

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under 3 Pa.C.S. §§ 6701—6725 (relating to Fertilizer Act), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	37¢ per pound
Available phosphate	31¢ per pound
Soluble potash	22¢ per pound

#### *Further Information*

Further information is available by contacting John W. Breitsman, Chief, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

#### *Effective Date*

These commercial values are effective July 1, 2005, and shall remain effective until further notice.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 05-1121. Filed for public inspection June 10, 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 31, 2005.

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-25-05	First Priority Bank Malvern Chester County	Malvern	Approved

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-23-05	Investors Trust Company Wyomissing Berks County	Wyomissing	Effective

Represents conversion from a Pennsylvania State chartered trust company to a limited purpose National banking association with trust/fiduciary powers, to be known as National Penn Investors Trust, Wyomissing. The trust company is a wholly owned subsidiary of National Penn Bancshares, Inc., Boyertown.

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-23-05	S & T Bank Indiana Indiana County	603 Stanwix Street Pittsburgh Allegheny County	Filed
5-31-05	Orrstown Bank Shippensburg Cumberland County	3045 Market Street Camp Hill Cumberland County	Filed

## NOTICES

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-23-05	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	<i>To:</i> Corner of Green Ridge St. and Ross Avenue Scranton Lackawanna County  <i>From:</i> Greenridge Plaza Scranton Lackawanna County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-25-05	Fairless Credit Union Morrisville Bucks County	Morrisville	Effective
	Represents conversion from an occupational-based credit union to a community charter; the conversion is completed by filing Articles of Amendment with the Department of State (see following).		
5-26-05	Belco Community Credit Union Harrisburg Dauphin County	Harrisburg	Filed
	Application represents conversion from an occupational-based credit union to a community charter with a proposed field of membership consisting of those who live, work, worship, volunteer or attend school in the Counties of Adams, Cumberland, Dauphin, Lancaster, Lebanon, Perry and York located in this Commonwealth; also businesses and other legal entities in these counties.		

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-25-05	Fairless Credit Union Morrisville Bucks County	Amendment to Article II, Section 1 of the Articles of Incorporation provides for a change in the field of membership of the credit union to be: "Membership shall be limited to persons who live, work, worship, perform volunteer services, or attend school in Bucks County and family members and organizations of such persons; also businesses and other legal entities in Bucks County."	Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1122. Filed for public inspection June 10, 2005, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0007919 IW	Cascade Tissue Group PA, Inc. 901 Sathers Drive Vogelbacher Industrial Park Pittston Township, PA 18640	Ransom Township Lackawanna County	Susquehanna River (7K)	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0032051 (Sewage)	Granville Township Board of Supervisors 100 Helen Street Lewistown, PA 17044-2411	Mifflin County Granville Township	Juniata River/12A	Y
PA0083984 (Sewage)	Ranch House Restaurant R. D. 4 Box 4876 Duncannon, PA 17020	Perry County Watts Township	Susquehanna River/6C	Y
PA0024074 (Sewage)	Shoemakersville Municipal Authority 242 Main Street Shoemakersville, PA 19555-1410	Berks County Shoemakersville Borough	Schuylkill River/3B	Y
PA0014656 (Industrial Waste)	Exide Technologies 3000 Montrose Avenue Reading, PA 19605	Berks County Hamburg Borough	UNT Schuylkill River/3B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0086525 (Sewage)	Centre Township Municipal Authority—Kingsgate East 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	UNT Irish Creek/3B	Y
PA0081213 (Sewage)	Clay Township Supervisors 870 Durlach Road Stevens, PA 17578	Lancaster County Clay Township	UNT Middle Creek/7J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0022373	Lakeview Joint Sewer Authority WWTP Route 62 North P. O. Box 357 Stoneboro, PA 16153-0357	Sandy Lake Township Mercer County	Sandy Creek 16-G	Y
PA0104213	Peaceful Rest Home, Inc. 3472 County Line Road Cochranton, PA 16314	French Creek Township Mercer County	UNT to Foulk Run 16-C	Y
PA0100111	Lake Lucy Trailer Court R. R. 1, Box 121 Tionesta, PA 16353-9801	Washington Township Clarion County	UNT to Hemlock Creek 16-E	Y
PA010170a2	Rocky Ridge Village MHP Castle Haven, Inc. P. O. Box 870 Franklin, PA 16323	Sandycreek Township Venango County	UNT to Ditzenberger Run 16-G	Y
PA0223069	Cool Spring-Jackson Lake Latonka Joint Authority 365 North Cottage Road Mercer, PA 16137	Coolspring Township Mercer County	Cool Spring Creek 20-A	Y
PA0223051	Connoquenessing Borough P. O. Box 471 228 Constitution Avenue Connoquenessing, PA 16027-0471	Connoquenessing Borough Butler County	UNT to Connoquenessing Creek 20-C	Y
PA0222518	Lazar SFTF 10368 Dutch Road Waterford, PA 16441	Greene Township Erie County	UNT to East Branch LeBoeuf Creek 16-A	Y
PA0092201	Penn Christian Academy School 199 West Airport Road Butler, PA 16002	Penn Township Butler County	UNT to Thorn Creek 20-C	Y
PA0210056	Amsterdam Estates MHP 39 Amsterdam Road Grove City, PA 16127	Liberty Township Mercer County	UNT to Black Run 20-C	Y
PA0103675	Miracle Mountain Ranch Missions, Inc. Eldred Hill Road R. D. 1, Box 95 Spring Creek, PA 16436	Spring Creek Township Warren County	UNT to Brokenstraw Creek 16-B	Y

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

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

**Application No. PA 0081345**, Sewage, **Grier Foundation**, P. O. Box 308, Tyrone, PA 16686-0308. This facility is located in Warriors Mark Township, **Huntingdon County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Little Juniata River, is in Watershed 11-A and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Water Authority is

located on the Juniata River, approximately 103 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0225 mgd are:

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

Individuals may 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 0026735**, Sewage, **Swatara Township Authority**, 8675 Paxton Street, Hummelstown, PA 17036. This facility is located in Swatara Township, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Swatara Creek, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Borough Municipal Authority is located on the Susquehanna River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 6.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	19	30	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
TKN	Monitor and Report		
NO <sub>2</sub> + NO <sub>3</sub>	Monitor and Report		
Total Nitrogen	Monitor and Report		
(TKN + NO <sub>2</sub> + NO <sub>3</sub> )			
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	9,000/100 ml as a geometric average		
(10-1 to 4-30)			

Individuals may 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.

**Application No. PA 0247359**, Industrial Waste, SIC Code 3089, **Key Plastics, LLC**, 12367 Mt. Olivet Road, Felton, PA 17322-8449. This facility is located in Winterstown Borough, **York County**.

Description of activity: The application is for the issuance of an NPDES permit for existing discharges of cooling water blowdown and fire pump tank water.

The receiving stream, UNT of East Branch Codorus Creek, is in Watershed 7-H and is classified for high quality CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake, York Water Company, is located approximately 16 miles downstream on the South Branch Codorus Creek. The discharges are not expected to affect the water supply.

The proposed effluent limitations for Outfalls 001 and 002 (blowdown) based on a combined discharge rate of approximately 0.001 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S.U.)		from 6.0 to 9.0 inclusive	
Total Residual Chlorine	0.26	XXX	0.85
Osmotic Pressure	XXX	50	XXX

Monitoring requirements for Temperature, Conductivity, Total Suspended Solids, Total Dissolved Solids, Chloride, Bromide, Total Copper, Total Zinc, Chloroform and Bromoform are proposed for Outfalls 001 and 002.

Outfall 003 is an overflow from a fire pump tank and the only proposed effluent limit is pH from 6.0 to 9.0 S.U. with daily flow monitoring.

Individuals may 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.

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

**PA0252905**, CAFO, **MEC Pennsylvania Racing, Inc.**, P. O. Box 449, Racetrack Road, Meadow Lands, PA 15347-0449. MEC Pennsylvania Racing, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as The Meadows Racetrack, located in North Strabane Township, **Washington County**.

The CAFO is situated near Chartiers Creek in Watershed 20F, which is classified as a WWF. The CAFO consists of an animal population of approximately 1,025 animal equivalent units (AEUs) consisting of approximately 1,025 horses. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southwest Regional Office of the Department. Individuals may make an appointment to review the files by calling the file review coordinator at (412) 442-4000.

Persons who wish to comment on the proposed permit are invited to submit written comments to the Department at the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0094846**, Sewage, **United Mobile Homes, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This application is for renewal of an NPDES permit to discharge treated sewage from Somerset Estates STP in Adams Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of East Branch Coxes Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Ohiopyle Borough Municipal Water Works on the Youghiogheny River.

*Outfall 001: existing discharge, design flow of 0.065 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
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				
(1st month—36th month)	1.4			3.3
(37th month—expiration)	0.7			1.6
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.*

**PA0239585**, Sewage, **Lawrence J. Adams**, 416 Little Creek Road, Harmony, PA 16037. This proposed facility is located in Muddy Creek Township, **Butler County**.

Description of Proposed Activity: a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is discharge.

The receiving stream, UNT to Big Run, is in watershed 20-C and classified for: HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Fecal Coliform	200/100 ml		1,000/100 ml
Total Residual Chlorine	0.5		1.2
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

**PA0239526**, Industrial Waste, **PA Industrial Heat Treaters, Inc.**, P. O. Box 348, St. Marys, PA 15857-0348. This proposed facility is located in St. Marys, **Elk County**.

Description of Proposed Activity: discharge of stormwater and noncontact cooling water in the event of power outage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is PA American Water Company and the West Branch Susquehanna River located at Milton Borough, approximately 118 miles below point of discharge.

The receiving stream, a UNT to West Creek, is in watershed 8-A and classified for: HQ CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	XX		
Chemical Oxygen Demand	XX		
Oil and Grease	XX		
Total Suspended Solids	XX		
Lead	XX		
Copper	XX		
Cadmium	XX		
Arsenic	XX		
Total Iron	XX		
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	XX		
Chemical Oxygen Demand	XX		
Oil and Grease	XX		
Total Suspended Solids	XX		
Lead	XX		
Copper	XX		
Cadmium	XX		
Arsenic	XX		
Total Iron	XX		
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	XX		
Temperature	XX		
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 004 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
Total Suspended Solids	XX		
Temperature	XX		
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 005 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
Total Suspended Solids	XX		
Temperature	XX		
pH		6.0 to 9.0 standard units at all times	

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)

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

**WQM Permit No. 3601405 Amendment 05-1**, Sewerage, **Black Rock Retreat Association**, 1345 Kirkwood Pike, Quarryville, PA 17566. This proposed facility is located in Colerain Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of four new disposal beds and the addition of a third recirculating sand filter bed.

**WQM Permit No. 0605407**, Sewerage, **Bern Township Municipal Authority**, 1069 Old Bernville Road, Reading, PA 19605. This proposed facility is located in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer collection system and pump station.

**WQM Permit No. 0605408**, Sewerage, **Bear Creek Management Company, LLC**, 1950 Old Gallows Road, Suite 600, Vienna, VA 22182. This proposed facility is located in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a sewer collection system, treatment plant and drip irrigation system.

**WQM Permit No. 0605409**, Sewerage, **Borough of Kutztown**, Borough Hall, 45 Railroad Street, Kutztown, PA 19530-1112. This proposed facility is located in Kutztown Borough, **Berks County**.

Description of Proposed Action/Activity: Construction of a sanitary sewage collection system and pump station for the proposed housing subdivision.

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

**WQM Permit No. 1405201**, Industrial Waste, SIC 2033 and 2037, **Hanover Foods Corporation**, P. O. Box 193, Centre Hall, PA 16828. This existing facility is located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is applying for a permit to authorize the construction and operation of improvements to the aeration system serving the aerated treatment lagoon and the addition of a chlorine contact tank for disinfection purposes.

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

**WQM Permit No. 0279202-A5**, Industrial Waste, **Neville Chemical Company**, 2800 Neville Road, Pittsburgh, PA 15225-1496. This proposed facility is located in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Application to install a new pipeline from No. 1 Wet Well to the Batch Treatment Tanks.



**WQM Permit No. 0289422-A1**, Sewerage, **Collier Township Municipal Authority**, 2418 Hilltop Road, Presto, PA 15142. This proposed facility is located in Collier Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for modification of existing lift station.

**WQM Permit No. 6505403**, Sewerage, **Hempfield Township Municipal Authority**, R. D. 6, Box 500, Greensburg, PA 15601. This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application to install 24" PVC sanitary sewer interceptor from Earl Lohr Plant and tie into the South of Greensburg Interceptor.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI130546	Chester County 2 North High St West Chester, PA 19380	Chester	West Chester Borough	3D, 3F, 3G, 3H, 3I and 7K Watersheds	Y

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

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

<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Hallstead Borough P. O. Box 366 Hallstead, PA 18822	Susquehanna	Hallstead Borough	Susquehanna River
Jeddo Borough R. R. 1, Box Box 1269 Freeland, PA 18224	Luzerne	Jeddo Borough	Black Creek CWF
West Abington Township R. R. 3, Box 26 Dalton, PA 18414	Lackawanna	West Abington Township	UNT to South Branch of Tunkhannock Creek CWF
Great Bend Borough P. O. Box 745 Great Bend, PA 18821	Susquehanna	Great Bend Borough	Susquehanna River WWF
New Milford Township P. O. Box 276 New Milford, PA 18834	Susquehanna	New Milford Township	Salt Lick and Beaver Creeks

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

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

*Carbon County Conservation District: 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305007	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Carbon	Kidder Township	Black Creek HQ-CWF
PAI021305008	Patrick Aviles 424 Grape St. Whitehall, PA 18052	Carbon	Franklin Township	Pine Run EV

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025205006	Forest Glen Estates, LLC 155 3rd Street Brooklyn, NY 11231-4822	Pike	Delaware Township	Dingmans Creek HQ-CWF Adams Creek EV

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.  
Clinton County Conservation District: 45 Cooperation Lane, Bellefonte, PA 17751, (570) 726-3798.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041805001	Department of Transportation P. O. Box 342 Clearfield, PA 16830	Clinton	Chapman Township	Left Branch Young Woman Creek HQ-CWF

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

*Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI056505004	Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Westmoreland	Hempfield, Penn and Salem Townships	Beaver Run (HQ-CWF), Brush Creek (TSF), Little Sewickley Creek (TSF)

**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&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 5205503, Public Water Supply**

Applicant	<b>S &amp; S Construction Group</b>
Township or Borough	Dingman Township
County	<b>Pike</b>
Responsible Official	Xui Quan Shi, President P. O. Box 1126 Montague, NJ (973) 293-3546
Type of Facility	Community Water System
Consulting Engineer	Brian D. Swanson, P. E. Swanson Engineering, P. C. 435 Green Ridge Street Scranton, PA 18509 (570) 558-2727
Application Received Date	May 13, 2005
Description of Action	Application for construction of a new supply well, along with two 3,000 gallon finished water storage tanks, chemical treatment facilities and distribution to supply expansion of the existing Maple Park Garden residential townhouse development.

