreatment
facilities, including filtration and
ozonation, pumping facilities and
a 30,000 gallon raw water
storage tank.

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Laporte Borough**

Township or Borough Laporte Borough
County **Sullivan**

Responsible Official Winifred Ferguson
Borough Council President
Laporte Borough
P. O. Box 125, Main Street
Laporte, PA 18626-0125

Type of Facility Public Water
Supply—Construction

Consulting Engineer James Rhoades, Jr., P. E.
Alfred Benesch & Company
400 One Norwegian Plaza
P. O. Box 1090
Pottsville, PA 17901

Permit Issued Date 4/25/05

Description of Action Replace/add water lines and
mains to their system.

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

Proposed Consent Order and Agreement

**North Star Steel and Thirteen Other
Settling Parties, Gilbert Darnley/Petroleum
Recovery Services Site, Greene Township,
Beaver County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a proposed Consent Order and Agreement (CO&A) with North Star Steel and 13 other responsible parties (collectively, Settling Parties). The proposed CO&A resolves the liability of the Settling Parties for reimbursement of costs expended by the Department at property located in Greene Township, Beaver County (Site). At relevant times, Gilbert Darnley owned the Site and conducted there, without proper authorization or permits, the hauling, storage, transfer and disposal of waste under the name Petroleum Recovery Services.

As a result of Darnley's illegal actions, in 1994 the Department conducted a prompt interim response at the Site under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Department's prompt interim response entailed the removal and proper disposal of some 161,000 gallons of hazardous waste contained in more than 1,400 assorted drums, carboys and 5-gallon pails and in some seven excavated storage tanks. Subsequent to that response, the Department conducted further investigation at the Site and, based on that investigation's findings, undertook an interim response under section 501(a) of the HSCA. In the course of its interim response, the Department removed and properly disposed of more than 12,000 tons of buried waste and contaminated soil and more than 2,000 gallons of contaminated surface water.

The Department incurred costs in the amount of \$1,761,757 as the result of its responses at the Site, as outlined previously. The Department determined that the Settling Parties are jointly and severally liable for the Department's expended costs because the Department's responses addressed a release of hazardous substances which in material part were generated by the Settling Parties and for which the Settling Parties arranged disposal. The proposed CO&A calls for payment by the Settling Parties of \$1 million in exchange for the Department's covenant not to sue.

Under section 1113 of the HSCA (35 P. S. § 6020.1113), the Department is publishing notice of the proposed CO&A and will provide a 60-day period for public comment on the CO&A beginning with the date of this publication. Copies of the CO&A can be obtained by contacting Annette Paluh at (412) 442-4000. The proposed CO&A will be open for public comment from May 14, 2005, through July 14, 2005. Persons may submit comments into the record, during this time only, by sending them to Annette Paluh, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them in person to this office.

The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's judgment, that the CO&A is inappropriate or not in the public interest.

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.

34th and Chestnut Street Parking Lot, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, P. G., Pennoni Assoc., Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Ira A. Kauderer, Univ. of PA, 133 S. 36th St., Suite 3000, Philadelphia, PA 19104-3246 has submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning remediation of site soil contaminated with semi-VOC and metals, arsenic and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Triangle Lumber Co., Richland Township, **Bucks County**. Heidi Gahnz, Resource Control Corp., 1274 N. Church St., Moorestown, NJ 08057 on behalf of Nelson Prop., Irwin Kroiz, Pres., 610 Germantown Pike,

Plymouth Meeting, PA 19462 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Fypon—Stewartstown, Borough of Stewartstown, **York County**. Langan Engineering & Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, on behalf of Fyp Investment, LP, 5 Hog Island Road, Philadelphia, PA 19153, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PCE, VOCs and SVOCs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-specific standards.

Former West Fairview Borough Building Property, East Pennsboro Township, **Cumberland County**. Onesky Engineering, Inc., 444 Creamery Way, Suite 300, Exton, PA 19341-2500, on behalf of East Pennsboro Township, 98 South Enola Drive, Enola, PA 17025-2796 and The SICO Company, P. O. Box 302, Mount Joy, PA 17552, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with BTEX. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific standards. The consultant name and address were incorrect in the notice published at 35 Pa.B. 1928 (March 26, 2005).

Cumberland Valley School District Educational Park, Silver Spring Township, **Cumberland County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Cumberland Valley School District, 6746 Carlisle Pike, Mechanicsburg, PA 17050-1796, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with gasoline. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-specific standards.

Hofmann Industries Facility, Sinking Spring Borough, **Berks County**. Synergy Environmental Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, on behalf of Hofmann Industries, Inc., 3145 Shillington Road, Sinking Spring, PA 19608, submitted a Final Report concerning remediation of site soils contaminated with metals. The report is intended to document remediation of the site to the Statewide Health standard.

Kerrigan and Heller Residences, Tyrone Township, **Adams County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Raymond and Lois Kerrigan, 630 Game Lands Road, Aspers, PA 17304 and Environmental Products & Services, Inc., 5140 Paxton Street, Harrisburg, PA 17111, submitted a Final Report concerning remediation of site soils contaminated with home heating oil. The report is intended to document remediation of the site to the Statewide Health standard.

Laurel Pipeline Company Site, Sinking Spring Borough, **Berks County**. Laurel Pipeline Company, LP, P. O. Box 368, Emmaus, PA 18049-0368 submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health standard.

Laurel Center II, City of Reading and Cumru Township, **Berks County**. Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Greater Berks Development Fund, 19 North Sixth Street, Suite 200, P. O. Box 8621, Reading, PA 19603-8621 and Cambridge-Lee Industries, Inc., P. O. Box 14026, Reading, PA 19612-4026, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PHCs, PCBs, metals and solvents. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-specific standards.

Internet Site, East Hempfield Township, **Lancaster County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of the County of Lancaster, 50 North Duke Street, Lancaster, PA 17603, has submitted a Final Report concerning the remediation of site soils contaminated with heavy metals and PAHs. The report is intended to document remediation of the site to the Site-specific standard.

Feagley Property, Smithfield Township, **Huntingdon County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Donis Feagley, R. R. 1, Box 240F, Huntingdon, PA 16652, submitted a Final Report concerning remediation of site soils contaminated with gasoline and kerosene sludge. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health standard.

Lancaster Newspapers, Inc., Ephrata Borough, **Lancaster County**. GemChem, Inc. 53 North Cedar St., Lititz, PA 17543 on behalf of Lancaster Newspapers, Inc., 8 West King Street, Lancaster, PA 17603 submitted a Final Report concerning remediation of site soils contaminated with used motor oil. The report is intended to document remediation of the site to the Statewide Health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

GlaxoSmithKline, Upper Merion Township, **Montgomery County**. Michael Gonshor, Roux Ass., Inc., 1222 Forest Pkwy, Suite 190, West Deptford, NJ 08066 on behalf of Stephen Wasserleben, GlaxoSmithKline, 709 Swedeland Rd., King of Prussia, PA 19406-0939 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The Final report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on April 6, 2005.

3742 Main St., City of Philadelphia, **Philadelphia County**. Rodd Bender, Manko, Gold, Katcher & Fox, LLP on behalf of Tina Roberts, 3780 Main St. Assoc., LP has submitted a Final Report concerning the remediation of site soil contaminated with inorganics, PAH and PCB. The Final report demonstrated attainment of the Statewide Health and Site-Specific Standards and was approved by the Department on April 20, 2005.

G Street Proposed Education Facility, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Powell~Harpstead, Inc., 800 E. Washington, St., West Chester, PA 19380 on behalf of Marijane Hooven, School Dist. of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with PAH. The Remedial Investigation Report and Cleanup Plan were approved by the Department on April 19, 2005.

Mayer Pollack Lot No. 104, Pottstown Borough, **Montgomery County**. Andrew W. Meadows, The Cardinal Group, Inc., on behalf of Denny Owens, Mayer Pollock

Steel Corp., P. O. Box 759, Pottstown, PA 19464 has submitted a Low Risk Property Final Report concerning the remediation of site soil contaminated with inorganics. The Low Risk Property Final Report was approved by the Department on April 20, 2005.

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

American Eagle Paper Plant, Tyrone Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Blair County Development Corporation, 3900 Industrial Park Road, Altoona, PA 16602, submitted a baseline remedial investigation work plan concerning remediation of site soils and groundwater contaminated with metals, solvents, VOCs and SVOCs. The site will be remediated as a Special Industrial Area. The work plan was approved by the Department on November 11, 2003.

Sunline Coach Company, East Cocalico Township, **Lancaster County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Sunline Coach Company, 245 South Muddy Creek Road, Denver, PA 17517, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The final report demonstrated attainment of the site-specific standard, and the combined report was approved by the Department on April 6, 2005.

Former Samuel Miller & Son, Inc. Site, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of David Selfon, 220 Centerville Road, Lancaster, PA 17601, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and other organics. The report was approved by the Department on April 11, 2005. The site is being remediated to a site-specific standard.

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

Michael Mancuso Heating Oil Spill, Pulaski Township, **Lawrence County**. Duane L. Statzer, The GeoEnvironmental Consortium, 701 Freeport Rd., South Bldg., Pittsburgh, PA 15238 on behalf of Michael Mancuso, 494 Deer Creek Rd., West Middlesex, PA 16159, has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report was approved by the Department on April 22, 2005.

Trinity Industries Facility AOC 1, City of Butler, **Butler County**. Edward Sculli, L. Robert Kimball & Assoc. Inc., 615 W. Highland Ave., Ebensburg, PA 15931 on behalf of John Paul, Butler Township-City Joint Municipal Authority, 140 W. North St., 3rd Floor, Butler, PA 16001 has submitted a Final Report concerning the remediation of site Soil contaminated with Arsenic. The Final report demonstrated attainment of the Statewide Health Nonresidential standards was approved by the Department on April 22, 2005.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Permits Revoked Under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

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. WMGI012. Centocor Inc., 200 Great Valley Pkwy., Malvern, PA 19355-1307. General Permit No. WMGI012 authorized infectious waste processing of hybridoma cells using sodium hydroxide. The permit was revoked by Central Office on April 26, 2005, at the request of the permittee.

Persons interested in more details about the revocation may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. 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.

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

Permit No. 101290. Waste Mgmt of PA, Inc., 1121 Bordentown Rd., Morrisville, PA 19067, City of Philadelphia. Permit renewed for a 10-year term for the continued operation of the Philadelphia Transfer & Recycling Center. The permit was renewed by the Southeast Regional Office on March 22, 2005.

Permit No. 400682. East Norriton Plymouth Whitpain Jt. Sew. Auth., 200 Ross St., Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**. Permit renewed for a 10-year term for the continued operation of the Authority's sewage sludge incinerator. The permit was renewed by the Southeast Regional Office on March 22, 2005.

Permit No. 101468. Republic Svc. of PA, 4145 E. Baltimore Pike, Media, PA 19063, City of Philadelphia. Permit modification for a new transfer building, pier and facility modifications, and barging operations for loose C&D waste and intermodal containerized MSW at the Girard Point transfer facility. The permit was issued by Southeast Regional Office on March 25, 2005.

AIR QUALITY

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

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

GP3-21-03057A: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) on April 25, 2005, for Portable Nonmetallic Mineral Processing Plants under GP-3 in Silver Spring Township, **Cumberland 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.

45-317-002: Horizon Milling LLC (P. O. Box 147, Mount Pocono, PA 18344) on April 19, 2005, to construct a whole wheat milling operation (C-Mill) and associated air cleaning device at their facility in Pocono Township, **Monroe County**.

48-309-118B: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on April 19, 2005, to modify Portland cement manufacturing operations at Nazareth Plants I, II and III in Lower Nazareth Township, **Northampton County**.