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

**Permit No. 0604521, Public Water Supply.**

Applicant	<b>Genesis Elder Care Corporation</b>
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Municipality Tilden Township  
 County **Berks**  
 Responsible Official Randy S Eddinger,  
 Consultant/PADEP Operator  
 1697 Swamp Pike  
 Gibertsville, PA 19525

Type of Facility Public Water Supply  
 Consulting Engineer George W Ruby, P. E.  
 Ruby Engineering  
 P. O. Box 127  
 Rexamont, PA 17085-0127

Application Received Date 12/7/2004  
 Description of Action Addition of pH adjustment to  
 provide corrosion control to  
 existing facility.

**Permit No. 3805504**, Public Water Supply.  
 Applicant **Cornwall Borough, Lebanon  
 County Municipal Authority**

Municipality Cornwall Borough  
 County **Lebanon**  
 Responsible Official Kathleen G Schaeffer,  
 Chairperson  
 P. O. Box 667  
 36 Burd Coleman Rd.  
 Cornwall, PA 17016

Type of Facility Public Water Supply  
 Consulting Engineer James C Elliot, P. E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Application Received Date 5/16/2005  
 Description of Action Construction of a new Alden  
 Place Storage Tank, and booster  
 chlorination system at the  
 existing Borough Garage  
 Pumping Station, repainting of  
 the Cold Spring Storage Tank  
 and distribution pipeline  
 improvement.

**MINOR AMENDMENT**

**Applications received under the Pennsylvania Safe  
 Drinking Water Act**

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

**Application No.** Minor Amendment.  
 Applicant **Country Club Estates  
 Condominium Association,  
 Inc.**

Township or Borough Mahoning Township  
**Carbon County**

Responsible Official Steven J. Rose, President  
 Country Club Estates Condo.  
 Assn., Inc.  
 2930 Fairview Street  
 Allentown, PA 18103  
 (610) 821-5775

Type of Facility Community Water System

Consulting Engineer N/A  
 Application Received Date May 10, 2005  
 Description of Action Application for transfer of PWS  
 Permit No. 3130035, issued  
 October 3, 2002, from Equitis  
 Group, LP to Country Club  
 Estates Condominium  
 Association, Inc.

**WATER ALLOCATIONS**

**Applications received under the act of June 24,  
 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641)  
 relating to the Acquisition of Rights to Divert  
 Waters of this Commonwealth**

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

**WA-67**, Water Allocations. **Aqua Pennsylvania, Inc.**,  
 762 West Lancaster Avenue, Bryn Mawr, PA 19010, Lower  
 Providence Township, **Montgomery County**. Renewal of  
 existing Water Allocation Permit for the right to with-  
 draw 16.5 mgd from the Perkiomen Creek at the  
 Wetherill Dam and Pumping Station.

*Southcentral Region: Water Supply Management Pro-  
 gram Manager, 909 Elmerton Avenue, Harrisburg, PA  
 17110-8200.*

**WA 06-1021**, Water Allocations. **Ontelaunee Town-  
 ship Municipal Authority, Berks County**. Subsidiary  
 water allocation to allow Ontelaunee Township to pur-  
 chase water from the Reading Area Water Authority.  
 Consulting Engineer: Carl Frankdicker Jr, Spotts Stevens  
 McCoy Inc Date Application Received: 1/16/2004.

**WA 36-574F**, Water Allocations. **East Petersburg Bor-  
 ough, Lancaster County**. The right to purchase 500,000  
 gallons per day, based on a 30-day average, from the City  
 of Lancaster Consulting Engineer: Cynthia L Zawrotuck,  
 ARRO Consulting Inc Date Application Received: 5/10/  
 2005.

**LAND RECYCLING AND  
 ENVIRONMENTAL REMEDIATION  
 UNDER ACT 2, 1995  
 PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environ-  
 mental 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 Stan-  
 dard, the Site-Specific Standard or who intend to remedi-  
 ate 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 demon-

strates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Friends Hospital**, City of Philadelphia, **Philadelphia County**. Cliff Harper, Harper Environmental, 1811 Hale Hollow Rd., Bridgewater Corners, VT 05035 on behalf of David Liddle, Friends Hospital, 4641 Roosevelt Blvd., Philadelphia, PA 19126 has submitted a Notice of Intent to Remediate. Soil at the site was has been impacted by unleaded gasoline.

**CSX Pier 124**, City of Philadelphia, **Philadelphia County**. George E. Tieman, Triad Eng., Inc., P. O. Box 1435, St. Albans, WV 25177 on behalf of Kevin Boland, CSX Real Prop., Inc. has submitted a Notice of Intent to Remediate. Soil at the site was impacted by PAHs and inorganics.

**Cope Tract/Ridgewood**, Skippack Township, **Montgomery County**. Jonathan M. Rybacki, Apex Env., Inc., 269 Great Valley Parkway, Malvern, PA 19355 on behalf of John Gigliotti, Gigliotti Group—Squirrel Hill Assoc., LP, Summit Square Center, Suite 2G-H, Route 413 and Doublewoods Rd., Langhorne, PA 19047 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by inorganics other organics, lead and arsenic.

**The Wharf at Rivertown**, City of Chester, **Delaware County**. Mark Eschbacher, P. G., RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Larry Wygant, Preferred Real Estate Investments, 1001 E. Hector St., Suite 101, Conshohocken, PA 19428 has

submitted a Notice of Intent to Remediate. Soil at the site was impacted by PCBs, inorganics and chlorinated solvents.

**Atoll Prop.**, Royersford Borough, **Montgomery County**. Richard Johnson, P. G., RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Joseph Price, Riverfront at Royersford, LP, 721 Dresher Rd., Horsham, PA 19044 has submitted a Notice of Intent to Remediate. Soil and groundwater were impacted by chlorinated solvents and other organics.

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

**Sunoco Inc**, Shippensburg Borough, **Cumberland County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sunoco, Inc. R & M, 5733 Butler Street, Pittsburgh, PA 15201, submitted a Notice of Intent to remediate site soils and groundwater impacted with benzene, toluene, ethylbenzene, xylene, MTBE, isopropylbenzene and naphthalene. The applicant proposes to remediate the property to meet the Site Specific Standard requirement. The property will continue to be used as a gasoline station and convenience store.

**Fort Indiantown Gap Army National Guard Training Center, Area 19-116**, East Hanover Township, **Lebanon County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to a Statewide health standard. The site will continue to be used for residential and nonresidential purposes.

**Fort Indiantown Gap Army National Guard Training Center, Area 11-17**, East Hanover Township, **Lebanon County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to a Statewide health standard. The site will continue to be used for residential and nonresidential purposes.

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

**Applications submitted 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.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101678. Tri-County Landfill Inc.**, 159 TCI Park Drive, Grove City, PA 16127, Liberty and Pine Townships, **Mercer County**. The application to repermit and expand the Tri-County Landfill was originally submitted by Tri-County Landfill, Inc. on August 23, 2004. This application was subject to the Local Municipality Involvement Process Policy and the Alternative Project Timeline requirement. The LMIP was held on September 29, 2004, and the alternative timeline was finalized on October 28, 2004. The application was

found to be administratively complete on February 8, 2005, and a public meeting regarding the benefits and harms of the proposed project was held on April 12, 2005. The Department of Environmental Protection is currently in the review stage of the Environmental Assessment/Benefits and Harms portion of the application.

**Permit Application No. 300995. Crompton Petrolia**, 100 Sonneborn Lane, Petrolia, PA 16050, Fairview Township, **Butler County**. Permit reissuance application for the transfer of the Crompton/Witco Petrolia facility which is a captive residual waste landfill. The permit is being reissued to Sonneborn, Inc. The application was received by Northwest Regional Office on May 16, 2005.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 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&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.*

**06-03132: Ernst Cabinet Works** (51 Primrose Street, Hamburg, PA 19526) for construction of a surface coating operation (wooden furniture) controlled by dry filters in the Borough of Hamburg, **Berks County**.

**06-05149: Fleetwood Industries** (3001 St. Lawrence Avenue, Reading, PA 19533) for construction of a wooden furniture (kitchen cabinets) manufacturing facility controlled by dry filters in Ontelaunee Township and the Borough of Leesport, **Berks County**.

**38-05019C: AES Ironwood, LLC** (305 Prescott Road, Lebanon, PA 17042) to modify the language for start-ups, shutdowns and load changes in the current approval. The facility is in South Lebanon Township, **Lebanon County** and is subject to the Title V permitting requirements and 40 CFR Part 60, Subpart GG for stationary gas turbines.

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

**08-00003C: CraftMaster Manufacturing, Inc.** (Shiner Road, P. O. Box 311, Towanda, PA 18848) for a heat input increase to wood waste fired boiler No. 3 at their CraftMaster facility in Wysox Township, **Bradford County**.

**60-318-011A: Pik Rite Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837) for construction of a fabricated steel parts surface coating operation in Buffalo Township, **Union County**.

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

**24-012E: C/G Electrodes LLC—St. Marys Plant** (800 Theresia Street, St. Marys, PA 15857-1898) for construction of four carbottom kilns Nos. 491—494 to the existing thermal incinerator and scrubber in St. Marys City, **Elk County**. This is a Title V facility.

**42-158J: Temple Inland Forest Products** (147 Temple Drive, Mt. Jewett, PA 16740) for modification of plan approval 42-158I to incorporate two additional sources previously omitted and clarification of CAM condition for their Mount Jewett Complex in Sargeant Township, **McKean County**. The facility is a Title V Facility.

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

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

**35-00014: Keystone Landfill, Inc.** (P. O. Box 249, Dunmore, PA 18512) for incorporation of the requirements from Plan Approval 35-399-040 into the renewal Title V operating permit for their facility in Dunmore Borough, **Lackawanna County**.

**40-303-020B: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) for modification of an existing batch asphalt plant to utilize alternative fuels, to include waste derived liquid fuel, in the process at their Pikes Creek Asphalt facility in Lehman Township, **Luzerne County**. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 400,000 tons of asphalt per year. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

**45-303-009: Haines and Kibblehouse, Inc.—Locust Ridge Quarry** (P. O. Box 196, Skippack, PA 19474) for modification of an existing batch asphalt plant to utilize alternative fuels, to include waste derived liquid fuel, in the process at their Locust Ridge Quarry facility in Tobyhanna Township, **Monroe County**. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 400,000 tons of asphalt per year. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

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

**34-05001B: Armstrong Cabinet Products** (R. R. No. 2, Box 171C, Thompsettown, PA 17094) for addition of 650 hangers to the facility's existing cabinet finishing operations in Delaware Township, **Juniata County**. The addition of the hangers will allow for an increase in the facility's production capacity and increase the potential emissions of VOCs by about 37 tons per year. The facility is subject to 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations. The plan approval will include restrictions, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**55-00010A: National Limestone Quarry, Inc.** (P. O. Box 397, Middleburg, PA 17842) for construction of 14 conveyors (the conveyors) and installation of a water

spray dust suppression system (ID C03) associated with the conveyors at their Paxtonville Quarry in Franklin Township, **Snyder County**.

The conveyors will be a source of PM and PM10 emissions. The new sources will emit up to 0.59 ton of PM and 0.19 ton of PM10 in any 12 consecutive month period (CMP). The facility will emit less than 100 tons of PM/PM10 in any 12 CMP. The facility will have the potential to emit less than 100 tons of SO<sub>x</sub>, NO<sub>x</sub>, CO, 50 tons of VOCs, 10 tons of any individual hazardous air pollutant (HAP), and less than 25 tons of combined HAPs in any 12 CMP. The facility will be considered as a natural minor facility.

The Department of Environmental Protection's (Department) review of the information provided by National Limestone Quarry, Inc. indicates that the new sources will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the construction of 14 conveyors and installation of a water spray dust suppression system associated with the conveyors.

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

1. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, an operable water truck equipped with a pressurized water spray mechanism shall be kept onsite and filled with water at all times (except when refilling the truck) that the conveyors are in operation. This water truck shall be used, as needed, for the prevention and control of fugitive air contaminant emissions from plant roadways, and the like.

2. All conditions contained in State-only operating permit NMOP 55-00010 and Plan Approval No. 55-310-002A remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition contained in this plan approval and a condition contained in State Only operating permit NMOP 55-00010 or Plan Approval No. 55-310-002A, the permittee shall comply with the condition contained in this plan approval.

3. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, if at any time it is determined that the operation of any conveyor is resulting in the emission of air contaminants in excess of any applicable limitations specified in 25 Pa. Code § 123.1, the company shall immediately install additional water spray dust suppression nozzles and/or take such other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

4. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from the conveyors shall be controlled by a water spray dust suppression system that shall, at a minimum, incorporate the following spray nozzles:

(a) Three nozzles at the discharge of the 30" by 100" Melot conveyor (No. 65),

(b) Two nozzles at the discharge of the 24" by 80" LB Smith conveyor (No. 66),

(c) Two nozzles at the discharge of the 30" by 100" Melot radial stacker (No. 70),

(d) Two nozzles at the discharge of the 36" by 90' Melot conveyor (No. 74),

(e) Three nozzles at the discharge of the 36" by 103' LB Smith radial stacker (No. 75).

More spray nozzles may be added without the necessity of obtaining Department plan approval, but none of those identified herein may be deleted or removed without prior Department approval. In addition, each spray nozzle shall be equipped with a filter/strainer.

5. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the water spray dust suppression system associated with the conveyors shall be connected to an on-demand water source capable of delivering an adequate supply of water at anytime the conveyors are in operation. On-demand shall be interpreted as meaning that adequate water can be provided to all spray nozzles at anytime with no more effort than turning a valve. The water spray dust suppression system associated with the conveyors shall be operated on any and all occasions that the conveyors are operated, except in those unusual instances where conditions are such that operation of the conveyors without the simultaneous operation of the water spray dust suppression system can take place without creating air contaminant emissions in excess of the limitations specified in 25 Pa. Code §§ 123.1 and 123.2. If, however, the water spray dust suppression system associated with the conveyors is incapable of operation due to weather conditions or any other reason, the conveyors may not be operated at all.

6. Under the replacement provisions in 40 CFR 60.672(d), any of the conveyors can be replaced without obtaining plan approval provided that the replacement conveyors are of equal or smaller size as defined in 40 CFR 60.671 and provided that the replacement conveyor is of equivalent design and function (that is, a conveyor may be replaced with a same sized conveyor, and the like). The permittee shall notify the Department, in writing, prior to the replacement.

7. The conveyors are subject to 40 CFR Part 60, Subpart OOO. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.670—60.676.

8. The conveyors consist of a 24" by 10' LB Smith conveyor (facility ID No. 60), a 42" by 25' Simplicity conveyor (facility ID No. 63), a 24" by 93' LB Smith conveyor (facility ID No. 64), a 30" by 100' Melot conveyor (facility ID No. 65), a 24" by 80' LB Smith conveyor (facility ID No. 66), a 24" by 15' Simplicity conveyor (facility ID No. 67), a 24" by 53' LB Smith conveyor (facility ID No. 69), a 30" by 100' Melot radial stacker (facility ID No. 70), a 24" by 75' LB Smith conveyor (facility ID No. 71), a 36" by 20' LB Smith conveyor (facility ID No. 72), a 36" by 90' Melot conveyor (facility ID No. 74), a 36" by 103' LB Smith radial stacker (facility ID No. 75), a 30" by 20' LB Smith conveyor (facility ID No. 76) and a 24" by 20' LB Smith conveyor (facility ID No. 77). The water spray system is a Cedar Rapids CR16 Water Spray Dust Control System.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling (570) 327-3693.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmen-

tal Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**08-00003B: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) for their facility in Wysox Township, **Bradford County**. The respective facility is a major facility for which a Title V operating permit (TVOP 08-00003) has been issued. The Department of Environmental Protection intends to issue a plan approval to authorize a throughput increase for the following sources:

A first pass trim surface coating operation (SCO) to work in conjunction with the existing lap siding line SCO (TVOP Source ID 189P), or separately, to produce the MiraTEC trim product (or similar trim product produced on the Line 2 Press (TVOP Source ID 172P)). The first pass trim SCO consists of the following equipment:

1. Spray booth No. 1.
2. Spray booth No. 2.
3. Preheat IR oven manufactured by TEC with a rated heat input of 4.263 mmBtu/hr.
4. HVHA oven No. 1 manufactured by TEC with a rated heat input of 3.0 mmBtu/hr.
5. HVHA oven No. 2 manufactured by TEC with a rated heat input of 6.0 mmBtu/hr.
6. Final IR oven manufactured by TEC with a rated heat input of 4.263 mmBtu/hr.

The throughput increase will result in the following annual emission increases: 8.0 tons of VOCs and 0.9 ton of PM, including PM10. Consequently, the first pass trim SCO has the potential to emit the following air contaminants on an annual basis: 22 tons of VOCs, 2.2 tons of NOx, 3.8 tons of CO, 3.7 tons of PM/PM10 and 1.3 tons of HAPs.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the first pass trim SCO will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of 40 CFR Part 63, Subpart QQQQ—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products. Based on this finding, the Department intends to approve the application and issue plan approval for the proposed throughput increase.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. This condition supersedes condition No. 13 of plan approval 08-00003A The MiraTEC Trim Product (or similar trim product produced on the Line 2 Press) shall be the only product coated in the first pass trim SCO.

2. This condition supersedes condition no. 4 of plan approval 08-00003A Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the first pass trim SCO shall not exceed the following:

<i>Air Contaminant</i>	<i>Limitation in Tons in any 12 Consecutive Month Period</i>
VOCs	22
NOx	2.2

<i>Air Contaminant</i>	<i>Limitation in Tons in any 12 Consecutive Month Period</i>
CO	3.8
PM/PM10	3.7
HAPs	1.3

3. The first pass trim SCO shall continue to comply with all conditions of plan approval 08-00003A except for the two conditions specifically superseded by conditions contained herein.

4. The issuance of an operating permit for all sources and air cleaning devices is contingent upon all sources and air cleaning devices being maintained and operated, as described in the plan approval and supplemental materials submitted for this application, and in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein, as well as in compliance with all requirements specified in, or established under 25 Pa. Code Part I, Subpart C, Article III.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling (570) 327-3693.

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.

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

**62-017K: United Refining Co.** (15 Bradley Street Warren, PA 16335-3481) for modification of the Distillate Hydrotreater 2 (DHT2), the Reformer unit and increase sulfur recovery in the City of Warren, **Warren County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the City of Warren, Warren County. This plan approval will authorize the applicant to modify the DHT2, the Reformer unit and increase sulfur recovery. These units will be modified to meet the United States Environmental Protection Agency's Ultra Low Sulfur Diesel requirements of 40 CFR Part 80. The current sulfur content of the diesel produced by United is in the range of 390-500 ppm. By June 2006, United is required to reduce the average to 15 ppm. This will be accomplished with a change of the catalyst in DHT2 and the existing reformer unit will be utilized to create more hydrogen in a process known as reduced pressure reforming. These changes will be accomplished by June 1, 2006. The new DHT2 catalyst will consume more hydrogen and will allow for more aggressive sulfur removal that will be processed through SRU2. The result will be a reduction of sulfur in on-road diesel. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, the project will increase NO<sub>x</sub>, CO, PM10 and SO<sub>x</sub> emissions by 39.8 TPY, 31.6 TPY,

12.7 TPY, 10.9 TPY and 36.3 TPY, respectively. The increases are less than the significant emission thresholds. The permit will incorporate monitoring requirements for the fuel and analysis of the heat content to ensure compliance with the emission limits. In addition, the facility will be required to keep records of the fuel and emission rates. The permit also incorporates the Federal MACT requirements for the heaters as well as the reformer and the sulfur recovery unit (40 CFR Part 63, Subparts DDDDD and UUU, respectively). The permit will also incorporate conditions to ensure compliance with all applicable State and Federal Air Quality Requirements as well as the National Ambient Air Quality Standards.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To make an appointment, contact Records Management at (814) 332-6338.

Individuals wishing to provide the Department with additional information they believe should be considered may submit the information to the previous address. Comments must be received by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of proposed Plan Approval No. 62-017K.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

**10-0062C: Slippery Rock University** (Slippery Rock, PA 16057-1326) for modification of Boiler No. 3 at their maintenance facility in Slippery Rock, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to for modification of Boiler No. 3 at their maintenance facility in Slippery Rock, Butler County. The facility currently has a Title V permit No. 10-00062. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan approval No. 10-062C is for the modification of Boiler No. 3. The boiler will have the existing coal fired grating removed and a natural gas fired burner with low NO<sub>x</sub> burner installed. The results from the modification will be reduced NO<sub>x</sub> and particulate emissions. The facility will be required to comply with fugitive, particulate mater, odor and visible emission standards of 25



Pa. Code Chapter 123. The facility will conduct stack tests to confirm compliance with the nitric oxide and carbon monoxide standards.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Individuals who wish to provide Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the previous address. The Department will consider any written comments received within 30 days of the publication of this notice. Written comments must contain the followings:

Name, address and telephone number of the person submitting the comments.

Identification of proposed Permit No. PA-10-0062C.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to William Holden, Air Pollution Control Engineer, Bureau of Air Quality, 230 Chestnut Street, Meadville, PA 16335.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting William. Holden or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for State only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

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

**AMS 04264: University of Pennsylvania** (3451 Walnut Street, Philadelphia, PA 19104) for installation of 25 emergency generators ranging in size from 15 kW to 1275 kW. The allowable combined NO<sub>x</sub> emission from the units is restricted to 18.19 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

**Intent to Issue Title V Operating Permits under the Air Pollution Control Act (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.*

**67-05052: New York Wire Co.** (P. O. Box 1749, York, PA 17405) for operation of their Weaving Facility in York

City, **York County**. The facility has the following annual potential emissions: 72 tons VOC; 9 tons xylene; and 13 tons aggregate HAPs. The Title V operating permit renewal 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.

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

**49-00009: Mohawk Flush Doors, Inc.** (980 Point Township Drive, Northumberland, PA 17857) for renewal of a Title V Operating Permit for their wood door manufacturing facility in Point Township, **Northumberland County**.

The facility incorporates woodworking operations, five spray booths, a roller coating line and various ancillary operations. A Title V operating permit is required for the respective facility because it has the potential to emit 10 tons or more per year of any single hazardous air pollutant and/or 25 tons or more per year of all hazardous air pollutants combined. The facility also has the potential to emit up to 50 tons of VOCs per year.

The Department intends to renew Title V Operating Permit 49-00009. The Department proposes to incorporate into this renewal all conditions currently contained in Title V Operating Permit 49-00009 with minor exceptions (none of which will impact the nature or quantity of air contaminants emitted from the facility). The Department additionally proposes to incorporate into the renewal conditions requiring an existing parts cleaner to comply with all applicable requirements specified in 25 Pa. Code § 129.63, conditions requiring the facility's finishing (coating) operations to comply with all applicable requirements specified in Subpart QQQQ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.4680—63.4781, by May 28, 2006, and conditions establishing a 500 hour per year operating restriction and associated recordkeeping requirement for an existing propane-fired emergency generator.

The conditions contained in the proposed Title V operating permit renewal are intended to ensure compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants.

The proposed Title V operating permit renewal will be submitted to the United States Environmental Protection Agency for approval as a permit issued in accordance with the permit program requirements of 40 CFR Part 70.

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

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

**25-00943: Serv-All Concrete** (2 East Bay Drive, Erie, PA 16512) a Natural Minor operating permit for concrete batching and delivery in the City of Erie, **Erie County**.

#### PUBLIC HEARINGS

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

**39-00064B: Howmet Castings—Alcoa** (2175 Avenue C, Bethlehem, PA 18017-2119) for the amended Reasonably Available Control Technology (RACT) plans submitted by Howmet Castings in the City of Bethlehem, Lehigh County.

The Department of Environmental Protection (Department) will hold a public hearing on July 20, 2005, at 11 a.m. at the Department's Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA to take testimony concerning the amended RACT plans submitted by Howmet Castings in the City of Bethlehem, Lehigh County.

These plans are for the operation of Howmet's investment casting processes and heating equipment that emit VOCs and ammonia emissions at their facility. By submittal of this application (No. 39-00064B) Howmet intends to meet the requirements under 25 Pa. Code §§ 129.91—129.95. The final amended RACT approval will be submitted to the United States Environmental Protection Agency as a revision to the Commonwealth's State Implementation Plan.

Individuals who wish to present testimony during the hearing should contact Mark Carmon, Community Relations Coordinator at (570) 826-2035 by July 13, 2005, to register. Those unable to attend the hearing, but wishing to comment, should provide written comment to Thomas DiLazaro, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 on or before July 20, 2005.

Copies of the RACT Application are available for review from 8 a.m. to 4 p.m. in the Department office, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Persons with disabilities who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Christine Domashinski at (570) 826-2060 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

### *Coal Applications Received*

### *Effluent Limits*

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

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

alkalinity greater than acidity<sup>1</sup>

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

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

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

**32000104 and NPDES No. PA0235318. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to include an additional 2.0 acres of which 0.4 acre is projected for coal removal in Pine Township, **Indiana County**, affecting 57.3 acres. Receiving streams: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 12, 2005.

**56050105 and NPDES No. PA0249793. Svonavec, Inc.**, 150 West Union Street, Suite 201, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 273.6 acres. Receiving streams: UNTs to and Middle Creek and UT to and South Glade Creek classified for the following uses: TSF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 13, 2005.

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

**65-05-04 and NPDES Permit No. PA0250716. Bedrock Mines, LP** (101 Emerson Avenue, Pittsburgh, PA 15215). Application for a Government Financed Construction Contract, located in Washington Township, **Westmoreland County**, affecting 9.8 acres. Receiving stream: UNT to Beaver Run, classified for the following use: TSF. The first potable water supply intake within 10 miles downstream from the point of discharge: Beaver Run Reservoir. GFCC application received: May 10, 2005.

**65030103 and NPDES Permit No. PA0250481. Sosko Coal Co., Inc.** (R. R. 3, Box 330, Mt. Pleasant, PA 15666). Revision application to add 23.1 acres to an existing bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 103 acres. Receiving streams: Stauffer Run and unnamed tributary to Stauffer Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: May 20, 2005.

**63743212. Washington Energy Processing, Inc.** (P. O. Box 528, Lawrence, PA 15055). Renewal application for reclamation only of a coal refuse reprocessing surface mine, located in Robinson Township, **Washington County**, affecting 4.3 acres. Receiving stream: none. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 20, 2005.

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

**17870129 and NPDES Permit No. PA0116190. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), revision to an existing bituminous surface mine permit for a road variance to mine within 100 feet of the eastern side of Township Road T-680, Hill Road. The variance begins approximately 4,600 feet north of T-680/SR 53 intersection and extends north for a distance

of approximately 5,000 feet. Receiving streams: Emigh Run, a tributary to Moshannon Creek; UNT to Laurel Run; tributary to Moshannon Creek. Application received: April 11, 2005.

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

**40940205R2 and NPDES Permit No. PA0223441. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Hanover Township, **Luzerne County** affecting 124.0 acres, receiving stream: Nanticoke Creek. Application received May 16, 2005.