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

28-05034A: Grove US LLC (1565 Buchanan Trl E, Shady Grove, PA 17256) on April 19, 2005, to modify a chrome electroplating system at their plant in Quincy Township, **Franklin County**.

36-05008D: Tyson Foods, Inc. (P. O. Box 1156, 403 South Custer Avenue, New Holland, PA 17557-0901) on April 20, 2005, to construct a vegetable oil poultry fryer controlled by a wet scrubber in Earl Township, **Lancaster County**.

67-05004H: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-1000) on April 19, 2005, to install a selective noncatalytic control system on Power Boiler No. 5 in Spring Grove Borough, **York County**.

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

25-197D: Erie Bronze and Aluminum Co. (6300 Ridge Road, P. O. Box 8099, Erie, PA 16505) on March 15, 2005, to install a dust collector to control emissions from six existing electric induction furnaces in the City of Erie, **Erie 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.

09-0124B: Fairless Energy, LLC (50 Sinter Road, Fairless Hills, PA 19030) on April 21, 2005, to operate a combined cycle combustion turbines in Falls Township, **Bucks County**.

09-0124E: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 22, 2005, to operate a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

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

31-05011C: US Silica Co. (P. O. Box 187, Berkeley Spring, WV 25411) on April 19, 2005, to modify an existing fluid bed dryer to use additional fuels of No. 4 oil, No. 6 oil and recycled oil at their Mapleton Depot Plant in Brady Township, **Huntingdon County**. This plan approval was extended.

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

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on April 18, 2005, to modify a number of material usage limitations, material volatile organic compound content limitations and material volatile hazardous air pollutant content limitations for mobile/modular home manufacturing operations in Mifflinburg Borough, **Union County**. The net effect of these modifications, in aggregate, is an overall reduction in the allowable emission of volatile organic compounds and volatile hazardous air pollutants of 3.52 and 2.19 tons, respectively, in any 12 consecutive month period from the levels previously allowed for the respective operations.

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

03-00023A: Allegheny Energy Supply, Co. LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on April 15, 2005, to perform vendor modifications at their Armstrong Power Station in Washington Township, **Armstrong County**. This plan approval was extended.

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

24-313-086A: C/G Electrodes LLC (800 Theresia Street, St. Marys, PA 15857) on April 30, 2005, to install a scrubber in St. Marys, **Elk County**.

Title V Operating Permits Issued 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; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

31-05005: Containment Solutions, Inc. (P. O. Box 299, US Route 522 S, Mount Union, PA 17066) on April 22, 2005, for their Fiberglass Reinforced Plastic composite underground storage tank production facility in Shirley Township, **Huntingdon County**. This is a renewal of their Title V operating permit.

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

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

46-00080: Lower Merion School District (301 Montgomery Avenue, Ardmore, PA 19003) on April 22, 2005, to operate a Synthetic Minor Operating Permit in Lower Merion Township, **Montgomery County**.

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

01-03017: Thomas Reed Supply Co., Inc. (1305 Center Mills Road, P. O. Box 116, Aspers, PA 17304) on April 20, 2005, for their milling facility in Menallen Township, **Adams County**.

07-03048: Chimney Rocks Animal Rest, Inc. (R. R. 1, Box 136, Chimney Rocks Road, Hollidaysburg, PA 16648) on April 18, 2005, to operate a crematory for animal remains in Blair Township, **Blair County**.

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

NO4-012: AT&T Corp. (500 South 27th Street, Philadelphia, PA 19146) on April 14, 2005, to operate a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six emergency generator turbines that burn kerosene.

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.

46-00101: US Can Co. (431 Privet Road, Horsham, PA 19090) on April 22, 2005, to operate a metal can manufacturing facility in Horsham Township, **Montgomery County**. This amendment is to address a typographical error and permit contact changes. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

22-03049: Turbine Airfoil Designs, Inc. (1400 North Cameron Street, Harrisburg, PA 17103-1012) on April 20, 2005, to operate a turbine parts manufacturing facility in the City of Harrisburg, **Dauphin County**. This is Revision No. 1 of this operating permit.

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) 769-7100.

30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company (1 Bridge Street, Monongah, WV 26544), to revise the permit for the Blacksville Mine

No. 2 in Wayne Township, **Greene County** to perform stream remediation along Hoover's Run. No additional discharges. Permit issued April 20, 2005.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company (P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to add surface acres, to install an air shaft and borehole and add an NPDES discharge point. Surface Acres Proposed 7.4. Receiving stream: UNT to South Fork Dunkard Fork, classified for the following use: WWF. Permit issued April 22, 2005.

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

37990103 and NPDES Permit No. PA0241601, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip operation in Washington Township, **Lawrence County** affecting 89.7 acres. The renewal is issued for reclamation only. Receiving stream: Potter Run. Application received: February 28, 2005. Permit Issued: April 20, 2005.

33000101 and NPDES Permit No. PA0241768, Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip, auger, and coal preparation plant/processing facility in Ringgold Township, **Jefferson County** affecting 86.0 acres. The renewal is issued for reclamation only. Receiving streams: UNTs to Painter Run and Painter Run. Application received: February 24, 2005. Permit Issued: April 20, 2005.

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

54040103. Summit Anthracite, Inc. (195 Vista Road, Klingertown, PA 17941), commencement, operation and restoration of an anthracite surface mine operation in Blythe and Schuylkill Townships, **Schuylkill County** affecting 785.0 acres, receiving stream: none. Application received November 18, 2004. Permit issued April 22, 2005.

Noncoal Permits Actions

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

61002802. Joe Klapac & Son, Inc. (218 State Route 428, Oil City, PA 16301). Transfer of an existing sand and gravel operation from Keith A. Klingler in Cherrytree Township, **Venango County** affecting 30.0 acres. Receiving streams: UNT to Oil Creek. Application received: April 1, 2005. Permit Issued: April 18, 2005.

10052801. Linlithgow Family Ltd. Partnership (P. O. Box 698, Slippery Rock, PA 16057). Commencement, operation and restoration of a small noncoal gravel operation in Slippery Rock Township, **Butler County** affecting 5.0 acres. Receiving streams: None. Application received: March 28, 2005. Permit Issued: April 21, 2005.

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

5575SM1A3C5 and NPDES Permit No. PA0119555, Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry in Clifford Township, **Susquehanna County**, receiving stream: East Branch of Tunkhannock Creek. Application received March 1, 2005. Renewal issued April 20, 2005.

**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.

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

21054120. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Stonehedge Development in South Middleton Township, **Cumberland County** with an expiration date of May 31, 2006. Permit issued April 18, 2005.

21054121. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Appalachian Estates in Middlesex Township, **Cumberland County** with an expiration date of August 1, 2005. Permit issued April 18, 2005.

50054101. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Petersburg Commons in Penn Township, **Perry County** with an expiration date of April 30, 2006. Permit issued April 18, 2005.

35054105. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Cinram Warehouse in Olyphant Borough, **Lackawanna County** with an expiration date of April 30, 2006. Permit issued April 19, 2005.

28054010. Charles E. Brake Co., Inc. (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting at the Norland Avenue Extension in Chambersburg Borough, **Franklin County** with an expiration date of December 31, 2005. Permit issued April 19, 2005.

46054006. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Skippack WAWA in Skippack Township, **Montgomery County** with an expiration date of August 11, 2005. Permit issued April 19, 2005.

46054007. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Preston Court in Red Hill Borough, **Montgomery County** with an expiration date of May 13, 2006. Permit issued April 19, 2005.

46054008. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for a new foundation on Deep Creek Road in New Hanover Township, **Montgomery County** with an expiration date of April 15, 2006. Permit issued April 19, 2005.

46054009. AJT Blasting, LLC (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Club View At Indian Valley in Franconia Township, **Montgomery County** with an expiration date of September 30, 2005. Permit issued April 19, 2005.

67054010. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Hedge Gate Housing Subdivision in Manchester Township, **York County** with an expiration date of April 15, 2006. Permit issued April 19, 2005.

67054011. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Green Ridge Housing Subdivision in East Manchester Township, **York County** with an expiration date of April 15, 2006. Permit issued April 19, 2005.

67054012. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Motter Tract Housing Subdivision in Springettsbury Township, **York County** with an expiration date of April 15, 2006. Permit issued April 19, 2005.

67054013. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Carriage Crossings Housing Subdivision in York Township, **York County** with an expiration date of April 15, 2006. Permit issued April 19, 2005.

67054014. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Mill Creek Housing Subdivision in Conewago Township, **York County** with an expiration date of April 15, 2006. Permit issued April 19, 2005.

54054001. Wampum Hardware (175 Prugh Road, Shelocta, PA 15774), construction blasting at Wal-Mart High Ridge Park in Butler and Cass Townships, **Schuylkill County** with an expiration date of April 4, 2006. Permit issued April 20, 2005.

35054106. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Summerfield Development in Glenburn Township, **Lackawanna County** with an expiration date of April 30, 2006. Permit issued April 20, 2005.

35054107. DC Guelich Explosives Co. (R. R. 3 Box 125A, Clearfield, PA 16830), blasting for the Alliance Sanitary Landfill in Ranson Township, Old Forge and Taylor Boroughs, **Lackawanna County** with an expiration date of September 30, 2005. Permit issued April 20, 2005.

48054104. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Fort James Subdivision in Forks Township, **Northampton County** with an expiration date of April 30, 2006. Permit issued April 20, 2005.

06054104. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Millcreek Development in Kutztown Borough, **Berks County** with an expiration date of April 30, 2006. Permit issued April 21, 2005.

06054105. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Wyomissing Business Park in Wyomissing Borough, **Berks County** with an expiration date of December 31, 2006. Permit issued April 21, 2005.

06054106. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Alvernia College New Athletic Field in Cumru Township, **Berks County** with an expiration date of December 31, 2006. Permit issued April 21, 2005.

38054110. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a home in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2005. Permit issued April 21, 2005.

45054113. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Great Bear Estates in Middle Smithfield Township, **Monroe County** with an expiration date of May 31, 2006. Permit issued April 21, 2005.

48054106. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for

Jacobs Farm in Forks Township, **Northampton County** with an expiration date of April 30, 2006. Permit issued April 21, 2005.

52054106. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Falling Creek Estates in Middle Smithfield and Lehman Townships, **Monroe and Pike Counties** with an expiration date of May 31, 2006. Permit issued April 21, 2005.

21054122. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Pottiger Home in South Middleton Township, **Cumberland County** with an expiration date of April 30, 2005. Permit issued April 22, 2005.

21054124. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Claridon Development in Dickinson Township, **Cumberland County** with an expiration date of April 30, 2006. Permit issued April 22, 2005.

21054126. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Carlisle Elementary School in North Middleton Township, **Cumberland County** with an expiration date of March 30, 2006. Permit issued April 22, 2005.

23054005. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting for Brick House Farm in Edgemont Township, **Delaware County** with an expiration date of May 20, 2006. Permit issued April 22, 2005.

28054109. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), blasting for Maplewood Cemetery in Guilford Township, **Franklin County** with an expiration date of April 30, 2010. Permit issued April 22, 2005.

64054001. Northeast Blasting (2626 Lake Ariel Highway, Honesdale, PA 18431), construction blasting for Ron Collins foundation in Dyberry Township, **Wayne County** with an expiration date of July 17, 2005. Permit issued April 22, 2005.

67054105. TJ Angelozzi, Inc. (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Kendale Heights in Red Lion Borough, **York County** with an expiration date of April 21, 2006. Permit issued April 22, 2005.

67054106. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Holly Hill Development in Carroll Township, **York County** with an expiration date of March 30, 2006. Permit issued April 22, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-438. J. Golden Enterprize, 646 Chester Creek Road, Brookhaven, PA 19015, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities in and along the Delaware River (WWF, MF) associated with the Golden Point Marina:

1. To construct and maintain a pile supported dock and 19 boat slips, which will extend approximately 380 linear feet into the river.