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

**30841307. Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Greene and Franklin Townships, **Greene County**, ACOE Pittsburgh District. (Garards Fort, PA quadrangle from N: 19.55 inches; W: 12.9 inches to N: 19.7 inches; W: 12.95 inches and from N: 22.2 inches; W: 17.0 inches to N: 23.7 inches; W: 17.15 inches and the Mather, PA quadrangle from N: 0.3 inch; W: 17.3 inches to N: 0.5 inch; W: 17.4 inches.)

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the restoration of Coal Lick Run and Frosty Run in the event of stream pooling due to longwall mining.

Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office previously identified. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the previous address. Application received April 26, 2005

**30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to add acreage for corridor development mining. Underground acres proposed 5.21, scp acres proposed 1,327.39. No additional discharges. Application received April 29, 2005.

**30841302 and NPDES Permit No. PA0213918, Consolidation Coal Company**, (1800 Washington Road, Pittsburgh, PA 15241), to renew the permit for the Humphrey Mine No. 7 in Perry Township, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received May 5, 2005.

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

**33980110 and NPDES Permit No. PA0227901. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Revision to an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 137.0 acres. Receiving streams: UNT to Mahoning Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 14.7 acres to the permit.

Application received: May 23, 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 <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

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

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

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

**08000810. Donald E. Johnson, Jr.** (R. R. 2, Box 48H, Wysox, PA 18854), transfer of an existing small industrial minerals (bluestone) permit from Donald E. Johnson, Sr., located in Warren Township, **Bradford County** affecting 5 acres. Receiving streams: UNT, tributary to Wappasening Creek and Pendleton Creek. Application received: March 25, 2005.

**08050803. Anthony P. Bennett** (R. R. 4, Box 4056, Wyalusing, PA 18853). Commencement, operation and restoration of a small industrial minerals (flagstone/shale) permit in Herrick Township, **Bradford County**, affecting 5 acres. Receiving stream(s): unnamed tributary, tributary to Camp Creek. Application received: April 11, 2005.

**08052801. Daggett Sand & Gravel, Inc.** (R. R. 2, Box 258, Millerton, PA 16936). Commencement, operation and restoration of a small industrial minerals (sand and gravel) permit in Wells Township, **Bradford County** affecting 5 acres. Receiving streams: Seeley Creek, tributary to Chemung River. Application received: April 12, 2005.

**08940807. Nancy S. Preston** (R. R. 1, Box 20A1, Wyalusing, PA 18853), transfer of an existing small industrial minerals (flagstone) permit from John Preston. The permit is located in Wyalusing Township, **Bradford County** and affects 5 acres. Receiving streams: Wyalusing Creek, tributary to the Susquehanna River. Application received: April 11, 2005.

**08010820. Gary E. Benjamin** (105 Walnut Street, Athens, PA 18810), transfer of an existing small industrial minerals (bluestone) permit from Gary R. Bartholomew. The permit is located in Sheshequin Township, **Bradford County** and affects 3 acres. Receiving streams: UNT, tributary to the Susquehanna River. Application received: May 3, 2005.

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

**4274SM11 and NPDES Permit No. PA0212512. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprises, PA 16664, permit revision to increase

the permitted depth of the quarry from elevation 950 feet to elevation 900 feet on the Phase I (northern) dolomite area only in Taylor Township, **Blair County**, affecting 430 acres. Receiving streams: Plum Creek and Halter Creek classified for the following use: WWF. As part of the application review, the Department will be evaluating whether Halter and Plum Creeks have an existing use (CWF or HQ-CWF) different than the currently designated use of WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 28, 2005.

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

**43020305. Development of Sharpsville Furnace, LTD** (1127 Main Street, Sharpsville, PA 16150). Transfer of an existing slag operation in Sharpsville Borough, **Mercer County** affecting 32.8 acres. Receiving streams: Shenango River, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Consumers PA Water Company. Transfer from SQP Industries. Application received: May 26, 2005.

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

**28010301T and NPDES Permit No. PA0123811. RA Hill, Inc.**, (1364 Lincoln Highway East, Chambersburg, PA 17201), transfer of an existing quarry operation from Myron A. Young in Hamilton Township, **Franklin County** affecting 31.54 acres, receiving stream: unnamed tributary to Conococheque Creek. Application received May 20, 2005.

**6775SM1A1C3 and NPDES Permit No. PA0613819. National Limestone Quarry, Inc.**, (P. O. Box 397, Middleburg, PA 17842), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Beaver and Franklin Townships, **Snyder County**, receiving stream: Middle Creek, classified for the following use: TSF. Application received May 23, 2005.

**58930805. Pro-Seal Paving**, (P. O. Box 91, Hallstead, PA 18822), Stages I and II bond release for a quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres on property owned by Tom Shields. Application received May 25, 2005.

**7475SM5C3 and NPDES Permit No. PA0223522. Essroc Cement Corp.**, (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nazareth Borough, **Northampton County**, re-

ceiving stream: Shoeneck Creek, classified for the following use: warm water fishes. Application received May 27, 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&T Relay Service at (800) 654-5984.

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**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)).**

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-384. Rapid Pallet Company**, P. O. Box 123, Jermyn, PA 18433, in Jermyn Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To fill 1.13 acres of POW wetlands and 0.22 acre of PEM wetlands for the purpose of creating additional usable area for the expansion of an industrial facility. The project is located at the southwest corner of Rushbrook Street (SR 0107) and Bonnie Drive (Carbondale, PA Quadrangle N: 4.9 inches; W: 4.0 inches).

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

**E36-797: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in East Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structures and then to construct and maintain a single span bridge of 74 feet with an underclearance of 7 feet and 1 inch over the channel of Mill Creek (WWF); an 8-foot by 8-foot box culvert at the channel of a adjacent millrace and associated improvements to improve the traffic safety condition of SR 2029, Section B01, Segment 0190, Offset 0047 located about 0.5 mile south from its intersection with United States Route 30 (Leola, PA Quadrangle N: 4.75 inches; W: 16.45 inches) in East Lampeter Township, Lancaster County.

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

**E17-408. Decatur Township**, 575 Fairview Road, Osceola Mills, PA 16666, Cornell Correction Sanitary Sewer Project, Decatur Township, **Clearfield County**, ACOE Baltimore District (Philipsburg, PA Quadrangle N: 7.32 inches; W: 16.82 inches).

To construct, operate and maintain a 4-inch diameter high-density polyethylene pipe as a force main to convey municipal wastewater beneath Laurel Run (CWF) and its associated wetlands. Eight hundred and fifty feet of the 4-inch diameter force main shall be installed by directional drilling to avoid stream and wetland impacts; whereas, an additional 560 feet of 4-inch force main shall be installed through wetlands by either directional drilling or open cut that may result in 0.4 acre of temporary wetland impact. The project is located along the northern right-of-way of SR 0322 at the intersection of T-676 and SR 0322.

**E17-409. Cooper Township Municipal Authority**, P. O. Box 446, Winburne, PA 16879. Pale Moon Road Crossing Browns Run, in Cooper Township, **Clearfield County**, Baltimore ACOE District (Black Moshannon, PA Quadrangle N: 17.5 inches; W: 16.89 inches).

To operate and maintain a road crossing Browns Run (CWF) to provide access to the Lanse Municipal Wastewater Vacuum Station. The road crossing was constructed and shall be maintained with two plastic culvert pipes each having a minimum length of 22 feet and a diameter of 2.5 feet. Construction and future work of the road crossing shall be conducted at stream low flow. As constructed, the Pale Moon Road crossing does not impact wetlands while impacting 35 feet of waterway. The road crossing is located along the eastern right-of-way of Cooper Township Road T-721 approximately 875 feet east of T-721 and SR Pale Moon Road intersection. This permit does not authorize any temporary or permanent wetland impacts, and as such, the permittee shall ensure no wetland impacts result from the operation and maintenance of the road crossing.

**E41-549. The Faxon Company**, 442 William Street, Williamsport, PA 17701. Home Depot—Loyalsock/Faxon Property Site, in Loyalsock Township, **Lycoming County**, Baltimore ACOE District (Montoursville North, PA Quadrangle N: 22.4 inches, W: 13.4 inches).

The applicant proposes to develop an approximate 10-acre site to construct a Home Depot store. The proposed project will impact two Palustrine Forested (PFO) wetlands, which will result in 0.27 acre of permanent wetland impact. The applicant proposes to construct a 0.54-acre PFO wetland as compensation for wetland impact. The project site is located near the I-180 Faxon

interchange (Exit No. 25), in the vicinity of East Third Street, Northway Road and Russell Avenue.

**E49-287. Ray S. Hendricks**, 9 East Sunbury Road, Danville, PA 17821. Gravel removal and stream bank stabilization in Rush Township, **Northumberland County**. Baltimore ACOE District (Riverside, PA Quadrangle N: 6.7 inches, W: 6.9 inches).

The applicant proposes to remove approximately 1.5 feet of gravel from a 50-foot section of the streambed of a UNT to Gravel Run to restore the previous channel depth and to remove the exposed portions of gravel bars in 75 feet of the channel immediately downstream. The purpose of the project is to reduce flooding by restoring channel capacity and reconfiguring the channel to the dimensions of the adjacent upstream section that does not contain excessive gravel deposits. The UNT to Gravel Run is a perennial stream classified as a CWF.

**E59-467. Phoenix Resources, Inc.** 782 Antrim Road, Wellsboro, PA 16901. Sedimentation Pond 3, in Duncan Township, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 2.5 inches; W: 2.7 inches)

To place and maintain fill in 0.55-acre wetland complex for the purpose of constructing a permitted sedimentation basin required for adjacent landfill. The site is located approximately 1 mile northeast of the small town of Antrim, PA and can be accessed off of SR 3009.

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

**E11-308. Barry L. Saylor, Say-Core, Inc.**, 132 Block Road, Portage, PA 15946. To construct a pipe stream enclosure in Portage Township, **Cambria County**, Pittsburgh ACOE District. (Ebensburg, PA Quadrangle N: 3.75 inches; W: 4.5 inches and Latitude: 40° 23' 14"—Longitude: 78° 38' 39"). The applicant proposes to construct and maintain a 200-foot long, 84-inch diameter R.C. pipe stream enclosure and a 200-foot long channel relocation in Spring Run (CWF) for the purpose of access to a concrete waste material stockpile for removal of concrete waste material.

**E26-326. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51 B of the Mon Fayette Expressway in Menallen and North Union Townships, **Fayette County**, Pittsburgh ACOE District. (New Salem, PA Quadrangle N: 11.1 inches; W: 0.97 inch and Latitude: 39° 56' 10"—Longitude: 79° 45' 25"). The applicant proposes to construct and maintain: 1) a 5-span bridge on north bound of SR 0043, Station 207+24, across a UNT to Jennings Run (WWF) having spans of 175 feet, 216 feet, 250 feet, 216 feet and 175 feet (New Salem, PA Quadrangle N: 11.45 inches; W: 1.36 inches and Latitude: 39° 56' 17"—Longitude: 79° 45' 35"); 2) a 5-span bridge on the south bound of SR 0043, Station 207+24, across said stream having spans of 176 feet, 207 feet, 240 feet, 207 feet and 172 feet (New Salem, PA Quadrangle N: 11.45 inches; W: 1.3 inches and Latitude: 39° 56' 17"—Longitude: 79° 45' 35"); 3) 489 linear feet of channel

relocation of a UNT to Jennings Run SR 0043, Station 161+00; 4) a 4-span bridge on north bound of SR 0043, Station 159+85 across Jennings Run and over Fan Hollow Road having spans of 131 feet, 180 feet, 220 feet and 160 feet (New Salem, PA Quadrangle N: 12.41 inches; W: 00 inch and Latitude: 39° 56' 36"—Longitude: 79° 45' 00"); 5) a 4-span bridge on south bound of SR 0043, Station 159+85 across Jennings Run and over Fan Hollow Road having spans of 151 feet, 207 feet, 207 feet and 151 feet (New Salem, PA Quadrangle N: 12.41 inches; W: 00 inch and Latitude: 39° 56' 36"—Longitude: 79° 45' 00"); 6) a 628 foot long, 36-inch diameter pipe stream enclosure in a UNT to Jennings Run, SR 0043, Station 220+00. This structure qualifies for Department waiver 105.12(a)(2); 7) a 392-foot long, 36-inch diameter pipe stream enclosure in a UNT to Jennings Run, SR 0043, Station 177+00. This structure qualifies for Department waiver 105.12(a)(2). A rock drainage gallery at Station 180+00, SR 0043, 187 linear feet of a UNT to Jennings Run will be lost; and 8) the project will impact 0.34 acre of wetlands.

*Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**E3314-058A, Borough of Brockway**, 501 Main Street, Brockway, PA 15824, Little Toby Creek, Brockway Borough and Snyder Township, **Jefferson County**, ACOE Pittsburgh District.

Project proposes to amend an existing permit to construct, operate and maintain a stream restoration and enhancement project including constructing rock vanes, regrading stream banks, excavating and removing excess floodplain sediments and planting riparian vegetation in and along Little Toby Creek (CWF) within the existing flood protection levees. The project will temporarily impact approximately 0.09 acre of riverine habitat and approximately 0.23 acre of wetlands (PEM). The project will commence at a point immediately downstream of the Route 28 (Main Street) Bridge (Falls Creek, PA Quadrangle; latitude: 41° 14' 56", longitude: 78° 47' 48") and continue downstream approximately 6,850 feet (Carman, PA Quadrangle; latitude: 41° 15' 45', longitude: 78° 48' 27").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D40-051A. Meadow Run/Mountain Lake Park Assn.**, P. O. Box 112, Bear Creek Township, PA 18602-0112. To modify, operate and maintain Meadow Run Dam across Meadow Run (HQ-CWF), impacting 0.07 acre of wetlands (Palustrine Scrub-shrub) and 300 feet of stream and providing 0.07 acre of wetland mitigation, for the purpose of rehabilitating the existing dam to address hydraulic, hydrologic and structural deficiencies (Pleasant View Summit, PA Quadrangle N: 17.1 inches; W: 6.1 inches) in Bear Creek Township, **Luzerne County**.

## 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0035009 (Minor Sewage)	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne County, Lehman Township	East Fork of Harvey's Creek (5B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086941 (Sewage)	Dwayne Kocher Stardust Motel R. D. 4, Box 4960 Duncannon, PA 17020-0445	Perry County Watts Township	Susquehanna River 6-C	Y
PA0070335 (Industrial Waste)	Michael Fluck McConway & Torley Corporation 230 Railroad Street Kutztown, PA 19530	Berks County Kutztown Borough	Saony Creek 3B	Y
PA0088072 (Industrial Waste)	Wayne Anderson Stericycle R. R. 1, Box 364 1525 Chestnut Hill Road Morgantown, PA 19543	Berks County Robeson Township	Hay Creek 3C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0024341	Canton Borough Authority P. O. Box 237 Canton, PA 17724-0237	Bradford County Canton Borough	Towanda Creek (SWP 4C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0001272 Industrial Waste	Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033	Washington County Union Township	Monongahela River	Y
PA0005746 Industrial Waste	World Kitchen, Inc. 100 Eighth Street Charleroi, PA 15022	Washington County Charleroi Township	Monongahela River	Y
PA0034282 Sewage	Maple Grove Modulars, Inc. 1536 Roseberry Street Pittsburgh, PA 15216	Washington County Robinson Township	St. Patrick Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102326 Amendment No. 1	State Regional Correction Center at Mercer 801 Butler Pike Mercer, PA 16137	Findley Township Mercer County	Neshannock Creek 20-A	Y
PA0104272	Fish and Boat Commission North East Access Area STP 450 Robinson Lane Bellefonte, PA 16823-9620	North East Township Erie County	UNT to Lake Erie 15-LE	Y
PA0221601	Allegheny Valley Development at Hunter's Station Township Road T-750 P. O. Box 258 Tionesta, PA 16353-0258	Tionesta Township Forest County	Allegheny River 16-E	Y

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

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

**WQM Permit No. 5405402**, Sewerage, **Mahanoy City Sewer Authority**, 130 East Centre Street, Mahanoy City, PA 17948. This proposed facility is located in Mahanoy Township, **Schuylkill County**.

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

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

**NPDES Permit No. PA0252727**, Sewage, **Empire Mortgage Inc.**, 11350 McCormick Road, Hunt Valley, MD 21031. This proposed facility is located in Mt. Pleasant Township, **Washington County**.

Description of Proposed Action/Activity: For discharge to the receiving waters known as UNT of Cherry Run.

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

**NPDES Permit No. PA0239551**, Sewage, **The Camping Association of the Presbyteries of Northwestern Pennsylvania, Westminster Highlands Church Camp**, 114 West Venango Street, Mercer, PA 16137-1109. This proposed facility is located in Scrubgrass Township, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an UNT to Little Scrubgrass Creek in Watershed 16-G.

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

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

**WQM Permit No. 3601202, Amendment 05-1**, Industrial Waste, **John Cope's Food Products, Inc.**, 156 West Harrisburg Avenue, P. O. Box 419, Rheems, PA 17570-0429. This proposed facility is located in West Donegal Township, **Lancaster County**.



Description of Proposed Action/Activity: Change specific requirements for spray application frequency at their Rheems Processing Plant.

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

**WQM Permit No. 6304404**, Sewerage, **Empire Mortgage, Inc., c/o Gary Olshansky**, 11350 McCormick Road, Hunt Valley, MD 21031. This proposed facility is located in Mt. Pleasant Township, **Washington County**.

Description of Proposed Action/Activity: Single residence sewage treatment plant.

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

**WQM Permit No. WQG018378**, Sewerage, **Lonnie L. and Sheila F. Heeter**, 208 West 5th Street, Warren, PA 16365. This proposed facility is located in Conewango Township, **Warren County**.

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

**WQM Permit No. WQG018380**, Sewerage, **Patrick E. Dotson**, 911 Poplar Avenue, Hershey, PA 17033. This proposed facility is located in Liberty Township, **McKean County**.

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

**WQM Permit No. 2505405**, Sewerage, **Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509-5459. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the improvements to the existing Holiday Inn lift station located on Route 97 South of Interstate 90.

**WQM Permit No. 3704407**, Sewerage, **Neshannock Township**, 3131 Mercer Road, New Castle, PA 16105. This proposed facility is located in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve the proposed Autumn Hills Development consisting of up to 40 villas and 20 single family dwellings and a community hall.

**WQM Permit No. 4305401**, Sewerage, **City of Farrell**, 500 Roemer Boulevard, Farrell, PA 16121. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This project is for the replacement of the Kiefer Pump Station along with pumps, motors and controls and the replacement of the existing 8-inch force main with a 12-inch force main.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI-131500050001	Department of Transportation 400 North Street Harrisburg, PA 17105	Statewide	Statewide	Statewide	Y

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904032	Blue Ridge Development, LLC 11 Hillside Dr. Annadale, NJ 08801	Lehigh	Lower Macungie Township	Swabia Creek HQ-CWF
PAI024804023	Signature Homes 610 Farm Lane Doylestown, PA 18901	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024804039	Bethlehem Area School District 1516 Sycamore St. Bethlehem, PA 18017	Northampton	Bethlehem Township	Tributary to Monocacy Creek and Nancy Run HQ-CWF, MF
PAI024805010	Bethlehem Area School District 1516 Sycamore St. Bethlehem, PA 18017	Northampton	Bethlehem City	Monocacy Creek HQ-CWF Lehigh River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604011	Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Lancaster	Drumore Township and East Drumore Township	Fishing Creek HQ-CWF
PAI036704003	Adhesives Research Inc.	York	Springfield Township	Seak Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106-1	Robert Cooper Pennsylvania State University Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough and College Township	Big Hollow Run CWF Thompson Run HQ-CWF

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

*Westmoreland County Conservation District: Center For Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503001-1	Manor Development Group II 109 Gateway Avenue Suite 202 Wexford, PA 15090	Westmoreland	Murrysville	UNT to Steels Run (HQ-CWF)

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

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

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

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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment 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**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wright Township Luzerne County	PAG2004005004	Northeast Sports & Fitness Complex, Inc. 297 Hemlock Terrace Mountain Top, PA 18707	Bow Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lower Saucon Township Northampton County	PAG2004805011	Scott Kerr 1806 Meadowridge Court Bethlehem, PA 18015	Saucon Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
City of Carbondale Lackawanna County	PAG2003505004	Patrick Trichilo 25-27 Dundaff St. Carbondale, PA 18407	UNT to the Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Bradford County North Towanda Township	PAG2000805005	Memorial Hospital, Inc. 1 Hospital Dr. Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County College Township	PAG2001403003	Mt. Nittany Terrace Phase II John Mitchell P. O. Box 215 Lemont, pA 16851	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 8355-6817
Centre County Ferguson Township	PAG2001405005	Jeff Grubb The Storing Crew 2121 Old Gatesburg Rd. Suite 200 State College, PA 16803	Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 8355-6817
Centre County Potter Township	PAG2001405002	Karen Michael Department of Transportation Dist. 2-0 P. O. Box 342 Clearfield, PA 16830	Sinking Creek & Potter Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 8355-6817
Columbia County Scott Township	PAG2001905010	St. Luke Lutheran Church Frank Beishline 9 St. Luke Way Bloomsburg, PA 17815	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Union County East Buffalo Township	PAG2000805004	Bret Barrick Farmstead 109 S. 3rd St. Lewisburg, PA 17817	Turtle Creek WWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Beaver County North Sewickley Township	PAG2000403014	Bryan Wright 134 Glendale Road Beaver Falls, PA 15010	UNT to Bennett's Run (WWF)	Beaver County CD (724) 378-1701
Beaver County Center Township	PAG2000405009	Center Area School District 160 Baker Road Ext. Monaca, PA 15061	UNT to Elkhorn Run (WWF)	Beaver County CD (724) 378-1701

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Armstrong County Manor Township	PAG2000304009	Larry Messick First Church of God 629 Woodward Avenue Kittanning, PA 16201	Rupp Run and Garretts Run (WWF)	Armstrong County CD (724) 548-3425
Armstrong County Manor Township	PAG2000305004	Roy Edwards Western PA Chapter of Outlaws, Inc. P. O. Box 77 McGrann, PA 16238	UNT to Garretts Run (WWF)	Armstrong County CD (724) 548-3425
Cambria County Upper Yoder Township	PAG2001105008	Westmont Hilltop School District 827 Diamond Blvd. Johnstown, PA 15905	St. Clair Run (CWF)	Cambria County CD (814) 472-2120
Westmoreland County East Huntingdon Township	PAG2006504027	David Herrholtz P. O. Box 214 Laughlintown, PA 15655	Jacobs Creek (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Washington Township	PAG2006504045	A. R. Kacin 3875 Old William Penn Hwy. Murrysville, PA 15668	Tributary to Pucketa Creek (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Penn Township	PAG2006504046	Rivendell Development 4149 Kellington Court Murrysville, PA 15668	UNT to Bushy Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006504047	Fred Reitano CANH Associates 1051 Brinton Road Pittsburgh, PA 15221	Brush Creek (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Penn Township	PAG2006504050	Richard and Susan Nernberg 5541 Walnut Street Pittsburgh, PA 15232	UNT to Brush Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006504052	Gregory Lane R. D. 6 Box 51AA Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Washington Township	PAG2006504053	Dominion Exploration & Production, Inc. 1380 Rt. 286 Hwy. East Indiana, PA 15701	Pine Run (WWF) Beaver Run Watershed (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006505006	ACL/THF Joint Venture LP 2127 Innerbelt Business Center Drive Suite 200 St. Louis, MO 63114	Turtle Creek (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County South Greensburg Borough	PAG2006505009	Woodman Construction 459 Slate Run Road Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County CD (724) 837-5271

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG2006505012	Department of Transportation P. O. Box 459 Uniontown, PA 15401	Loyalhana Creek (WWF)	Westmoreland County CD (724) 837-5271
PAG2006505013	Greensburg CMSA Church R. R. 6, Box 63A Greensburg, PA 15601	Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
PAG2006505014	H. D. J. K. Development 242 N. Hamilton Ave. Greensburg, PA 15601	Brush Creek (WWF)	Westmoreland County CD (724) 837-5271
PAG2006505022	Gary M. Sukala 1723 Ridge Avenue Arnold, PA 14068	Chartiers Creek (TSF) Allegheny River (WWF)	Westmoreland County CD (724) 837-5271
PAG2006505025	Westinghouse P. O. Box 158 Madison, PA 15663	Big Sewickley Creek (WWF)	Westmoreland County CD (724) 837-5271
PAG2113504001	Department of Transportation Bureau of Abandoned Mine Reclamation 2 Public Sq. Fifth Floor Wilkes-Barre, PA 18711-0790	Lackawanna River (WWF)	Department of Transportation Bureau of Abandoned Mine Reclamation 2 Public Sq. Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371

*General Permit Type—PAG-3*

*Facility Location &  
Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAR803677	Lancaster Airport Authority 500 Airport Road Suite G Lititz, PA 17543	Little Conestoga Creek TSF UNT to Conestoga WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
PAR203516	Cookson Electronics 4100 6th Avenue Altoona, PA 16602	Mill Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
PAR224831	Weyerhaeuser Company R. R. 1, Box 3131C Woodland, PA 16881	Roaring Run to Clearfield Creek (CWF)	NorthCentral Regional Office 208 West Third Street Williamsport, PA 17701-6448 (570) 327-3664
PAR216129	The Bauer Company, Inc. P. O. Box 1022 Kittanning, PA 16201	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAR326105	Glacial Sand & Gravel Company P. O. Box 1022 Kittanning, PA 16201	Limestone Run and Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
White Township Indiana County	PAR216128	The Bauer Company, Inc. P. O. Box 1022 Kittanning, PA 16201	UNT to Yellow Creek and Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Jefferson Borough Allegheny County	PAR806120-A1	Clairton Slag, Inc. Rt. 837 and Madison St. West Elizabeth, PA 15088	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Hermitage Mercer County	PAR808372	Champion Carrier Corporation 2755 Kirila Road Hermitage, PA 16148	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County Kimmel Township	PAG043525	Clair Bennett Glass 2944 Schellsburg Road Claysburg, PA 16625	UNT Beaverdam Creek 11A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Exeter Township	PAG043631	Jaime Kirlin 5454 Oley Turnpike Road Reading, PA 19606	3D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greene Township Erie County	PAG048314	Edward A. Nies 2005 Gunnison Road Erie, PA 16509-5825	UNT to Mill Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Girard Township Erie County	PAG048693	Michael J. Bray Jr. 8223 Mill Street Girard, PA 16417	UNT to Halls Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conewango Township Warren County	PAG049170	Lonnie L. and Sheila F. Heeter 208 West 5th Street Warren, PA 16365	UNT to Conewango Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Liberty Township, McKean County	PAG049172	Patrick E. Dotson 911 Poplar Avenue Hershey, PA 17033	UNT to Sartwell Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Franklin County Quincy Township	PAG083590	Mont Alto Municipal Authority 3 North Main Street P. O. Box 407 Mont Alto, PA 17237	Melvin Horst Farm, Quincy Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Union Township PAG070003 PAG070005 PAG080002 PAG080003 PAG080006 PAG080008 PAG082201 PAG082202 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083825 PAG088903 PAG089904 PAG089905	SYNAGRO 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Loius Mascaro Farm Union Township Berks County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Berks County Union Township PAB1G9903	SYNAGRO 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Louis Mascaro Farm Union Township, Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9 (SSN)*

*Facility Location &  
County/Municipality*

<i>Applicant Name &amp; Address</i>	<i>Contact Office &amp; Phone No.</i>
Redevelopment Authority of the City of Johnstown 241 Asphalt Road Johnstown PA 15006	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-13*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133705	Township of Antrim 10655 Antrim Church Road P. O. Box 130 Greencastle, PA 17225	Franklin	Antrim Township	UNT to Conococheague Creek WWF UNT to Marsh Run West Branch WWF UNT to Marsh Run WWF	Y

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

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

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

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

#### SAFE DRINKING WATER

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

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

**Permit No. 1516532**, Public Water Supply.

Applicant **American Aqueduct, Inc**  
8027 Old York Road  
Elkins Park, PA 19027

Township City of Philadelphia

County **Philadelphia**

Type of Facility Retail Water System

Consulting Engineer R. E. Coleman Associates, Inc.  
604 Brandywine Parkway  
West Chester, PA 19380

Permit to Construct May 26, 2005  
Issued

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

**Permit No. 4805501**, Public Water Supply.

Applicant **Easton Suburban Water Authority**  
2414 Butler Street  
Easton, PA 18043

Borough or Township City of Easton and Wilson  
Borough

County **Northampton**

Type of Facility PWS

Consulting Engineer James Elliot, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct May 17, 2005  
Issued

**Operations Permit** issued to: **Bezdecki Family, LLC d/b/a Sutton Springs**, 1823 Sutton Road, Shavertown, PA 18708 (PWSID 2406272) Jackson Township, **Luzerne County** on May 11, 2005, for the operation of facilities approved under Construction Permit No. 4005503 issued May 9, 2005.