2. To construct and maintain approximately 473 linear feet of sheet pile bulkhead, which will be backfilled with clean fill material. This will replace an existing degraded bulkhead. A total of 0.0215 acre of tidal wetlands will be impacted as a result of the bulkhead construction.

3. To construct and maintain a boat ramp and lift that will extend approximately 120 feet into the river.

The project site is located at the intersection of Jansen Avenue and the Delaware River (Bridgeport, NJ-PA, Quadrangle N: 19.8 inches, W: 6.4 inches).

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

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

E35-378. Steven Takach, 218 Hand Street, Jessup, PA 18434. Fell Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove the remains of the existing bridge; to construct and maintain an open-bottom aluminum box culvert driveway crossing having a 19' 9" span and a 5' 8" underclearance across a tributary to Fall Brook (CWF); and to construct and maintain a temporary construction road crossing consisting of four 24" diameter pipes and clean rock fill across the same tributary. The project is located on the south side of Sandy Bank Road (SR 1017) approximately 0.4 mile southwest of SR 0106 (Carbondale, PA Quadrangle N: 17.1 inches; W: 6.5 inches). (Subbasin: 5A)

E40-643. Carl Jones, 1670 Laurel Run Road, Wilkes-Barre, PA 18702. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing dock structure in Harveys Lake (HQ-CWF), with work consisting of constructing a 30-foot by 10-foot addition, supported by concrete pillars. As modified, the structure will have a total area of approximately 1,350 square feet above the lake, and will extend a maximum distance of 50 feet from the shoreline. The project is located at Pole No. 208, along Lakeside Drive (Harveys Lake, PA Quadrangle N: 20.5 inches; W: 7.6 inches). (Subbasin: 5B)

E40-644. Patrick J. Yurish, 58 Hildebrandt Road, Dallas, PA 18612. Dallas Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in a de minimis area of PFO wetlands equal to approximately 0.03 acre, for the purpose of constructing a trail to provide access to a 5.75-acre property for recreational purposes. The trail will consist of 6 inches of gravel and mulch, approximately 4 feet wide and will cross approximately 275 feet of wetlands. The project is located on the south side of Hildebrandt Road (S.R. 1044), approximately 1.0 mile northeast of the intersection of Hildebrandt Road and Upper Demunds Road (S.R. 1041) (Kingston, PA Quadrangle N: 18.3 inches; W: 9.5 inches). (Subbasin: 5B)

E39-446. Bruce J. and Tami A. Yocum, 1101 West Tioga Street, Allentown, PA 18103. Lowhill Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To place fill within a de minimis area of PEM wetlands equal to 0.03 acre and to construct and maintain a single-span adjacent concrete box beam bridge having a 55.33-foot span and a 5.9-foot approximate underclearance across Jordan Creek (TSF, MF) with four 36-inch corrugated metal pipes under the right approach road and one 27-inch corrugated metal pipe under the left approach road. The project is located on the north side of S.R. 4007 approximately 0.3 mile southwest of its intersection with T-593 (Slatedale, PA Quadrangle N: 2.75 inches; W: 2.10 inches). (Subbasin: 2C)

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

E36-791: Little Conestoga Watershed Alliance, P. O. Box 6355, Lancaster PA 17507 in Manheim Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain a stream restoration project consisting of: debris removal, bank regrading, placement of rock vanes, log deflectors, muddills, rock toe protection

and riparian plantings, all for the purpose of enhancing bank stability and improving aquatic habitat within a 3,200 lineal foot section of Bachman Run (TSF) beginning immediately downstream of Petersburg Road and ending at a point approximately 700 feet west of Fruitville Pike (Lancaster, PA Quadrangle Latitude: 40° 06' 15"; Longitude: 76° 19' 45") in Manheim Township, Lancaster County. The project will require installation of an access roadway during construction, temporarily impacting 0.05 acre of palustrine emergent wetland.

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

E14-456A. Ferguson Township, 3147 Research Drive, State College, PA 16801. Water Obstruction and Encroachment Joint Permit in Ferguson Township, **Centre County**, ACOE Susquehanna River Basin District (Pine Grove Miss, PA Quadrangle N: 20.44 inches; W: 1.25 inches).

To: 1) clear debris and sediment from 170 linear feet of stream channel immediately upstream of the existing enclosure to restore the approach of the inlet; 2) perform structure maintenance to the trash rack and endwalls of the existing enclosures inlet; 3) construct and maintain 32 cubic yards of earthen fill to elevate and maintain an existing residential garage 1.0 foot above the 100-year floodway at 360 Selders Circle; and 4) remove 62 cubic yards of fill in the floodway by demolishing and removing the debris of a house and the associated grading of the area at 390 Selders Circle, all of which are in a very intermittent, yet flood prone, upper reach of Slab Cabin Run located at the intersection of Selders Circle and Rosemont Drive.

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

E02-1482. Port Authority of Allegheny County, 345 Sixth Avenue, 3rd Floor, Pittsburgh, PA 15222-2527. To construct a twin tunnel subway beneath the Allegheny River in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Project begins at Pittsburgh West, PA Quadrangle N: 12.0 inches; W: 0.6 inch and Latitude: 40° 26' 28"—Longitude: 80° 00' 16" Project ends at Pittsburgh West, PA Quadrangle N: 13.2 inches; W: 2.8 inches and Latitude: 40° 26' 52"—Longitude: 79° 01' 12"). To construct and maintain a twin tunnel subway beneath the Allegheny River (WWF) consisting of two 850.0 foot long, 22.0 foot diameter boreholes, to construct and maintain two temporary 200 foot long by 20 foot wide coffer dams, one along the north shore and one along the south shore of the Allegheny River and to construct and maintain the Allegheny LRT station and five piers to support the aerial rail line in the 100 year floodplain fringe of the Allegheny River. The proposed work will extend the existing 25.0-mile LRT system an additional 1.2 miles from the existing Gateway Station in the Pittsburgh Central Business District to Sprout Way in the North Shore.

E02-1483. Gregory J. Bittner, 1407 Mount Royal Boulevard, Glenshaw, PA 15116. To place fill and underground pipe along the right bank of Pine Creek in Hampton Township, **Allegheny County**, Pittsburgh ACOE District. (Glenshaw, PA Quadrangle N: 10.0 inches; W: 13.5 inches; and Latitude: 40° 33' 01"—Longitude: 79° 58' 30"). To remove the existing structure and to place and maintain fill on and along the right bank of an UNT to Pine Creek (TSF) and to construct and maintain an underground pipe storage system on the right bank of said stream for the purpose of constructing

the Bittner Vision Development. The project is located on the west side of Ferguson Road, approximately 500 feet northwest from the intersection of Ferguson Road and Mount Royal Boulevard.

E0476706-A1. Beaver County Corporation for Economic Development, 250 Insurance Street, Suite 300, Beaver, PA 15009. This permit amends/authorizes the removal of existing barges and fill to construct and maintain walking trails, parking area, access roads and their associated fill to construct and maintain a 24-inch stormwater outfall, and to place and maintain rip-rap along the river bank for approximately 750 feet in and along the floodway of the Ohio River (WW) as part of the proposed Bridgewater Crossing Development. The project is located southeast of Wolfe Lane and Mulberry Street Extension intersection (Beaver, PA Quadrangle N: 12.9 inches; W: 6.2 inches and Latitude: 40° 42' 30"—Longitude: 80° 17' 30"), in Bridgewater Borough, **Beaver County**.

E04-304. Beaver County Corporation for Economic Development, 250 Insurance Street, Suite 300, Beaver, PA 15009. To place fill in two wetlands in Big Beaver Borough, **Beaver County**, Pittsburgh ACOE District. (Beaver Falls, PA Quadrangle N: 12.3 inches; W: 9.7 inches and Latitude: 40° 49' 04"—Longitude: 80° 19' 12"). To place and maintain fill in two wetlands: Wetland No. 1—0.91 acre; Wetland No. 2—0.13 acre; for a total impact of 1.04 acres of wetlands (PEM/PSS) located within Stockman Run (WWF) and Beaver River (WWF) watersheds, to construct and maintain 2.08 acres of replacement wetlands and to construct and maintain an outfall to the Beaver River for the purpose of developing the BCCED Route 18 Business Park. The applicant also proposes to temporarily impact 0.52 acre of wetlands and 40 feet of Stockman Run (WWF) for the construction of utilities. The project is located on the northeast side of Route 18 and the Pennsylvania Turnpike Interchange (SR 76). The wetland replacement includes compensation for 1.04 acres of wetlands previously impacted at the site under a different owner.

E32-447. Norfolk Southern Railway Company/Norfolk Southern Railway Corporation, 175 Spring Street SW, Atlanta, GA 30303. To construct and maintain 51 railroad crossings of watercourses within Blackleggs Creek (CWF), Anthony Run (CWF) and Marshall Run (CWF) watersheds in Conemaugh, Young and Armstrong Townships, **Indiana County**, Pittsburgh ACOE District and including the following structures:

1. A 180-foot long, twin, 7-foot diameter, corrugated metal pipe culvert, in an UNT to Blacklegs Creek, at or near Station 536+50 (Avonmore, PA Quadrangle N: 0.76 inch; W: 7.34 inches; Latitude: 40° 30' 15"; Longitude: 79° 25' 40").

2. A 180-foot long, single span, plate arch culvert, having a waterway opening of 24.5 feet wide by 8.25 feet high, in an UNT to Blacklegs Creek, at or near Station 599+80 (Avonmore, PA Quadrangle N: 1.61 inches; W: 4.94 inches; Latitude: 40° 30' 32"; Longitude: 79° 24' 38").

3. A 230-foot long, plate arch culvert, having a waterway opening of 23.75 feet wide by 8.2 feet high, in an UNT to Blacklegs Creek, at or near Station 618+65 (Avonmore, PA Quadrangle N: 2.32 inches; W: 4.4 inches; Latitude: 40° 30' 46"; Longitude: 79° 24' 24").

4. A 90-foot long, twin cell, box culvert, having two waterway openings of 12 feet wide by 5 feet high, in an UNT to Blacklegs Creek, at or near Station 640+85

(Avonmore, PA Quadrangle N: 3.18 inches; W: 3.82 inches; Latitude: 40° 31' 3"; Longitude: 79° 24' 59").

5. A 85-foot long, triple cell, box culvert, having three waterway openings of 10 feet wide by 5 feet high, in an UNT to Blacklegs Creek, at or near Station 650+70 (Avonmore, PA Quadrangle N: 3.43 inches; W: 3.4 inches; Latitude: 40° 31' 8"; Longitude: 79° 23' 58").

6. A 3-span bridge, having three spans of 50 feet, 100 feet and 75 feet, and an underclearance of 24 feet, across Marshall Run, at or near Station 723+30 (Avonmore, PA Quadrangle N: 5.5 inches; W: 0.85 inches; Latitude: 40° 31' 49"; Longitude: 79° 22' 52").

7. A 5-span bridge, having five spans of 64 feet, 101 feet, 101 feet, 101 feet and 64 feet, and an underclearance of 26 feet, across Blacklegs Creek, at or near Station 755+25 (Avonmore, PA Quadrangle N: 6.86 inches; W: 17.33 inches; Latitude: 40° 32' 16"; Longitude: 79° 29' 39").

8. A 90-foot long, twin cell, box culvert, having two waterway openings of 10-foot wide by 10-foot high, in Anthony Run, at or near Station 75+17 (Elderton, PA Quadrangle N: 4.84 inches; W: 4.93 inches; Latitude: 40° 31' 36"; Longitude: 79° 24' 38").

The remaining structures will be located in watercourses with drainage areas less than 100 acres. The project also includes the relocation of unnamed tributaries to Blacklegs Creek at 21 locations (refer to Table Nos. 2 and 4). The project will permanently affect approximately 3.59 acres of wetland (refer to Table No. 5), approximately 0.06 acre of pond (refer to Table No. 6) and approximately 12,128 linear feet of various watercourses (see table Nos. 1 and 2 for complete list). The project will temporarily affect approximately 1.49 acres of wetland and approximately 2,026 linear feet of various watercourses (see table Nos. 1, 2 and 5 for complete list). The project will include the construction and maintenance of approximately 5.26 miles of new single-track rail line, to provide improved rail transportation of coal, to the Keystone Generating Plant, which is located near Shelocta, PA. The project is located in Conemaugh, Young and Armstrong Townships, Indiana County. The project will start near Saltsburg, PA (Avonmore, PA Quadrangle N: 0.03 inch; W: 8.7 inches; Latitude: 40° 30' 01"; Longitude: 79° 26' 15") and end near Clarksburg, PA (McIntyre, PA Quadrangle N: 7.24 inches; W: 16.9 inches; Latitude: 40° 32' 24"; Longitude: 79° 22' 18"). The permittee will construct approximately 5.87 acres of replacement wetlands, restore all temporarily affected wetlands and watercourses, and assist the Blackleggs Creek Watershed Association with the design and construction of an AMD treatment system, to compensate for the aforementioned impacts to wetlands and watercourses. Culverts within watercourses will be depressed, to facilitate fish passage and/or the reestablishment of aquatic habitat.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D54-023A. Blythe Township Municipal Authority, 375 Valley Street, New Philadelphia, PA 17959. To modify, operate, and maintain Silver Creek Reservoir Dam across Silver Creek (CWF), impacting a deminimis area of wetland (PEM) equal to 0.04 acre and approximately 60 feet of stream for the purpose of rehabilitating the dam by constructing a drain to control and monitor seepage and by buttressing the downstream slope by adding fill to improve the factor of safety against slope failure. The

dam is located on the Shenandoah, PA Quadrangle N: 0.75 inch; W: 0.50 in Blythe Township, **Schuylkill County**.

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of NOx, VOCs and the following criteria pollutants: CO, lead (Pb), SOx, PM, PM10 and PM10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

(1) To satisfy new source review (NSR) emission offset ratio requirements.

(2) To "net-out" of NSR at ERC-generating facilities.

(3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This ERC registry report, ERC Registry application and instructions are located at www.dep.state.pa.us; select Subjects, Air Quality, Business, Permits, Emission Reduction Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Karl Henschel (570) 742-6644	NOx VOCs	24.45 12.88	4/1/2006	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller (412) 762-5263	VOCs	41.70	6/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald (717) 771-7346	VOCs VOCs	12.20 2.70	6/1/2006 10/1/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr. (215) 777-7811	VOCs	18.00	7/28/2005	Trading

NOTICES

2813

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Keith Nagel (330) 659-9165	VOCs	473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Kerry A. Wrobel (610) 866-4600	NOx	1,054.00	Varies from 3/28/2008 to 6/19/2008	Trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler (610) 694-5104	NOx VOCs	1,054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy (814) 875-2427	VOCs	2.60 1.80	12/31/2005 12/31/2006	Internal Use/ Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: John Romero (570) 833-3285	NOx VOCs	136.00 237.67	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: William L. West (216) 642-7178	NOx VOCs	1,663.00 373.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	26.00	7/14/2010	Trading

NOTICES

2815

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township. County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis (412) 756-2376	NOx	158.68		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Ozone nonattainment status: Moderate Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs	280.90 1.70	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jeff Muffat (651)-778-4450	VOCs VOCs	607.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Ozone nonattainment status: Moderate Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs	910.00 26.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Ozone nonattainment status: Moderate Contact Person: Peter M. Guzanick (412) 517-7217	NOx VOCs	17.05 1.87	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Ozone Nonattainment Status: Severe Contact Person: Donald Boisselle (336) 410-7263	VOCs	24.40	9/1/2007	Trading
Recipient/Holder of ERC: Inter-Gen North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation ERC Generating Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: Gary Stephenson (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Ozone nonattainment status: Moderate Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading

NOTICES

2817

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Rohm and Haas Company Source Location: Bristol Township County: Bristol Ozone nonattainment status: Severe Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Ozone nonattainment status: Severe Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	1/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Ozone nonattainment status: Severe Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	1/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Ozone nonattainment status: Moderate Contact Person: Linda A. Boyer (610)-774-5410	NOx VOCs	3,521.09 9.70	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Ozone Nonattainment Status: Moderate Contact Person: Rhonda Vete (412) 469-6122	NOx NOx VOCs	5.11 62.57 0.25	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Ozone nonattainment status: Moderate Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Ozone nonattainment status: Severe Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 6/1/2010 6/1/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	4/1/2009	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Ozone nonattainment status: Moderate Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	6/3/2010	Trading
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Township County: Venango Ozone nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan B. Currie, Jr. (517) 787-5181	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Trevor Woods (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery County Ozone nonattainment status: Severe Contact Person: Michael Masington (215) 875-2649	NOx	50.00	2/28/2007	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Ozone Nonattainment Status: Moderate Contact Person: John M. Cigan (610) 826-8719	NOx VOCs	30.80 53.80	5/31/2006	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Ozone nonattainment status: Moderate Contact Person: Kevin S. Barnett (412) 553-2094	NOx VOCs	48.86 736.43	Varies from 9/29/2010 to 5/1/2012	Trading
Rohm and Haas Source Location: Richmond Street County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank Jackson (215) 537-4000	NOx	50.10	6/13/2005	Trading

NOTICES

2819

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Ozone nonattainment status: Moderate Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	3/29/2012	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson County Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	122.80 2.10	7/1/2005	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: Terrie Blackburn (918) 573-9766	NOx	794.60	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Ozone nonattainment status: Moderate Contact Person: Daniel R. Chapman (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	6/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Ozone nonattainment status: Moderate Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	1/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Ozone nonattainment status: Moderate Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Ozone nonattainment status: Moderate Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Ozone nonattainment status: Severe Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	4/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Ozone nonattainment status: Moderate Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	4/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Ozone Nonattainment Status: Moderate Contact Person: Gary Morrow (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Ozone Nonattainment Status: Moderate Contact Person: Gary Morrow (814) 870-6782	NOx VOCs	1,235.00 943.00	9/30/2012	Trading
Crompton Corporation Formally known as Witco Corporation Source Location: Petrolia Facility County: Butler Ozone Nonattainment Status: Moderate Contact Person: R. G. Fleeger (412) 756-2210	NOx	2.65	5/31/2005	Trading
Corning Incorporated Source Location: College Township County: Centre Ozone nonattainment status: Moderate Contact Person: Douglas A. Wolf (607) 974-4267	NOx	1,400.01	6/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th and Wharton St. County: Philadelphia Ozone nonattainment status: Severe Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	3/1/2013	Trading

NOTICES

2821

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Ozone nonattainment status: Moderate Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	4/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Ozone nonattainment status: Moderate Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	4/5/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Ozone nonattainment status: Moderate Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	3/31/2013	Internal use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Ozone nonattainment status: Moderate Contact Person: Thomas M. Sauer (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	3/22/2012	Offsets / Trading
CMS Gilbreth Packaging Systems Source: Impaxx Label and Packaging Network County: Bucks Ozone nonattainment status: Severe Contact Person: Patricia M Henry Unrath (610) 789-2277	VOC	17.40	5/31/2008	Trading
Brodart Company Source: Montgomery Facility County: Lycoming Ozone nonattainment status: Moderate Contact Person: Robyn J. Dincher (570) 326-2461	VOC	24.91	4/18/2013	Trading

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

ERC HOLDER/GENERATING FACILITY INFORMATION

ERC Holder/Transferor: Cypress Energy, L. P.
ERC Generating Facility Name: Laclede Steel Company
ERC Generating Source Location: Falls Township, Bucks County
Amount of ERCs traded to Purchaser/Recipient: 104 tpy of NOx and 45 tpy of VOCs
Date of ERCs Transfer: 01/20/2005

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: InterGen North America Development Company, LLC
 ERCs credits used: 0 tpy
 ERCs credits available for future use: 104 tpy of NOx and 45 tpy of VOCs

Drinking Water State Revolving Fund Special Notice**Special Notice Under the Federal Safe Drinking Water Act (SDWA)**

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Borough of Jim Thorpe	421 North Street Jim Thorpe, PA 18229	Carbon

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of Jim Thorpe proposes distribution system and watermain installations throughout the Borough (East and West Sides), replacement of the existing Cherry Street Tank and installation of yard valves and meter at the water treatment plant. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 05-892. Filed for public inspection May 6, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Draft Guidance—New Guidance

DEP ID: 250-4000-001. Title: Citing Inspection Violations. Description: This guidance establishes a uniform methodology across all Department regions for citing violations within municipal, residual and hazardous waste programs. Written Comments: Interested persons may submit written comments on draft technical guidance document 250-4000-001 by June 6, 2005. Comments submitted by facsimile will not be accepted. The Depart-

ment 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4000-002. Title: Enforcement Actions. Description: This document provides guidelines for Department staff to implement a uniform methodology across all Department regions for enforcement actions within municipal, residual and hazardous waste programs. Written Comments: Interested persons may submit written comments on draft technical guidance document 250-4000-002 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4000-003. Title: Violations Requiring and Extended Time Period to Correct. Description: This document provides consistent guidelines across all Department regions to ensure that violations within municipal, residual and hazardous waste programs are corrected with 180 days from the date that the Department determined that a violation occurred. Written Comments: Interested persons may submit written comments on draft technical guidance document 250-4000-003 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4000-004. Title: Program Implementation Guidance. Description: This document provides a formal methodology by which the Bureau of Land Recycling and Waste Management will implement a compliance and enforcement program throughout this Commonwealth. Written Comments: Interested persons may submit written comments on draft technical guidance document 250-4000-004 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4110-001. Title: Notices of Violation (NOVs). Description: This document provides a formal methodology by which the Bureau of Land Recycling and Waste Management will cite similar violations in a similar manner. Written Comments: Interested persons may submit written comments on draft technical guidance document 250-4110-001 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 251-3120-001. Title: Performing Hazardous Waste Facility Inspections. Description: This document establishes a formal methodology for conducting hazardous waste facility inspections in a similar fashion across all six regions of the Department. Written Comments: Interested persons may submit written comments on draft technical guidance document 251-3120-001 by June 6, 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 Ed Karmilovich, Bureau of Land

Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 254-3120-001. Title: Performing Municipal and Residual Waste Facility Inspections. Description: This document provides a formal methodology for conducting municipal and residual waste facility inspections in a similar fashion across all six regions of the Department. Written Comments: Interested persons may submit written comments on draft technical guidance document 254-3120-001 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 257-3120-001. Title: Storage Tank Program Internal Policy on Inspections and On-Site Visits. Description: This document establishes uniform procedures for Storage Tank Program inspections. This includes information on preparation, performance and follow-up activities for third-party inspections, program staff inspections and staff on-site visits as well as procedures for identifying, tracking and resolving violations and related enforcement actions. Written Comments: Interested persons may submit written comments on draft technical guidance document 257-3120-001 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 257-4000-001. Title: Guidelines for Identifying, Tracking, and Resolving Violations for Storage Tanks. Description: This document establishes guidance for the Storage Tank Program "Corrective Action Process for Owners and Operators of Storage Tanks and Storage Tank Facilities and other Responsible Parties." It includes procedures for release reporting, release confirmation and correction action requirements for owners and operators of storage tanks and storage tank facilities as well as other responsible parties. Written Comments: Interested persons may submit written comments on draft technical

guidance document 257-4000-001 by June 6, 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 Ed Karmilovich, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, Harrisburg, PA 17105, ekarmilovi@state.pa.us. Questions regarding the draft technical guidance document should be directed to Ed Karmilovich, (717) 787-6239, ekarmilovi@state.pa.us. Contact: Ed Karmilovich, Bureau of Land Recycling and Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