**Operations Permit** issued to: **Summit Management & Utilities, Inc.**, P. O. Box 666, Lake Harmony, PA 18624 (PWSID 3130053) Kidder Township, **Carbon County** on May 20, 2005, for the operation of facilities approved under Construction Permit No. 1301503 issued October 25, 2002.

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

**Permit No. 6704513**, Public Water Supply.

Applicant **Lower Windsor Township**

Municipality Windsor Township

County **York**

Type of Facility New Municipal Building with onsite well requiring the installation of nitrate, iron and manganese treatment.

Consulting Engineer Kent A Bitting, P. E.  
C S Davidson Inc  
38 North Duke Street  
York, PA 17401

Permit to Construct 5/19/2005  
Issued:

**Permit No. 7670307**, Public Water Supply.

Applicant **Lower Windsor Township**

Municipality Windsor Township

County **York**

Type of Facility New municipal building with onsite well requiring the installation of nitrate, iron and manganese treatment. Original application number 6704513.

Consulting Engineer Kent A Bitting, P. E.  
C S Davidson Inc  
38 North Duke Street  
York, PA 17401

Permit to Construct 5/19/2005  
Issued:

**Permit No. 0605503 AM, Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Municipality Wyomissing Borough

County **Berks**

Type of Facility Addition of emergency shut off system for chlorine gas tanks used in disinfection at Well 18A.

Consulting Engineer Steven E Riley, P. E.  
Spotts Stevens & McCoy, Inc.  
345 North Wyomissing  
Boulevard  
Reading, PA 19530-0307

Permit to Construct 5/23/2005  
Issued:

**Operations Permit** issued to: **Exelon Nuclear—Peach Bottom Atomic Power Station**, 7670905, Delta Borough, **York County** on 5/25/2005 for the operation of facilities approved under Construction Permit No. 6704516 MA.

**Operations Permit** issued to: **R. R. P. Recreation Limited Partnership**, 4310821, Lincoln Township, **Huntingdon County** on 5/27/2005 for the operation of facilities approved under Construction Permit No. 3104503 MA.

**Operations Permit** issued to: **The York Water Company**, 7670100, Lower Windsor Township, **York County** on 5/23/2005 for the operation of facilities approved under Construction Permit No. 6703502.



**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Nuangola Borough	5150 Nuangola Road Mountain Top, PA 18707	Luzerne

*Plan Description:* The Plan calls for the construction of a low-pressure wastewater collection/conveyance system to serve the currently developed areas of Nuangola Borough (approximately 388 equivalent dwelling units) as described in the Plan. Wastewater will be conveyed through a low-pressure force main from the Borough through neighboring Rice Township to the Mountain Top Area Joint Sanitary Authority's (MAJSA) Wastewater Pumping Station located south and adjacent to the Interstate 81 Southbound Roadside Rest Area operated by the Department of Transportation. This pumping station and its discharge force main will be upgraded/expanded as part of the Borough's proposed project to accommodate the new wastewater flows from the Borough's wastewater collection system.

The Plan further calls for the abandonment of the existing wastewater treatment facility located at the Crestwood School District's Rice Elementary School in Rice Township. Wastewater from the school will be discharged to the proposed low-pressure force main that will be installed along Church Road in Rice Township. This is the only connection to the proposed wastewater collection/conveyance system outside of the Borough's municipal boundaries that is permitted under this approval correspondence.

Treatment of the Borough's wastewater will occur at the MAJSA's Wastewater Treatment Facility, located in Dorrance Township, with ultimate discharge of the treated wastewater to Big Wapwallopen Creek.

The Borough also proposes to implement an interim sewage management program to better manage the operation of the Borough's on-lot wastewater disposal systems until the proposed wastewater collection/conveyance system is constructed and placed into operation.

Implementation of the selected wastewater disposal alternative and operation of the proposed facilities will be performed by a municipal authority to be established by the Borough in conjunction with the MAJSA.

The approval of the Plan is conditioned, though, upon ultimate compliance with the provisions of the History Code (37 Pa.C.S § 507). The costs of conducting any required survey work related to compliance with the History Code must be included in the cost of the proposed sewage facilities project. If recovery work or system re-design is required as a result of attaining compliance with the requirements of the Pennsylvania Historical and Museum Commission, the Department's Northeast Regional Office must be notified immediately.

Financing of the proposed wastewater collection and conveyance system is to be provided by the United States Department of Agriculture's Rural Development Program.

This approval correspondence covers only the wastewater planning aspects of the selected wastewater disposal alternative as it relates to your municipality's Official

Sewage Facilities Plan. Implementation of the selected wastewater disposal alternative will require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. This permit application must be submitted in the name of the Authority or the Borough. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law. Include a copy of this approval correspondence with the Water Management Part II Permit Application when it is submitted to this office. The Department's review has also not identified any significant environmental impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Foster Township	1185 East Main Street Bradford, PA 16701	McKean

*Plan Description:* The approved plan provides for the extension of sanitary sewers to serve areas of the township with high levels of on-lot sewage system malfunctions. Wastewater will be conveyed and treated at the Bradford Sanitary Authority. The \$6.9 million project will be financed by PENNVEST over 10 years. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

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

*Plan Description:* The approved plan provides for the construction of a new .390 MGD wastewater treatment plant in Greene Township and the construction of a sanitary sewer collection/conveyance system to serve on existing 925 equivalent dwelling units within the study area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hamburg Borough	61 N 3rd St. Hamburg PA 19526	Berks

*Plan Description:* The approved plan provides for the expansion of the Hamburg Municipal Authority Wastewater Treatment Plant to expand from a capacity of 1.0 mgd to 1.5 mgd and an expansion on of the Pine Street pump station (DEP Code Number A3-06805-024-3). This expansion and upgrade is proposed to meet the projected growth in Hamburg Borough, Tilden Township, Windsor Township and Port Clinton Borough. The Department's review of the sewage facilities update revision has not

identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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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.*

**Righters Ferry Rd. Site**, Lower Merion Township, **Montgomery County**. Justin R. Lauterbach, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Sean McCloskey, Footbridge, LP & Bridgehead, LP, c/o Penn Real Estate Group, 4427 Spruce St.,

Philadelphia, PA 19104 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with PAH and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Tube City, Inc. Facility**, Falls Township, **Bucks County**. Donald A. Coleman, P. G., Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Parker Adams, United States Steel Corp., 600 Grant St., Pittsburgh, PA 15219 has submitted a Final Report concerning remediation of site soil contaminated with inorganics and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Cianciulli & Pino Tracts**, Limerick Township, **Montgomery County**. Donald G. Coleman, P. G., Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Roger Bucchianeri, Brandolini, Co., 1301 Lancaster Ave., Berwyn, PA 19312 has submitted a Final Report concerning remediation of site groundwater contaminated with MTBE. The report is intended to document remediation of the site to meet the Background Standard.

**7401 State Rd. Site**, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Daniel, Franklin and Bernard Featherman, 9695 San Vittore St., Lake Worth, FL 33467 has submitted a Remedial Investigation, Risk Assessment Report and Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, PAH, PCB's and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Laser Labs**, City of Philadelphia, **Philadelphia County**. Richard Werner, P. G., Env. Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Tilak Singh, Sant Prop., 380 Red Lion Rd., Huntingdon Valley, PA 19006 has submitted a Remedial Investigation Report, Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated organics. 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.*

**Agway Lebanon Surplus Property**, West Lebanon Township, **Lebanon County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway, Inc., 333 Butternut Drive, Syracuse, NY 13214, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater impacted by volatile and semivolatile compounds, fuel-related volatile organic compounds, naphthalene and used motor oil. The site is being remediated to a Site Specific Standard.

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

**Catawissa Lumber Farm Property**, Scott Township, **Columbia County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, has submitted a Final Report concerning soil contaminated with lead. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**7-Eleven Store No. 21218**, City of Philadelphia, **Philadelphia County**. Richard C. Firely, Jr., ENSR Intl, 2005 Cabot Blvd., West, Suite 100, Langhorne, PA 19047

on behalf of has submitted a Final Report concerning the remediation of site groundwater contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 19, 2005.

**7401 State Rd. Site**, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Daniel, Franklin and Bernard Featherman, 9695 San Vittore St., Lake Worth, FL 33467 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, PAH, PCB and inorganics. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department on May 25, 2005.

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

**Former Zeigler Gulf Station**, Carroll Township, **York County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Deborah A. Bortner, 447 Miller Avenue, Mechanicsburg, PA 17055 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PHCs. The combined report demonstrated attainment of the Site-specific standard, and was approved by the Department on May 24, 2005.

### HAZARDOUS WASTE ACTION

**Proposed action on an application for a post closure permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for the post-closure care of a hazardous disposal facility.**

*Intent to Issue Permit*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PAD000739672. U. S. Steel Corporation, South Taylor Environmental Park**. Post closure care of a hazardous waste disposal facility located in West Mifflin Borough, **Allegheny County**. The application to renew and modify the post closure permit for U. S. Steel's hazardous waste landfill was considered for intent to issue by the Regional Office on May 31, 2005.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

### 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. 101494. Waste Mgmt. of PA Inc**, 1121 Bordentown Rd., Morrisville, PA 19067, Falls Township and Borough of Tullytown, **Bucks County**. The existing Tullytown Resource Recovery Facility Landfill's permit term was renewed for a period of 6 years from the date of issuance. The permit was issued by the Southeast Regional Office on May 23, 2005.

**Permit No. 101429. Richard S Burns & Co Inc**, 4300 Rising Sun Ave, Philadelphia, PA 19140-2720, City of Philadelphia. This permit is for the 10-year renewal of the solid waste permit for the continuing operation of the municipal and construction/demolition waste transfer facility. The permit was issued by the Southeast Regional Office on May 27, 2005.

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

#### *Beneficial Use of Residual Waste*

On October 6, 2004, the Department of Environmental Protection (Department) received a request for the beneficial use of residual waste. The request from Reliant Energy is for the use of fly ash generated by Cheswick Power Station located in Cheswick Borough, Allegheny County. The Department reviewed the request and has determined that it is consistent with 25 Pa. Code §§ 287.601—287.666.

Persons requiring additional information should contact David E. Eberle, Facilities Manager, Waste Management, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

### 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.**

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

**GP-42-194: Glenn O. Hawbaker, Inc.—Shinglehouse** (497 Horserun Road, Shinglehouse, PA 16748) on May 25, 2005, to operate a portable nonmetallic mineral processing plant in Ceres Township, **McKean 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.**

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

**09-0180: White Engineering Surfces Corp.** (One Pheasant Run, Newtown, PA 18940) on May 26, 2005, to operate a batch degreaser in Newtown Township, **Bucks County**.

**09-0180A: White Engineering Surfces Corp.** (One Pheasant Run, Newtown, PA 18940) on May 26, 2005, to operate a dust collector in Newtown Township, **Bucks County**.

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

**10-348A: Amerikohl Mining, Inc.** (PA Route 58, Butler PA 16001) on May 18, 2005, to construct a 200 tph coal crusher/stockpile at their Hortert Mine, SMP No. 10990101, in Venango Township, **Butler County**.

**25-501A: Corry Forge Co.** (441 East Main Street Corry PA 16407) on May 6, 2005, to construct two new 15.9 mmBtu/hr forge furnaces to replace two existing larger furnaces that were installed in the late 1970s in the City of Corry, **Erie County**. The facility is a Title V Facility.

**10-281E: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) on May 23, 2005, to construct a new isopropanol dryer (degreaser) in Clinton Township, **Butler County**.

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

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

**09-0087B: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on May 25, 2005, to operate a SiF4 process scrubber in Falls Township, **Bucks County**.

**09-0087C: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on May 25, 2005, to operate an ammonia process in Falls Township, **Bucks County**.

**09-0105B: Naceville Materials** (483 Springfield Street, Coopersburg, PA 19474) on May 25, 2005, to operate a 20,000 gallon storage tank in Springfield Township, **Bucks County**.

**09-0156: Jolly Gardener Products, Inc.** (500 E Pumping Station, Quakertown, PA 18951) on May 25, 2005, to operate a two diesel engines and wood processing in Richland Township, **Bucks County**.

**46-0025C: Lonza Inc.** (900 River Road, Conshohocken, PA 19428) on June 1, 2005, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

**46-0031B: SmithKline Beecham Corp d/b/a Glaxo SmithKline** (1250 South Collegeville Road, Collegeville, PA 19486) on May 23, 2005, to operate a 2mW No. 2 fuel oil-fired generators in Upper Providence Township, **Montgomery County**.

**46-317-005E: Moyer Packing Co.** (P. O. Box 395, Souderton, PA 18964) on May 25, 2005, to operate various rendering equipment and a scrubber in Franconia Township, **Montgomery County**.

**15-0120: Veterinary Referral Center** (340 Lancaster Avenue, Frazer, PA 19355) on May 25, 2005, to operate a crematory in East Whiteland Township, **Chester County**.

**46-0005V: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on May 25, 2005, to operate a biological manufacturing building in Upper Gwynedd Township, **Montgomery County**.