Final Guidance—Minor Revision

DEP ID: 362-2192-003. Title: Guidelines for Agricultural Utilization of Sewage Sludge. Description: This is a minor modification to existing guidance that provides a coordinated and consistent Statewide process for determining compliance with requirements contained in permits issued under 25 Pa. Code Chapter 275 (relating to land application of sewage sludge). The Cumulative Pollutant Loading Rates (CPLR) section has been updated to remove background soil samples as the starting point for the calculations. Including background soils in the CPLR is not required by Commonwealth regulation (both 25 Pa. Code Chapter 275 and 25 Pa. Code Chapter 271, Subchapter J (relating to beneficial use of sewage sludge by land application)); is inconsistent with the Federal Part 503 biosolids rule; and is technically incorrect. This change is considered a minor revision because the Biosolids program now regulates generators under 25 Pa. Code Chapter 271 (relating to municipal waste management—general provisions). Sites regulated under 25 Pa. Code Chapter 275 are no longer regulated upon the expiration of their permit, and all permits under 25 Pa. Code Chapter 275 will expire by May 2007. This document formalizes current practice within the program and reflects the proper use and calculation of CPLRs. In addition, to facilitate updates to the worksheets and keep only the most current versions in circulation, all worksheets have been removed from the guidance document and replaced with the Department website address where they can be located and downloaded. Contact: Denise Uzupis, Bureau of Water Supply and Wastewater Management, (717) 772-5629, deuzupis@state.pa.us. Effective Date: May 7, 2005.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-893. Filed for public inspection May 6, 2005, 9:00 a.m.]

Governor's Energy Advisory Board Meeting

The Department of Environmental Protection (Department) will hold the next meeting of the Governor's Energy Advisory Board (Board) on May 31, 2005, from 10 a.m. to 1 p.m. in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will meet to discuss the implementation of the Alternative Energy Portfolio Standards Act (73 P.S. §§ 1647.1—1647.8).

Questions concerning the meeting should be directed to Gary Obleski, (717) 783-8727, gobleski@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at the previously mentioned number or through the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-894. Filed for public inspection May 6, 2005, 9:00 a.m.]

Sewage Advisory Committee, Regulation Subcommittee Meeting

The Regulation Subcommittee of the Sewage Advisory Committee will meet on May 18, 2005, at 9 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, Harrisburg, PA. The purpose of this meeting is to gather, consolidate, discuss and recommend corrections to the current sewage facilities program regulations. Notice also will be given in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act).

Questions concerning this meeting should be directed to Jay Africa, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184, jafrika@state.pa.us.

The agenda for the meeting will be available prior to the meeting through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 787-8184 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. 05-895. Filed for public inspection May 6, 2005, 9:00 a.m.]

Stormwater Manual Oversight Committee Meeting Cancellation

The Stormwater Manual Oversight Committee meeting scheduled for May 24, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA has been cancelled.

The contact person is Dennis Stum, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 772-5963, dstum@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-896. Filed for public inspection May 6, 2005, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P. S. §§ 51—732), has published the proposed 2005 real property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's website: www.dgs.state.pa.us.

Individuals wishing to comment on the proposed plan should do so in writing to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125 within 30 days of the date of this notice.

DANIEL H. WHEELER,
Deputy Secretary for Property Management

[Pa.B. Doc. No. 05-897. Filed for public inspection May 6, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Draft Title V Block Grant Program 2004 Report and 2006 Application for Public Comment

[Correction]

An error occurred in the document which appeared at 35 Pa.B. 2694 (April 30, 2005). The heading incorrectly stated the years of the Annual Report and the Application.

[Pa.B. Doc. No. 05-848. Filed for public inspection April 29, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Implementation of ACCESS Plus Program

This notice announces the Department of Public Welfare's (Department) intent to implement an enhanced primary care case management program, effective March 1, 2005.

To further the Department's goals of improving access and quality of care to its Medical Assistance (MA) clients, the Department explored potential alternatives to improve both quality and management of services in the current fee-for-service (FFS) delivery system. The Department has determined the viability of utilizing the existing Family Care Network (FCN) Program as a base in developing an enhanced program model integrating primary care case management and a voluntary disease management program.

The FCN Program served MA recipients under 21 years of age. The new program, known as the ACCESS Plus Program (Program), will serve most new and existing children and adult MA recipients who reside in the 42

counties of this Commonwealth not currently served by the mandatory managed care program, HealthChoices.

The Program will operate under the authority of a 1915(b) Federal waiver for recipients under 21 years of age and a State Plan Amendment for recipients 21 years of age or older, and will operate in the following counties only: Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Forest, Franklin, Fulton, Huntingdon, Jefferson, Juniata, Lackawanna, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Schuylkill, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne and Wyoming.

Most MA recipients who currently receive their health care services through the FFS delivery system, including those recipients currently enrolled in the FCN Program, will receive their health care services through the Program. Recipients who are currently enrolled in voluntary managed care will have the option of remaining in the voluntary managed care plan or enrolling in the Program. MA recipients who are also receiving services through one of the Department's approved 1915(c) Home-and-Community-Based Waiver Services Programs will receive primary care case management and disease management services through the Program in addition to the services they receive through their waiver program and designated waiver providers.

The Program will enable enrollees to choose their own primary care providers and to receive the advantages of active care coordination, case management and, if eligible, voluntary disease management services. MA recipients in the Program may elect to receive disease management services if they have at least one of the following high-risk conditions: asthma, diabetes, chronic obstructive pulmonary disease, coronary artery disease or congestive heart failure.

The Department will implement the Program in three phases. The first phase became effective March 1, 2005, when all current FCN enrollees in the 42 counties were transferred to the Program. The second phase will be implemented after March 1, 2005, when all newly eligible MA recipients will be enrolled in the Program. The final phase becomes effective May 1, 2005, when all other existing MA recipients eligible for the Program will be enrolled in the Program. Throughout the implementation phase, individuals enrolled in a voluntary managed care organization (MCO) will have the option to remain enrolled with an MCO or to change their enrollment to the Program.

Fiscal Impact

The estimated cost for Fiscal Year (FY) 2004-2005 is \$5.429 million (\$2.584 million in State funds). The estimated savings for FY 2005-2006 is \$21.738 million (\$9.454 million in State funds).

Comment Period

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Attn: Regulations Coordinator, Department of Public Welfare, Office of Medical Assistance Programs, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-417. (1) General Fund; (2) Implementing Year 2004-05 is \$2.584 million; (3) 1st Succeeding Year 2005-06 is \$0; 2nd Succeeding Year 2006-07 is \$0; 3rd Succeeding Year 2007-08 is \$0; 4th Succeeding Year 2008-09 is \$0; 5th Succeeding Year 2009-10 is \$0; (4) 2002-03 Program—\$727.979 million; 2001-02 Program—\$666.832 million; 2000-01 Program—\$705.750 million; (7) Medical Assistance Outpatient; (8) recommends adoption. The Fiscal Year 2004-2005 costs are included in the General Appropriation Act (Act 7A-2004). This change will result in savings of \$9.454 million in Fiscal Year 2005-2006 and \$10.632 million in Fiscal Year 2006-2007 and thereafter.

[Pa.B. Doc. No. 05-898. Filed for public inspection May 6, 2005, 9:00 a.m.]

Medical Assistance Program; Prior Authorization List

This notice announces that the Department of Public Welfare (Department) will add an item to the Medical Assistance (MA) Program's list of items and services requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization for prescriptions of Non-Sedating Antihistamines (NSAs), dispensed on and after May 16, 2005, that meet any of the following conditions:

1. The prescription is for an NSA that is not an over-the-counter (OTC) NSA.
2. The prescription is for an OTC NSA and the quantity is greater than the quantity limit established by the Department.

Quantity limits for NSAs established by the Department are as follows:

<i>Drug</i>	<i>Quantity Limit</i>
Alavert (loratadine)	30 units per 30 days
Alavert D (loratadine/pseudoephedrine) 12-hour	60 units per 30 days
Allegra (fexofenadine) 30mg and 60mg	60 units per 30 days
Allegra (fexofenadine) 180mg	30 units per 30 days
Allegra-D (fexofenadine) 12 Hour	60 units per 30 days
Clarinet (desloratadine) 5mg and redi-tabs	30 units per 30 days
Clarinet (desloratadine) syrup	300ml per 30 days

<i>Drug</i>	<i>Quantity Limit</i>
Claritin (loratadine) syrup	300ml per 30 days
Claritin (loratadine) tablets	30 units per 30 days
Claritin-D (loratadine/pseudoephedrine) 12-hour	60 units per 30 days
Claritin-D (loratadine/pseudoephedrine) 24-hour	30 units per 30 days
*Loratadine tablets	30 units per 30 days
*Loratadine-D (loratadine/pseudoephedrine) 12-hour	60 units per 30 days
*Loratadine-D (loratadine/pseudoephedrine) 24-hour	30 units per 30 days
Zyrtec (cetirizine) 5mg, 10mg	30 units per 30 days
Zyrtec (cetirizine) syrup	300ml per 30 days
Zyrtec-D (cetirizine/pseudoephedrine) 12 Hour	60 units per 30 days
* Generic	

Exceptions

1. Prior authorization of a prescription for Clarinet or Zyrtec for recipients under 2 years of age is not required when the quantity prescribed is at or below the quantity limit established by the Department.

2. Prior authorization of a prescription for an NSA that is not an OTC NSA is not required if the quantity prescribed is at or below the quantity limit established by the Department and the Department has a record of paying for a Loratadine or Loratadine-D product within the past 180 days for the recipient.

The Department will require prior authorization for prescriptions for new NSAs that are not OTC NSAs when they become available in the marketplace.

Fiscal Impact

Due to the claims processing time lag, no savings are anticipated in Fiscal Year (FY) 2004-2005. For FY 2005-2006, savings are estimated at \$1.309 million (\$0.602 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent changes to these prior authorization requirements.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-421. No fiscal impact; (8) recommends adoption. Implementation of the notice will generate savings to the General Fund beginning in Fiscal Year 2005-2006. These savings have been included in the Governor's 2005-2006 proposed budget.

[Pa.B. Doc. No. 05-899. Filed for public inspection May 6, 2005, 9:00 a.m.]

Medical Assistance Program; Prior Authorization List

This notice announces that the Department of Public Welfare (Department) will add an item to the Medical Assistance (MA) Program's list of items and services requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of prescriptions, including refills, for brand name single source Non-Steroidal Anti-Inflammatory Drugs (NSAIDs) dispensed on and after May 16, 2005. The specific drugs that will require prior authorization are Arthrotec (diclofenac/misoprostol) and Mobic (meloxicam).

Exception

Prior authorization of a prescription for Mobic is not required if the Department has a record of paying for two or more generic NSAIDs within the past 180 days for the recipient.

The Department will require prior authorization of prescriptions for new brand name single source NSAIDs when they become available in the marketplace.

Fiscal Impact

Due to the claims processing time lag, no savings are anticipated in Fiscal Year (FY) 2004-2005. For FY 2005-2006, savings are estimated at \$0.259 million (\$0.119 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent changes to these prior authorization requirements.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-419. No fiscal impact; (8) recommends adoption. Implementation of the notice will generate savings to the General Fund beginning in FY 2005-2006. These savings have been included in the Governor's 2005-2006 proposed budget.

[Pa.B. Doc. No. 05-900. Filed for public inspection May 6, 2005, 9:00 a.m.]

Medical Assistance Program; Prior Authorization List

This notice announces that the Department of Public Welfare (Department) will add an item to the Medical Assistance (MA) Program's list of items and services requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of prescriptions, including refills, for the following drugs, dispensed on and after May 16, 2005, when the quantity prescribed exceeds the limit established by the Department, as set for in the following table:

<i>Therapy Class</i>	<i>Medication</i>	<i>Quantity Limit (QL) Per 30 Day Supply</i>	
Ace Inhibitors	Altace (ramipril) 1.25mg, 2.5mg, 5mg, 10mg	60 units per 30 days	
	Prinivil (lisinopril) all strengths	30 units per 30 days	
	Univasc (moexipril) 7.5mg, 15mg	30 units per 30 days	
	Vasotec (enalapril) all strengths	60 units per 30 days	
	Zestril (lisinopril) all strengths	30 units per 30 days	
	Angiotensin II Receptor Antagonists	Atacand (candesartan) 4mg, 8mg, 16mg, 32mg	30 units per 30 days
		Atacand-HCT (candesartan/HCTZ) 16/12.5mg	60 units per 30 days
		Atacand-HCT (candesartan/HCTZ) 32/12.5mg	30 units per 30 days
		Avalide (irbesartan/HCTZ) 150/12.5mg	60 units per 30 days
		Avalide (irbesartan/HCTZ) 300/12.5mg	30 units per 30 days
Avapro (irbesartan) 75mg, 150mg, 300mg		30 units per 30 days	
	Benicar (olmesartan) 5mg, 20mg, 40mg	30 units per 30 days	
	Benicar-HCT (olmesartan/HCTZ)	30 units per 30 days	
	Cozaar (losartan) 25mg, 50mg, 100mg	30 units per 30 days	

<i>Therapy Class</i>	<i>Medication</i>	<i>Quantity Limit (QL) Per 30 Day Supply</i>
	Diovan (valsartan) 40mg, 80mg, 160mg, 320mg	30 units per 30 days
	Diovan-HCT (valsartan/HCTZ) 80/12.5mg, 160/25mg	30 units per 30 days
	Diovan-HCT (valsartan/HCTZ) 160/12.5mg	60 units per 30 days
	Hyzaar (losartan/HCTZ) 50/12.5mg, 100/25mg	30 units per 30 days
	Micardis (telmisartan) 20mg, 40mg, 80mg	30 units per 30 days
	Micardis-HCT(telmisartan/HCTZ) 40/12.5mg, 80/12.5mg, 80/25mg	30 units per 30 days
	Teveten (eprosartan) 400mg	60 units per 30 days
	Teveten (eprosartan) 600mg	30 units per 30 days
	Teveten-HCT (eprosartan/HCTZ) 600/12.5mg, 600/25mg	30 units per 30 days
Asthma Agents	Accolate (zafirlukast) 10mg, 20mg	60 units per 30 days
	Advair (fluticasone/salmeterol) 100/50, 250/50, 500/50	1 unit per 30 days
	Foradil Aerosolizer (formoterol)	1 box of 60 capsules per 30 days
	Pulmicort (budesonide)	1 unit per 30 days
	Serevent (salmeterol) Diskus	1 box per 30 days
	Singulair (montelukast) 4mg, 5mg, 10mg	30 units per 30 days
Anticonvulsants	Neurontin (gabapentin) 100mg, 300mg, 400mg, 600mg	180 units per 30 days
	Neurontin (gabapentin) 800mg	120 units per 30 days
	Neurontin (gabapentin) oral solution	2,160ml per 30 days
Antidepressants	Celexa (citalopram) 10mg, 20mg, 40mg	30 units per 30 days
	Celexa (citalopram) 10mg/5 ml solution	600ml per 30 days
	Cymbalta (duloxetine) 20mg	60 units per 30 days
	Cymbalta (duloxetine) 30mg, 60mg	30 units per 30 days
	Effexor (venlafaxine) 25mg, 37.5mg, 50mg, 75mg, 100mg	90 units per 30 days
	Effexor XR (venlafaxine extended release) 37.5mg	30 units per 30 days
	Effexor XR (venlafaxine extended release) 75mg	150 units per 30 days
	Effexor XR (venlafaxine extended release) 150mg	60 units per 30 days
	*Fluoxetine 10mg, 20mg	30 units per 30 days
	*Fluoxetine 20mg/5ml solution	600ml per 30 days
	*Fluoxetine 40mg	60 units per 30 days
	Lexapro (escitalopram) 5mg, 10mg, 20mg	30 units per 30 days
	Lexapro (escitalopram) 5mg/5ml solution	750ml per 30 days
	*Paroxetine 10mg, 20mg, 40mg	30 units per 30 days
	*Paroxetine 30mg	60 units per 30 days
	Paxil (paroxetine) 10mg/5mg suspension	900ml per 30 days
	Paxil (paroxetine) 30mg	60 units per 30 days
	Paxil (paroxetine) 10mg, 20mg, 40mg	30 units per 30 days
	Paxil CR (paroxetine controlled release) 12.5mg	30 units per 30 days
	Paxil CR (paroxetine controlled release) 25mg, 37.5mg	60 units per 30 days
	Prozac (fluoxetine) 10mg, 20mg	30 units per 30 days
	Prozac (fluoxetine) 20mg/5ml solution	600ml per 30 days
	Prozac (fluoxetine) 40mg	60 units per 30 days
	Prozac (fluoxetine) 90mg	4 units per 28 days
	Wellbutrin SR (bupropion sustained release) 100mg, 150 mg, 200 mg	60 units per 30 days
	Wellbutrin XL (bupropion extended release) 150mg, 300mg	30 units per 30 days
	Zoloft (sertraline) 25mg	30 units per 30 days

<i>Therapy Class</i>	<i>Medication</i>	<i>Quantity Limit (QL) Per 30 Day Supply</i>	
Antilipidemics	Zoloft (sertraline) 50mg and 100mg	60 units per 30 days	
	Advicor (niacin extended release/lovastatin) all strengths	30 units per 30 days	
	Altprev (lovastatin extended release) 10mg, 20mg, 40mg, 60mg	30 units per 30 days	
	Caduet (amlodipine/atorvastatin) all strengths	30 units per 30 days	
	Crestor (rosuvastatin) 5mg, 10mg, 20mg, 40mg	30 units per 30 days	
	Lescol (fluvastatin) 20mg and 40mg	30 units per 30 days	
	Lescol XL (fluvastatin extended release) 80mg	30 units per 30 days	
	Lipitor (atorvastatin) 10mg, 20mg, 40mg, 80mg	30 units per 30 days	
	*Lovastatin 10mg, 20mg	30 units per 30 days	
	*Lovastatin 40mg	60 units per 30 days	
	Mevacor (lovastatin) 10mg, 20mg	30 units per 30 days	
	Mevacor (lovastatin) 40mg	60 units per 30 days	
	Pravachol (pravastatin) 10mg, 20mg, 40mg, 80mg	30 units per 30 days	
	Vytorin (ezetimibe/simvastatin) 10/10mg, 10/20mg, 10/40mg, 10/80mg	30 units per 30 days	
	Zetia (ezetimibe) 10mg	30 units per 30 days	
	Zocor (simvastatin) 5mg, 10mg, 20mg, 40mg, 80mg	30 units per 30 days	
	Calcium Channel Blockers	Adalat CC (nifedipine) 30mg, 60mg, 90mg	30 units per 30 days
		Calan SR (verapamil sustained release) 120mg	30 units per 30 days
		Calan SR (verapamil sustained release) 180mg, 240mg	60 units per 30 days
Cardene SR (nicardipine sustained release) 30mg, 60mg		60 units per 30 days	
Cardene SR (nicardipine sustained release) 45mg		60 units per 30 days	
Cardizem CD (diltiazem extended release) 120mg, 180mg, 300mg, 360mg		30 units per 30 days	
Cardizem CD (diltiazem extended release) 240mg		60 units per 30 days	
Cardizem LA (diltiazem extended release) 120mg, 300mg, 360mg, 420mg		30 units per 30 days	
Cardizem LA (diltiazem extended release) 180mg		90 units per 30 days	
Cardizem LA (diltiazem extended release) 240mg		60 units per 30 days	
Cardizem SR (diltiazem extended release) 60mg, 90mg		60 units per 30 days	
Cardizem SR (diltiazem extended release) 120mg		90 units per 30 days	
Covera HS (verapamil extended release) 180mg, 240mg		60 units per 30 days	
Dilacor XR (diltiazem extended release) 120mg, 180mg		30 units per 30 days	
Dilacor XR (diltiazem extended release) 240mg		60 units per 30 days	
Dynacirc (isradipine) 2.5mg, 5mg		60 units per 30 days	
Dynacirc CR (isradipine controlled release) 5mg		30 units per 30 days	
Dynacirc CR (isradipine controlled release) 10mg		60 units per 30 days	
Isoptin SR (verapamil sustained release) 120mg		30 units per 30 days	
Isoptin SR (verapamil sustained release) 180mg, 240mg		60 units per 30 days	
Lotrel (amlodipine/benazapril) 2.5/10mg, 5/10mg, 5/20mg, 10/20mg		30 units per 30 days	
Norvasc (amlodipine) 5mg and 10mg		30 units per 30 days	
Plendil (felodipine) 2.5mg, 5mg, 10mg		30 units per 30 days	
Procardia XL (nifedipine extended release) 30mg		30 units per 30 days	
Procardia XL (nifedipine extended release) 60mg		60 units per 30 days	
Procardia XL (nifedipine extended release) 90mg		30 units per 30 days	
Sular (nisoldipine) 10mg, 20mg, 40mg	30 units per 30 days		
Sular (nisoldipine) 30mg	60 units per 30 days		

<i>Therapy Class</i>	<i>Medication</i>	<i>Quantity Limit (QL) Per 30 Day Supply</i>
	Tarka (trandolapril/verapamil) 1/240mg, 2/180mg, 2/240mg, 4/240mg	30 units per 30 days
	Tiazac (diltiazem extended release) 120mg, 180mg, 240mg, 300mg, 360mg, 420mg	30 units per 30 days
	Verelan (verapamil sustained release) 120mg, 180mg, 360mg	30 units per 30 days
	Verelan (verapamil sustained release) 240mg	60 units per 30 days
	Verelan PM (verapamil sustained release) 100mg, 300mg	30 units per 30 days
	Verelan PM (verapamil sustained release) 200mg	60 units per 30 days
Diabetes Agents	Actos (pioglitazone) 15mg, 30mg, 45mg	30 units per 30 days
	Avandamet (rosiglitazone/metformin) 1/500mg, 2/500mg, 4/500mg, 2/1,000mg, 4/1,000mg	60 units per 30 days
	Avandia (rosiglitazone) 2mg, 4mg,	60 units per 30 days
	Avandia (rosiglitazone) 8mg	30 units per 30 days
Gastrointestinal Agents	Lotronex (alosetron) 0.5mg, 1mg	60 units per 30 days
	Zelnorm (tegaserod) 2mg, 6mg	60 units per 30 days
Incontinence Agents	Oxytrol (oxybutynin)	8 patches per 28 days
Low Molecular Weight Heparins	Arixtra (fondaparinux)	20 syringes per 30 days
	Fragmin (dalteparin)	20 syringes per 30 days
	Innohep (tinzaparin)	10 syringes per 30 days
	Lovenox (enoxaparin)	20 syringes per 30 days
Migraine	Amerge (naratriptan) 1mg, 2.5mg	9 units per 30 days
	Axert (almotriptan) 6.25mg, 12.5mg	6 units per 30 days
	Frova (frovatriptan) 2.5mg	9 units per 30 days
	Imitrex (sumatriptan) 0.5ml single-dose vials	10 vials per 30 days
	Imitrex (sumatriptan) 25mg, 50mg, 100mg tablets	18 units per 30 days
	Imitrex (sumatriptan) Injection Kit	4 kits (8 syringes) per 30 days
	Imitrex (sumatriptan) Nasal Spray	2 boxes (12 spray bottles) per 30 days
	Maxalt 5mg and 10mg, MLT	12 units per 30 days
	Migranal Nasal Spray (dihydroergotamine)	3 boxes (12ml) per 30 days
	Relpax (eletriptan) 20mg	12 units per 30 days
	Relpax (eletriptan) 40mg	6 units per 30 days
	Zomig (zolmitriptan) Nasal Spray	6 devices per 30 days
	Zomig, -ZMT (zolmitriptan) 2.5mg	12 units per 30 days
	Zomig, -ZMT (zolmitriptan) 5mg	6 units per 30 days
Narcotic Analgesics	Actiq (fentanyl transmucosal lozenges) all strengths	120 lollipops per 30 days
	*Butorphanol Nasal Spray	2 bottles (5ml) per 30 days
	Duragesic (fentanyl transdermal) 25mcg, 50mcg, 75mcg, 100mcg	20 patches per 30 days
	Palladone (hydromorphone extended release) all strengths	30 units per 30 days
	Stadol (butorphanol) Nasal Spray	2 bottles (5ml) per 30 days
Osteoporosis/Pagets Disease	Actonel (risedronate) 35mg	4 units per 28 days
	Fosamax (alendronate) 35mg and 70mg tablets	4 units per 28 days
	Fosamax (alendronate) 70mg/75ml solution	300ml per 28 days