**46-0069A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on May 25, 2005, to operate a stone crushing plant in Whitemarsh Township, **Montgomery County**.

**46-0013A: Hatfield Quality Meats Inc.—sub Clemens** (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on May 27, 2005, to operate a 49 mmBtu/hr Heat Input Boiler in Hatfield Township, **Montgomery County**.

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

**01-05016D: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214) on May 1, 2005, to install a new 250-ton per hour bucket elevator controlled by a fabric filter at their Charmian facility in Hamiltonban Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

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

**18-315-001: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on May 24, 2005, to extend the deadline for the installation of a continuous nitrogen oxides monitoring system on several natural gas/propane-fired boilers associated with a paper machine until October 1, 2005, and to extend the deadline for the completion of relative accuracy testing on the respective monitoring system, and the commencement of collection of accurate data by the system, until December 31, 2005, in Castanea Township, **Clinton County**.

**41-303-008A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 24, 2005, to operate a reprocessed oil-fired drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis until September 21, 2005, in Loyalsock Township, **Lycoming County**. The plan approval has been extended.

**41-303-008A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 27, 2005, to decrease an annual production limitation for a drum mix asphalt concrete plant to 1,302,000 tons of product in any 12 consecutive month period in Loyalsock Township, **Lycoming County**.

**49-00010A: Fleetwood Motor Homes of Pennsylvania, Inc.** (Route 487, P. O. Drawer No. 5, Paxinos, PA 17860) on May 3, 2005, to construct a recreational vehicle surface coating operation identified in the respective plan approval on a temporary basis, until September 1, 2005, at their Paxinos facility in Ralpho Township, **Northumberland County**. The plan approval has been extended.

**08-00003A: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda PA 18848) on May 27, 2005, to operate the trim surface coating operation and air cleaning devices (two cyclonic separators and two

fabric collectors) identified in the respective plan approval on a temporary basis until October 3, 2005, at their facility in Wysox Township, **Bradford County**. The plan approval has been extended.

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

**32-00040B: Reliant Energy** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on May 10, 2005 to allow startup and shakedown of the Circulating Fluidized Bed boiler at their Seward Power Station in East Wheatfield Township, **Indiana 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.*

**33-155B: Trail King Industries, Inc.** (Interstate 80, Exit 14, Brookville, PA 15825) on June 30, 2005, to construct a grit blast booth in Brookville, **Jefferson County**.

**37-243C: International Metals Reclamation Co.** (245 Portersville Road, Ellwood City, PA 16117) on June 30, 2005, to construct cadmium distillation furnaces in Ellwood City, **Lawrence County**.

**25-025E: General Electric** (2901 East Lake Road, Erie, PA 16531) on April 30, 2005, to construct an emergency boiler in Lawrence Park Township, **Erie County**.

**10-284C: Seneca Landfill, Inc.** (Hartman Road, Mars, PA 16046) on April 30, 2005, to modify the gas management system in Jackson Township, **Butler County**.

**24-083F: Carbone of America Ind. Corp.** (215 Stackpole Street, St. Marys, PA 15857) on April 30, 2005, to construct Carbon Baking Kiln No. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. This is a Title V facility.

**37-306A: Atlantic States Materials of PA Inc.—Taylor Run Mine** (Route 106, Slippery Rock, PA 16057) on April 30, 2005, to construct a sand and gravel processing plant in Scott Township, **Lawrence County**.

**37-319A: Atlantic States Materials of PA, Inc.—Wampum Plant** (Route 18, Wampum, PA 16157) on April 30, 2005, to construct a sand and gravel processing plant in North Beaver Township, **Lawrence County**.

**37-304B: Heraeus Electro-Nite** (3 Fountain Avenue, Ellwood City, PA 16117) on May 4, 2005, to add a skiving machine and replace the existing baghouse with a larger baghouse in Ellwood City Borough, **Lawrence County**. This is a State Only V facility.

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

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

**46-00019: Lockheed Martin Corp.** (P. O. Box 8048, Building 100, Room L1002, Philadelphia, PA 19101-8048) on May 24, 2005, to operate a facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**05-05005: Bedford Materials Co., Inc.** (7676 Allegheny Road, Manns Choice, PA 15550-8967) on May 23, 2005, for their flexible insulating materials production facility in Napier Township, **Bedford County**. This is a renewal of the Title V operating permit.

**21-05002: PPG Industries, Inc.** (400 Park Drive, Carlisle, PA 17013-9271) on May 25, 2005, to operate a flat glass manufacturing facility in South Middleton Township, **Cumberland County**. This is a renewal of the Title V operating permit.

**36-05028: CNH America, LLC** (500 Diller Avenue, New Holland, PA 17557-9301) on May 23, 2005, to operate a farm equipment manufacturing facility in New Holland Borough, **Lancaster County**. This is a renewal of the Title V operating permit.

**67-05032: Harley Davidson Motor Company Operations, Inc.** (1425 Eden Road, York, PA 17402-1599) on May 23, 2005, for their York motorcycle assembly plant in Springettsbury Township, **York County**. This is a renewal of the Title V operating permit.

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

**25-00541: Penn-Union Corp.** (229, Waterford Street, Edinboro, PA 16412-2381) on May 24, 2005, to reissue their Title V Operating Permit to manufacture current-carrying wiring devices in Edinboro Borough, **Erie County**. The facility's major emission sources include boilers, a batch cold cleaning degreaser, shot blast, grinding machines, electric induction furnaces, rotary casting unit, manual casting line, push out furnace, sand return/mixing unit, deslagging ladles and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit of perchloroethylene and VOCs. This facility is not subject to compliance assurance monitoring because individual source's pre-controlled emission does not exceed the Title V emission threshold.

**43-00182: Wheatland Tube Co.** (One Council Avenue, Wheatland, PA 16161) on May 25, 2005, to reissue their Title V Permit to operate a steel pipe and tubes manufacturing facility in Wheatland Borough, **Mercer County**. The facility's major emission sources include natural gas fired boilers, continuous weld furnace, galvanizing kettles, coating lines, conduit metallizer, sulfuric acid pickling, chrome treatments, coupling department, blow stations, pm threaders, pipe coating, galvanizing furnaces, miscellaneous heaters, lime silo and a wastewater evaporator. The facility is a major facility due to its potential to emit volatile organic compounds and oxides of nitrogen.

**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 Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00134: Reed Minerals** (P. O. Box 8888, Camp Hill, PA 17001) on May 24, 2005, to operate a Natural Minor Operating Permit in Falls Township, **Bucks County**.

**23-00092: Abbonizio C Contractors, Inc.** (Front and Thurlow Streets, Chester, PA 19013) on May 20, 2005, to operate a Natural Minor Operating Permit in City of Chester, **Delaware County**.

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

**24-00062: Metal Powder Products Co.** (879 Washington Street, Saint Marys, PA 15857-3644) on May 24, 2005, to operate their fabricated metal products facility in Saint Marys City, **Elk County**. The significant sources are natural gas fired boiler (3), sizing operation, vapor degreasing, sintering ovens (13), parts washer and rust inhibitors. The facility was previously a Title V facility and has reduced the potential to emit VOCs to a level that is below the Title V emission threshold by changing the solvents and through modifications.

**27-00018: National Fuel Gas Supply Corp.** (Queen Road, East Hickory, PA 16923) on May 24, 2005, to perform natural gas transmission at the Queen compressor station in Hickory Township, **Forest County**.

**37-00008: Ellwood City Forge** (800 Commercial Avenue, Ellwood City, PA) on May 26, 2005, to operate a steel forging operation in Ellwood City Borough, **Lawrence County**. This plant was previously permitted as a major source Title V facility but is taking restrictions on nitrogen oxide emissions to obtain a Synthetic Minor Permit.

**25-00464: Klein Plating Works, Inc.** (2020 Greengarden Road, Erie, PA 16502) on May 26, 2005, to issue a Natural Minor operating permit for metal finishing operations in the City of Erie, **Erie County**.

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

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

**46-00020: Superior Tube Co. Inc.** (3900 Germantown Pike, Collegetown, PA 19426) on May 25, 2005, a Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of their facility formerly owned by Superior Tube Company, in Lower Providence Township, **Montgomery County**. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued December 5, 2003.

**46-00041: Smurfit-Stone Container Enterprises, Inc.** (1035 Longford Road, Phoenixville, PA 19460) on May 24, 2005, a Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Jefferson Smurfit Corporation (US) in Upper Providence Township, **Montgomery County**. The facility's major emission points include printing presses containing VOCs and HAPs. The responsible official has also been updated. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial Title V Operating Permit was issued November 15, 2001.

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

**41-303-008: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 27, 2005, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to decrease an annual production limitation for a drum mix asphalt concrete plant to 1,302,000 tons of product in any 12 consecutive month period in Loyalsock Township, **Lycoming County**.

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

**24-00145: GE Thermometrics, Inc.** (967 Windfall Road, St. Marys, PA 15857) on May 24, 2005, for an administrative amendment to their Title V Permit to correct the frequency of monitoring for fugitive and visible emissions at their electronic resistor manufacturing facility in the City of St. Marys, **Elk County**.

**10-00037: Sonneborn, Inc.** (100 Sonneborn Lane, Petrolia, PA 16050) on May 26, 2005, for an administrative amendment to the Title V Permit to change the ownership of their facility from Crompton Corporation to Sonneborn, Inc. The facility is in the Borough of Petrolia, **Butler County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-7100.*

**02941601 and NPDES Permit # PA0215627, Weleski Terminals, Inc.** (151 West Fourth Avenue, P. O. Box 428, Tarentum, PA 15084), to renew the permit for the Allegheny River Dock in Tarentum Borough, **Allegheny County** and related NPDES permit. No additional discharges. Permit issued May 20, 2005.

**56951301 and NPDES Permit # PA0214850, RoxCOAL, Inc.** (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Augustus Mine in Shade Township, **Somerset County** to amend the subsidence control plan. No additional discharges. Permit issued May 24, 2005.

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

**63980103 and NPDES Permit No. PA0202215. Joseph Rostosky Coal Co.** (2578 Country Lane, Monongahela, PA 15063). Revision permit issued for land use change from forestland to pastureland to a bitumi-

nous surface mine, located in California borough, **Washington County**, affecting 24.4 acres. Receiving streams: UNTs to Pike Run. Revision application received: March 4, 2005. Revision permit issued: May 18, 2005.

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

**10000104 and NPDES No. PA0241784. Ben Hal Mining Company,** 389 Irishtown Road, Grove City, PA 16127. Revision to an existing bituminous strip operation to change the post-mining land use from forestland to unmanaged natural habitat on the DeWayne Majors and John P. Stoops, Sr. properties in Slippery Rock and Cherry Townships, **Butler County**. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: March 22, 2005. Permit Issued: May 18, 2005.

### Noncoal Permits Actions

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

**4274SM11 and NPDES Permit No. PA0212512. New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664-0077, renewal of NPDES Permit in Taylor Township, **Blair County**. Receiving streams: Halter Creek and Plum Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 21, 2004. Permit issued May 17, 2005.

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

**58050810. Robert Staudt** (348 Main Street, Apalachin, NY 13732), commencement, operation and restoration of a bluestone quarry operation in Choconut Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 7, 2005. Permit issued May 16, 2005.

**66880301T and NPDES Permit #PA0594229. Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474), transfer an existing quarry operation and renewal of NPDES Permit for discharge of mine drainage in Falls Township, **Wyoming County** affecting 328.6 acres, receiving stream: Buttermilk Creek. Application received December 20, 2004. Transfer/Renewal issued May 17, 2005.

**6277SM1A1C5 and NPDES Permit #PA0595080. Compass Quarries, Inc. d/b/a Independence Construction Materials** (47 McIlvaine Road, Paradise, PA 17562), renewal of NPDES Permit for discharge of treated mine drainage from quarry operation in Paradise Township, **Lancaster County**, receiving stream: Londonland Run. Application received March 31, 2005. Renewal issued May 19, 2005.

**4873SM3C2 and NPDES Permit #PA0595021. Kinsley Construction, Inc.** (2700 Water Street, P. O. Box 2886, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from quarry operation in Springettsbury Township, **York County**, receiving stream: UNT to Codorus Creek. Application received April 4, 2005. Renewal issued May 19, 2005.

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

**3474SM45 and NPDES permit No. PA0589853. Collier Stone Company** (80 Noblestown Road, Pittsburgh, PA 15106). NPDES renewal of a noncoal surface mine, located in Collier Township, **Allegheny County**, affecting 33.7 acres. Receiving streams: Scotts Run and Robinson

Run. Renewal application received: March 21, 2005. Renewal permit issued: May 20, 2005

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

*Small Noncoal Permit—Final Bond Release*

**59041002. Terry Jacobson** (P. O. Box 32, Sabinsville, PA 16943). Final bond release for a small noncoal mining operation in Nelson Township, **Tioga County**. Restoration of 2 acres completed. Application for final bond release received: December 30, 2004. Final bond release approved: May 20, 2005.

**59041003. Terry Jacobson** (P. O. Box 32, Sabinsville, PA 16943). Final bond release for a small noncoal mining operation in Nelson Township, **Tioga County**. Restoration of 2 acres completed. Application for final bond release received: December 30, 2004. Final bond release approved: May 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.**

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

**41054001. Great Lakes Geophysical, Inc.** (P. O. Box 127, Williamsburg, MI 49690), for oil and gas exploration blasting, located in Cummings, Watson, Cogan House, Anthony, Snow Shoe, Boggs, Morris and Graham Townships, **Lycoming, Centre and Clearfield Counties**, with an expected duration of 208 days. Permit issued: May 6, 2005.

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

**06054008. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Reedy Run Development in Spring Township, **Berks County** with an expiration date of May 15, 2006. Permit issued May 16, 2005.

**23054006. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Martins Run Subdivision in Concord Township, **Delaware County** with an expiration date of June 9, 2006. Permit issued May 16, 2005.

**36054011. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Spring Garden Mennonite Church Cemetery in Salisbury Township, **Lancaster County** with an expiration date of April 30, 2006. Permit issued May 16, 2005.