<i>Therapy Class</i>	<i>Medication</i>	<i>Quantity Limit (QL) Per 30 Day Supply</i>
Premenstrual Dysphoric Disorder	Sarafem (fluoxetine) 10mg, 20mg	30 units per 30 days
Psychotropics	Abilify (aripiprazole) 5mg, 10mg, 15mg, 20mg, 30mg	30 units per 30 days
	Clozaril (clozapine) 100mg	270 units per 30 days
	Clozaril (clozapine) 25mg	90 units per 30 days
	FazaClo (clozapine) 100mg	270 units per 30 days
	FazaClo (clozapine) 25mg	90 units per 30 days
	Geodon (ziprasidone) 20mg, 60mg	90 units per 30 days
	Geodon (ziprasidone) 40mg, 80mg	60 units per 30 days
	Risperdal (risperidone) 0.25mg, 0.5mg, 1mg, 2mg, 3mg, 4mg	60 units per 30 days
	Seroquel (quetiapine) 100mg	90 units per 30 days
	Seroquel (quetiapine) 200mg	120 units per 30 days
	Seroquel (quetiapine) 25mg	180 units per 30 days
	Seroquel (quetiapine) 300mg	60 units per 30 days
	Symbyax (olanzepine/fluoxetine) all strengths	30 units per 30 days
	Zyprexa (olanzapine) 2.5mg, 5mg, 7.5mg, 10mg, 15mg, 20mg, -Zydis	30 units per 30 days
	Sedatives and Hypnotics	Ambien (zolpidem) 5mg, 10mg
Lunesta (eszopiclone) 1mg, 2mg, 3mg		30 units per 30 days
Sonata (zaleplon) 5mg		30 units per 30 days
Sonata (zaleplon) 10mg		60 units per 30 days

*Generic drug

Fiscal Impact

Due to the claims processing time lag, no savings are anticipated for Fiscal-Year (FY) 2004-2005. For FY 2005-2006, savings are estimated at \$1.309 million (\$0.602 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent changes to these prior authorization requirements.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-420. No fiscal impact; (8) recommends adoption. Implementation of the notice will generate savings to the General Fund beginning in FY 2005-2006. These savings have been included in the Governor's 2005-2006 proposed budget.

[Pa.B. Doc. No. 05-901. Filed for public inspection May 6, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Bucks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the SR 0032 Section 68S Bridge over the Delaware Canal in Upper Makefield Township, Bucks

County. The subject project will result in the permanent acquisition of 0.008 hectare (0.020 acre) of land from the Department of Conservation and Natural Resources and the Delaware Canal. Temporary occupancies will also be required in the Delaware Canal.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects. To minimize the harm to the Section 2002 protected property impacted by the project, aesthetic treatments such as the installation of a decorative pony truss and formlined/stone veneer

abutments will be incorporated in the design to preserve the historic character of the project area. The PA Type 10M Bridge Barrier will be utilized in lieu of concrete parapets resulting in an aesthetically pleasing appearance without compromising bridge barrier requirements.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

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

[Pa.B. Doc. No. 05-902. Filed for public inspection May 6, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-418	State Architects Licensure Board Definitions and Fees	4/22/05

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-394	Environmental Quality Board Storage, Handling and Use of Explosives	4/22/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-903. Filed for public inspection May 6, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Nadeem V. Ahmad; Prehearing

Appeal of Nadeem V. Ahmad under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-032

On or before May 10, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 9, 2005, 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 May 31, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 25, 2005. 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 May 12, 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 May 19, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-904. Filed for public inspection May 6, 2005, 9:00 a.m.]

Application for Domestic Certificate of Authority

Significa Insurance Group Inc. has applied for a Certificate of Authority to operate as a domestic stock life insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—999). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-905. Filed for public inspection May 6, 2005, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania and Highmark Blue Cross Blue Shield; Nongroup Major Medical Plan No. 949-MMNG-10/1/05; Rate Filing

On April 14, 2005, the Insurance Department (Department) received a filing from Blue Cross of Northeastern Pennsylvania and Highmark Blue Cross Blue Shield to increase the premium rate for its Direct Pay Major Medical Plan. The current \$500 deductible/20% coinsurance benefit option will no longer be offered. This option will be replaced with two new benefit options:

- Option No. 1 requires a \$500 deductible on non-Rx services and a separate \$500 deductible on Rx services, 20% coinsurance on non-Rx services, and a copay of \$10 for generic drugs, \$25 copay for brand formulary drugs and \$45 copay on brand nonformulary drugs.
- Option No. 2 requires a \$500 deductible on non-Rx services and a separate \$500 deductible on Rx services, 30% coinsurance on non-Rx services, and a copay of \$10

for generic drugs, \$25 copay for brand formulary drugs and \$45 copay on brand nonformulary drugs.

The rate increase for Option No. 1 is 6.09% and 2.03% for Option No. 2. The proposed effective date is October 1, 2005, and will impact approximately 5,937 subscribers. The increase will generate additional annual revenue of \$0.85 million if all subscribers convert to Option No. 1.

Unless formal administrative action is taken prior to July 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: 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.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-906. Filed for public inspection May 6, 2005, 9:00 a.m.]

Independence Blue Cross; Blue Cross Nongroup Special Care Hospital Program (3-P-05); Rate Filing

On April 15, 2005, Independence Blue Cross filed for an increase in its nongroup special care hospital rates in its five county southeastern Pennsylvania service area. The proposed 10.06% increase will affect 9,700 contracts and generate an additional \$920,000 annually. The requested effective date of this change is September 1, 2005.

A copy of the filing is available on the Insurance Department's (Department) website: 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.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-908. Filed for public inspection May 6, 2005, 9:00 a.m.]

Rinku Mitra Dutt, M.D.; Prehearing

Appeal of Rinku Mitra Dutt, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-003

On or before April 27, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 2, 2005, 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 May 18, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 13, 2005. 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 May 5, 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 May 12, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-907. Filed for public inspection May 6, 2005, 9:00 a.m.]

Keystone Health Plan Central; Hearing

Appeal of Keystone Health Plan Central under 40 P. S. §§ 991.2101—991.2193; Jennifer M. Campbell; Doc. No. HC05-02-025

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

The hearing shall occur on June 13, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

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. 05-909. Filed for public inspection May 6, 2005, 9:00 a.m.]

Miguel A. Marrero, M.D.; Prehearing**Appeal of Miguel A. Marrero, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-030**

On or before May 9, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 18, 2005, 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 May 30, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 24, 2005. 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 May 11, 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 May 18, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-910. Filed for public inspection May 6, 2005, 9:00 a.m.]

Tyrone G. Miller; Prehearing**Tyrone G. Miller; License Denial; Doc. No. AG05-04-012**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for May 26, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 20, 2005. A hearing shall occur on June 9, 2005, in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 12, 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 May 19, 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. 05-911. Filed for public inspection May 6, 2005, 9:00 a.m.]

Nationwide Mutual Fire Insurance Company; Non-standard Automobile Rate Revision; Rate Filing

On April 15, 2005, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company an amendment to their nonstandard automobile rate filing. The filing, which was received on February 24, 2005, is currently under review by the Department.

In the amendment the company is revising the Limited Tort Discount factors in the Philadelphia area for selected coverages.

The total impact of the filing and this amendment is a 6.5% decrease in the Philadelphia area. The Statewide rate impact is a 0.8% decrease.

Unless formal administrative action is taken prior to June 14, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing and amendment are available on the Department's website: www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing and amendment 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. 05-912. Filed for public inspection May 6, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

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

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 05-181-02370; David Merola, Sr.; doc. no. P05-04-007; May 26, 2005, 10 a.m.

Appeal of Nationwide Insurance Company; file no. 05-181-02018; Jessica Hansler; doc. no. P05-04-011; May 31, 2005, 10 a.m.

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

Appeal of Erie Insurance Exchange; file no. 05-308-70109; Jane H. and Joseph A. Blume, Jr., III; doc. no. PI05-04-013; July 13, 2005, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated 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. 05-913. Filed for public inspection May 6, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile policy. The hearings will be held in accordance with the requirements of Act 68, 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 office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Juanita Early; file no. 05-266-00754; Rutgers Casualty Insurance Company; doc. no. PH05-04-014; June 21, 2005, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated 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 at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-914. Filed for public inspection May 6, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Fayette County, Wine & Spirits Shoppe #2603, 241 N. Pittsburgh Street, Connellsville, PA 15425.

Lease Expiration Date: June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space located in a shopping center environment in Connellsville. The site must have good parking and access for rear tractor-trailer deliveries.

Proposals due: May 27, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

The Liquor Control Board seeks the following new site:
 Luzerne County, Wine & Spirits Shoppe #4002, Wilkes-Barre, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space located north of Route 309 and west of Scott Street in the City of Wilkes-Barre.

Proposals due: May 27, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Matthew L. Sweeney, (717) 657-4228
 JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-915. Filed for public inspection May 6, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-120007F2000. Nido's Ltd, Inc. d/b/a Kaylor Gas Distribution and Nido's Ltd, Inc. d/b/a Shadyside Gas. Application of Nido's Ltd, Inc. d/b/a Kaylor Gas Distribution and Nido's Ltd, Inc. d/b/a Shadyside Gas for approval of the abandonment of natural gas service to all natural gas service customers located in the service territory of Kaylor Gas in Sugarcreek and Brady's Bend Townships, Armstrong County and in the service territory of Shadyside Gas in West Franklin and North Buffalo Townships, Armstrong County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before May 23, 2005. The documents filed in support of the application 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 applicant's business address.

Applicant: Nido's Ltd, Inc. d/b/a Kaylor Gas Distribution and Nido's Ltd, Inc. d/b/a Shadyside Gas

Through: Kathleen Foley, President, P. O. Box 24, Meridian Branch, Butler, PA 16001-2898

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-916. Filed for public inspection May 6, 2005, 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 May 31, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.

A-00121689. Platinum VIP Services, LLC (609 Seitz Avenue, Easton, Northampton County, PA 18042), a limited liability company—persons, in limousine service, between points in the Counties of Northampton, Lehigh and Monroe, and from points in said counties to points in Pennsylvania and return. *Attorney:* Joel H. Ziev, 700 Washington Street, Easton, PA 18042.

Application of the following for the approval of the *transfer of stock* as described under the application.

A-00110765, Folder 5000. Susquehanna Valley Limousine, Inc. (R. R. 1, Box 373Q, Northumberland, Northumberland County, PA 17857), a corporation of the Commonwealth, for the approval of the transfer of 100 shares of issued and outstanding shares held by David E. Ludwig to Chris A. Peifer (50 shares) and Matthew G. Markunas (50 shares). *Attorney:* Jeffrey Apfelbaum, 43 S. Fifth Street, Sunbury, PA 17801.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. William G. Fedyski t/d/b/a Fantasy Limo Leasing; Doc. No. A-00119430C0401

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 William G. Fedyski, t/d/b/a Fantasy Limo Leasing, respondent, maintains a principal place of business at 28 Georgetown Lane, Beaver, PA 15009.
2. That respondent was issued a Certificate of Public Convenience by this Commission on January 9, 2003, at Application Docket No. A-00119430.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52, Pa. Code § 32.2(c) and 52 Pa. Code §§ 32.11(a), 32.12(a) or 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint,

the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00119430, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

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

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). 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 of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B).

Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Travel With Comfort Inc., P. O. Box 23105, Philadelphia, PA 19124; Doc. No. A-00115561C

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 Travel With Comfort, Inc., respondent, maintains its principal place of business at P. O. Box 23105, Philadelphia, PA 19124.

2. The respondent filed an application for paratransit authority at Application Docket No. A-00115561, on January 20, 1999, which was dismissed on September 27, 1999. On May 19, 1999, respondent was granted a certificate of public convenience at Application Docket No. A-00115561, F.2, for group and party 16+ authority. Said certificate was cancelled on February 18, 2003. That respondent was issued a certificate of public convenience by this Commission on July 8, 2003, at Application Docket No. A-00115561, F.3 for group and party 16+ authority.

3. That respondent's operating rights were suspended on October 14, 2003, for failure to maintain evidence of insurance on file with this Commission.

4. That respondent, on November 30, 2004, at approximately 10:12 a.m., at Lisburn Road, Lower Allen Township, Cumberland County, Pennsylvania, permitted a certain 2000 Ford van bearing Pennsylvania License No. FLS9808, Vehicle Identification No. 1FTSS34L4YH818647, to be operated. At that time, David D. Beck, a duly authorized officer of this Commission, found said unmarked vehicle to be holding out to transport passenger's shuttle service for compensation. Additionally, the respondent is advertising under the name "Pennsylvania Shuttle" at the Camp Hill prison offering shuttle service in Pennsylvania. Respondent's authority from this Commission is limited to group and party 16+ authority, in vehicles which carry 16 or more passengers including the driver.

5. That respondent, by operating its vehicle while under suspension for failing to maintain evidence of insurance on each of its vehicles used in providing service authorized by this Commission, violated 66 Pa.C.S. § 501(c) in that it failed to observe, obey and comply with a Commission regulation or order, and the terms and

conditions thereof. Penalty is \$1,000.00 and cancellation of its certificate of public convenience.

6. That respondent by failing to have the proper name or registered insignia and the proper number of the certificate of public convenience identification markings on each side of the vehicle, violated 52 Pa. Code § 29.71(a). The penalty is \$50.00.

7. That respondent, by failing to include in its advertisement, its proper name and certificate number issued by this Commission, violated 52 Pa. Code § 21.2. The penalty is \$50.00.

8. That respondent, by offering service of a different nature than that authorized by this Commission, violated 66 Pa.C.S. § 1102(a)(1)(i). The penalty is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Travel With Comfort, Inc., the sum of one thousand, three hundred fifty dollars (\$1,350.00) for the illegal activity described in this complaint and requests that the Commission revoke Travel With Comfort, Inc.'s, certificate of public convenience at A-00115561, F.3.

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

NOTICE

A. You must file an answer within twenty (20) 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 (3) 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 (20) 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. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment and receipt of the evidence of insurance from your insurer, the Complaint shall be closed. ACORD CERTIFICATES OF INSURANCE AND FAXED FORM E'S AND H'S ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. 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 cancellation of your Certificate of Public Convenience.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-917. Filed for public inspection May 6, 2005, 9:00 a.m.]

Water Service

A-212955F0016. Superior Water Company, Inc. Application of Superior Water Company, Inc. for a Certificate of Public Convenience authorizing it to begin to offer, render, furnish or supply water service to the public in a portion of Washington Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before May 23, 2005. The documents filed in support of the application 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 applicant's business address.

Applicant: Superior Water Company

Through and By Counsel: Louise A. Knight, Esquire, David P. Zambito, Esquire, Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-918. Filed for public inspection May 6, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-040.4, Building 6 Substation Repair Project, Packer Avenue Marine Terminal (PAMT), until 3 p.m. on Thursday, June 2, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 18, 2005. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on May 26, 2005, at 11 a.m. at the PAMT South Guard House, 3,000 feet south of the corner of Packer Ave. and Columbus Blvd., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-919. Filed for public inspection May 6, 2005, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-051.2, HVAC Maintenance & Repairs, Tioga Adm. Bldg. (TAB), until 2 p.m. on Thursday, June 2, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 17, 2005. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. Additional information and project listings can be found at www.philaport.com. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215)-426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on May 26, 2005, at 10 a.m. at the Tioga Adm. Bldg., 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-920. Filed for public inspection May 6, 2005, 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

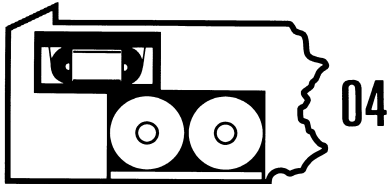
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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

ROBERT P. CASEY, Jr.,
State Treasurer

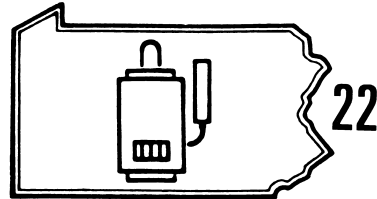
SERVICES



Audio/Video

63-0257R Farrett Stadium Audio System Upgrade. Provide complete audio system for home and visitor bleacher seating areas in accordance with the plans and specifications. Pre-Bid site visit is scheduled for 10:00 a.m. May 4, 2005 at Farrett Stadium, 875 New St., West Chester, PA 19383. Bids are due at 11:00 a.m. on May 17, 2005 in the Construction Procurement Office, West Chester University, 201 Carter Drive, Suite 200, West Chester, PA 19383.

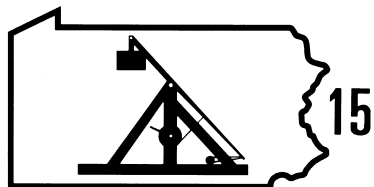
Department: State System of Higher Education
Location: Farrett Stadium, 875 New Street, West Chester, PA 19383.
Duration: Work to be completed within 28 days of the Notice to Proceed. It is expected that work will begin by June 1, 2005.
Contact: Barb Cooper, (610) 436-2706



HVAC Services

PR30081434 Supply electrical items including light fixtures, anchor based poles, wire, and concrete pull boxes. No cost for bid packages. Bid due date: May 17, 2005.

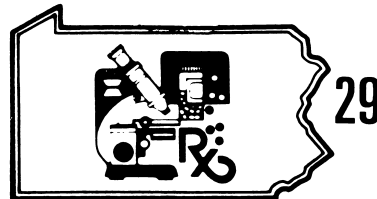
Department: Fish and Boat Commission
Location: PA Fish & Boat Commission, Central Warehouse, 476 Robinson Lane, P.O. Box 5146, Pleasant Gap, PA 16823
Duration: By June 06, 2005
Contact: Kathi Loewen, (814) 359-5130



Environmental Maintenance Service

OSM 17(7158)101.1 Abandoned Mine Reclamation Project, Shawville North. The principal items of work and approximate quantities include 426,300 cubic yards of Grading, 4,000 tons of Limestone Screenings, 33 acres of Seeding and planting 23,292 Trees. This project issues on May 6, 2005 and bids will be opened on June 2, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

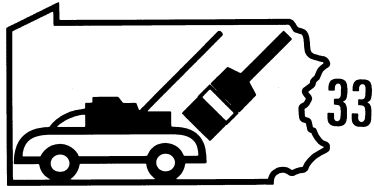
Department: Environmental Protection
Location: Goshen Township, Clearfield County
Duration: 300 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



Medical Services

CN00014754 Vendor shall provide pharmaceutical services and related medical/health supplies for Clarks Summit State Hospital patients. (Approx. 225 patients) Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by sending a fax to 570-587-7108. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 01, 2005 through June 30, 2008.
Contact: Stanley Rygelski, PA, (570) 587-7291



Property Maintenance

8898 Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Trevoise Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

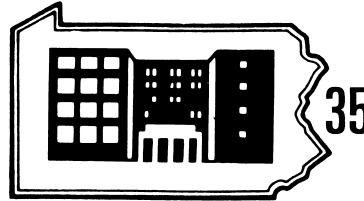
Department: State Police
Location: Troop M, Trevoise Station, 3501 Neshaminy Boulevard, Bensalem, PA 19020, phone # 215-942-3900
Duration: 07/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8903 Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Strategic Development Division, THREE (3) cuttings per month, or as required by the Division Director. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

Department: State Police
Location: Strategic Development Division, 2629 Market Place, Harrisburg, PA 17110, phone # 717-657-4156
Duration: 07/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

cn00014749 Work includes supplying of all labor, materials, tools, equipment and appurtenances necessary to construct a new wood framed trussed roof with all related appurtenances and remove existing foam roofing system, and install a new TPO single ply roofing membrane, fully adhered, mechanically fastened, insulation with all related appurtenances to the flat roof section.

Department: Public Welfare
Location: Youth Forestry Camp #2, Hickory Run State Park, R.D.#1, Box 82, White Haven, PA 18661
Duration: Unknown
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Real Estate Services

93837 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA Gaming Control Board with 2,200 useable square feet of office space in West Conshohocken, Montgomery County, PA. For more information on SFP #93837 which is due on May 2, 2005 visit www.dgs.state.pa.us and click on Real Estate to download a SFP document or call (717) 787-4396.

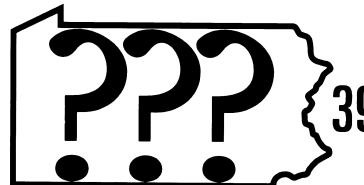
Department: PA Gaming Control Board
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396

93840 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the State Police with 16,054 useable square feet of office space in Lehigh County, PA. with a minimum parking for 57 vehicles, within 7 mile radius of the intersection of Rt. 78 & Rt. 100. For more information on SFP #93840 which is due on June 20, 2005 visit www.dgs.state.pa.us and click on Real Estate to download an SFP document or call (717) 787-4396.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396

93838 LEASE OFFICE/WAREHOUSE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Revenue with 128,995 useable square feet of office/warehouse space within a 10-mile radius of the State Capitol Building. For more information on SFP #93838 which is due on July 5, 2005 visit www.dgs.state.pa.us and click on Real Estate to download a SFP document or call (717) 787-4396.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396



Miscellaneous

13685-04 State Correctional Institution at Muncy requires the services of a translator or interpreter for Spanish speaking inmate population. The service will be approx. 2-3 hours per day, approx. 2 days per week.

Department: Corrections
Location: State Correctional Institution at Muncy, Route 405, P.O. Box 180, Muncy, PA 17756
Duration: 7/1/05 to 6/30/06
Contact: Cindy Lyons, (570) 546-3171

[Pa.B. Doc. No. 05-921. Filed for public inspection May 6, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