**36054012. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Butterfield Development in Manheim Township, **Lancaster County** with an expiration date of May 31, 2006. Permit issued May 16, 2005.

**48054006. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and **Bernard J. Hasara**, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Forks Village in Forks Township, **Northampton County** with an expiration date of September 16, 2005. Permit issued May 16, 2005.

**22054105. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Heather Glen Development in West Hanover Township, **Dauphin County** with an expiration date of May 31, 2006. Permit issued May 16, 2005.

**46054117. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Ashbourne Estates in Lower Salford Township, **Montgomery County** with an expiration date of December 23, 2005. Permit issued May 16, 2006.

**28054012. Charles E. Brake Company, Inc.** (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting for Gastroenterology Associates/5th Avenue Commercial Center in Chambersburg Borough, **Franklin County** with an expiration date of December 31, 2005. Permit issued May 17, 2005.

**28054013. P & W Excavating, Inc.** (P. O. Box 712, McConnellsburg, PA 17233) and **Winchester Building Supply**, (2001 Millwood Pike, Winchester, VA 22602), construction blasting for the Duane Reisinger Home (Hade Church Road) in Antrim Township, **Franklin County** with an expiration date of May 31, 2006. Permit issued May 17, 2005.

**67054021. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Enclave Housing Development in Conewago Township, **York County** with an expiration date of April 15, 2006. Permit issued May 17, 2005.

**67054020. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Hunter's Run in Conewago Township, **York County** with an expiration date of May 15, 2006. Permit issued May 17, 2005.

**28054122. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), blasting for a Parklawn Memorial Gardens & Mausoleum in Greene Township, **Franklin County** with an expiration date of May 13, 2010. Permit issued May 17, 2005.

**28054123. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Countryside Greenhouse in Washington Township, **Franklin County** with an expiration date of May 31, 2006. Permit issued May 17, 2005.

**28054124. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Hawkstone Development in Washington Township, **Franklin County** with an expiration date of May 31, 2005. Permit issued May 17, 2005.

**36054121. Keystone Blasting Service** (3811 Reifsnyder Road, Lititz, PA 17543), construction blasting for Blue Ball Commons in East Earl Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued May 17, 2005.

**09054103. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Berlinger Estate in Warwick Township, **Bucks County** with an expiration date of June 4, 2006. Permit issued May 20, 2005.

**09054104. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Penn Ridge School in East Rockhill Township, **Bucks County** with an expiration date of May 30, 2006. Permit issued May 20, 2005.



**35054108. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Veras Partners Site in Jessup Borough, **Lackawanna County** with an expiration date of May 17, 2006. Permit issued May 20, 2005.

**52054108. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Environmental Center in Lehman Township, **Pike County** with an expiration date of May 14, 2006. Permit issued May 20, 2005.

**64054104. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for a home in Salem Township, **Wayne County** with an expiration date of May 14, 2006. Permit issued May 20, 2005.

**64054105. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Fox Ledge in Dyberry Township, **Wayne County** with an expiration date of May 17, 2006. Permit issued May 20, 2005.

**06054108. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for a pole barn in District Township, **Berks County** with an expiration date of December 23, 2005. Permit issued May 23, 2005.

**06054109. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Union Green in Union Township, **Berks County** with an expiration date of May 21, 2006. Permit issued May 23, 2005.

**15054109. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Heather Glen in East Coventry Township, **Chester County** with an expiration date of May 20, 2006. Permit issued May 23, 2005.

**21054133. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for a swimming pool in West Pennsboro Township, **Cumberland County** with an expiration date of May 30, 2006. Permit issued May 23, 2005.

**21054134. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for home in Hampden Township, **Cumberland County** with an expiration date of May 30, 2006. Permit issued May 23, 2005.

**21054135. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting for a home in Southampton Township, **Cumberland County** with an expiration date of May 19, 2006. Permit issued May 23, 2005.

**28054127. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting on Kolpack Drive in Guilford Township, **Franklin County** with an expiration date of May 19, 2006. Permit issued May 23, 2005.

**28054128. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in Southampton Township, **Franklin County** with an expiration date of May 30, 2006. Permit issued May 23, 2005.

**36054122. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Elm Tree Properties in Rapho Township, **Lancaster County** with an expiration date of May 20, 2006. Permit issued May 23, 2005.

**46054119. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Providence Chase in Upper Providence Township, **Montgomery County** with an expiration date of June 1, 2006. Permit issued May 23, 2005.

**46054120. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Acorn Hills in New Hanover Township, **Montgomery County** with an expiration date of May 19, 2006. Permit issued May 23, 2005.

**15054111. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for New Daleville Subdivision in Londonderry Township, **Chester County** with an expiration date of December 23, 2005. Permit issued May 24, 2005.

**15054112. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Weatherstone Development in West Vincent Township, **Chester County** with an expiration date of June 3, 2006. Permit issued May 24, 2005.

**36054123. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Gideon Stoltzfus Project in Salisbury Township, **Lancaster County** with an expiration date of June 30, 2005. Permit issued May 24, 2005.

**01054002. Explosives Experts, Inc.** (P. O. Box 879, Sparks, MD 21152), construction blasting at Section 3 of Hickory Run Development in Bonneauville Borough, **Adams County** with an expiration date of July 31, 2005. Permit issued May 24, 2005.

**38054001. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Arbor Greene Housing Subdivision in North Londonderry Township, **Lebanon County** with an expiration date of June 1, 2006. Permit issued May 25, 2005.

**44054001. Mashuda Corp.** (21101 Route 19, Cranberry Township, PA 16066), construction blasting for Department of Transportation S.R. 0022 Sec. A02 in Granville and Derry Townships and Lewistown Borough, **Mifflin County** with an expiration date of October 31, 2005. Permit issued May 24, 2005.

**46054010. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Providence Chase Development in Upper Providence Township, **Montgomery County** with an expiration date of December 31, 2005. Permit issued May 25, 2005.

**46054011. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC**, (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Ardsley Sanitary Sewer Project in Abington Township, **Montgomery County** with an expiration date of December 31, 2005. Permit issued May 25, 2005.

**64054003. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for a house foundation (Bob Holiday Homes) in Paupack Township, **Wayne County** with an expiration date of July 6, 2005. Permit issued May 24, 2005.

**15054110. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for King's Grant Subdivision in Caln Township, **Chester County** with an expiration date of December 23, 2005. Permit issued May 25, 2005.

**15054111. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for King's Grant Subdivision in Caln Township, **Chester County** with an expiration date of May 30, 2006. Permit issued May 25, 2005.

**15054112. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Manchester Farms Development in East Fallowfield Township, **Chester County** with an expiration date of May 30, 2006. Permit issued May 25, 2005.

**35054124. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Joe Oberholtzer Barn in Earl Township, **Lancaster County** with an expiration date of June 30, 2005. Permit issued May 25, 2005.

**45054004. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for a house foundation (TM Builders) in Smithfield Township, **Monroe County** with an expiration date of July 27, 2005. Permit issued May 26, 2005.

**06054110. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for High Meadows Estates in Amity Township, **Berks County** with an expiration date of June 1, 2006. Permit issued May 26, 2005.

**36054125. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Mt. Joy Mennonite Church in East Donegal Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued May 26, 2005.

**38054111. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a home on Barrington Road in North Londonderry Township, **Lebanon County** with an expiration date of March 30, 2006. Permit issued May 26, 2005.

**48054106. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Highlands Development in the City of Easton, **Northampton County** with an expiration date of June 30, 2006. Permit issued May 26, 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

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

**E22-485: Island Grill LP**, 424 River Road, Dauphin, PA 17018 in the City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct and maintain precast columns and associated caissons and retaining walls within the floodway and floodplain of the Susquehanna River (WWF) to construct the City Island Grill restaurant and associated parking located on the south side of Market Street on City Island (Harrisburg West, PA Quadrangle N: 0.80 inch; W: 1.58 inches) in the City of Harrisburg, Dauphin County.

**E67-745: Stephen Adlon**, 870 Lisburn Road, Wellsville, PA 17365 in York Haven Borough, **York County**, ACOE Baltimore District.

To construct and maintain: (1) four timber footbridges, two 35 feet by 5 feet, one 20 feet by 5 feet and one 25 feet by 5 feet; (2) a 20-foot by 20-foot shed in the floodway; (3) 85 square feet of fill in the floodway associated with Lot 2; (4) one 30-inch by 80-foot long corrugated pipe culvert with a 6-inch depression; (5) one 18-inch by 10-foot corrugated metal pipe culvert; (6) two 4-inch sanitary sewer crossings; (7) one 4-inch conduit for water and telephone attached to the footbridge for Lot 1; and (8) two aerial utility line crossings all associated with unnamed tributaries to the Susquehanna River (WWF) in York Haven Borough, York County (York Haven, PA Quadrangle N: 20 inches; W: 13.0 inches).

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

**E18-390. Von P. Wise**, 5 West Main Street, Lock Haven, 17745. Pavilion Construction in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 5 inches; W: 12.5 inches).

This permit authorizes construction, operation and maintenance of a 24-foot by 24-foot open sided pavilion. This permit also authorizes the operation and maintenance of a 12-foot by 24-foot wooden deck. This project is located .3 mile southeast on Monsey Drive from the intersection with Water Valley Drive. This permit was issued under Section 105.13(e) "Small Projects."

**E59-463. Westfield Township**, P. O. Box 61, Westfield, PA 16918. Culvert Maintenance in Westfield Township, **Tioga County**, ACOE Baltimore District (Knoxville, PA Quadrangle N: 6.57 inches; W: 14.22 inches).

To maintain an 8-foot 4-inch high by 12-foot 10-inch wide arch culvert and an adjacent 12-foot 0-inch high by 19-foot 6-inch wide arch culvert by 35-foot long with concrete block headwalls in Jemison Creek along Whittaker Road about 0.2 mile west of the intersection of SR 249 with Whittaker Road in Westfield Township, Tioga County.

The project will not impact wetlands while impacting about 45 feet of waterway with no earth disturbance. Jemison Creek is a Warm Water Fisheries stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-465. Brookfield Township**, R. R. 4, Westfield, PA 16950. Bridge replacement in Westfield Township, **Tioga County**, AOE Baltimore District (Potter Brook, PA Quadrangle; N: 21.9 inches; W: 3.6 inches).

To remove the existing steel beam with metal grate decking on reinforced concrete abutments and to construct and maintain a 97 inch by 152 inch by 40 feet long corrugated metal arch pipe depressed in the streambed a minimum of 6 inches with 30 inch deep by 15 feet long R-6 inlet and outlet protection rip-rap in North Brook on Thomas Road approximately 300 feet south of the intersection of Thomas Road with SR 4007.

The project will not impact wetlands while impacting about 100 feet of waterway and less than 0.006 acre of earth disturbance. North Brook is a Cold-Water Fisheries stream.

This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-1358. Township of Scott**, Administrative Office, 2nd Floor, 301 Lindsay Road, Carnegie, PA 15106. To maintain a bridge and outfall structures in Scott Township, **Allegheny County**. (Pittsburgh West, PA Quadrangle N: 3.4 inches; W: 11.5 inches and Latitude: 40° 24' 21"—Longitude: 30° 04' 57"). To operate and maintain the Lindsay Road Bridge having a span of 31.0 feet with a minimum underclearance of 4.4 feet across Georges Run (WWF). The bridge is located on Lindsay Road, approximately 50.0 feet southwest from the intersection of Lindsay Road and Hope Hollow Road. This permit also acknowledges the operation and maintenance of the existing 36-inch diameter outfall structures on the left downstream bank of said stream.

**E11-307. Fiberblade, LLC**, 1 South Broad Street, Philadelphia, PA 19107. To place and maintain fill in Cambria Township, **Cambria County**. (Nanty Glo, PA Quadrangle N: 13.9 inches; W: 0.8 inch and Latitude: 40° 27' 01"—Longitude: 78° 45' 18"). To place and maintain fill in 0.10 acre of wetland for the purpose of constructing a wind turbine generator blade manufacturing facility. The project also includes the construction and maintenance of a 182.0-foot long, twin 24-inch culverts in an unnamed tributary to Stewart Run (HQ) eligible for authorization under waiver 105.12(a)(2). The project is located south of the intersection of Gateway Drive and Commerce Road. To compensate for wetland impacts, the permittee shall make a monetary contribution to the PA Wetland Replacement Fund.

**E65-852. Southgate Plaza, LP**, 420 Jamie Drive, Belle Vernon, PA 15012. To construct and maintain a culvert in Rostraver Township, **Westmoreland County**, (Donora, PA Quadrangle N: 11.1 inches; W: 9.5 inches and Latitude: 40° 11' 9"—Longitude: 79° 49' 5"). To construct and maintain 170-foot long, 5-foot diameter CMP culvert, along with riprap outlet protection, as an extension of an approximately 500-foot long existing, stream enclosure, in association with the relocation of a reach of an unnamed tributary to Pollock Run (WWF), for the purpose of constructing a Sheetz Food Mart and fuel dispensing facility. The relocated portion of the channel will consist of the 170-foot enclosure extension and approximately 394 feet of open channel. An outfall structure will also be constructed within the assumed floodway of the relocated channel. These activities will impact approximately 810 feet of existing watercourse and 0.44 acres of wetland (PEM). The permittee will construct approximately 1.1 acres of replacement wetland. The project is located at the intersection of S.R. 51 and Fellsburg Road.

#### ENVIRONMENTAL ASSESSMENTS

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

**D14-111EA. Jake Eckenrode**, 310 Wallace Run Road, Bellefonte, PA 16823. Boggs Township, **Centre County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed dam located across Wallace Run (EV) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located along Wallace Run Road approximately 2,000 feet west of the intersection of Gum Stump Road (T810) and SR 144, west of the town of Gum Stump. (Bellefonte, PA Quadrangle N: 18.95 inches; W: 14.8 inches).

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### SPECIAL NOTICES

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#### Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) hereby announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for

the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	Lancaster	Lancaster County	Feasibility Study of RE-TRAC System to Track Municipal Recycling Programs	\$4,059

**Drinking Water State Revolving Fund**

**Special Notice Under the Federal Safe Drinking Water Act**

*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>
Aqua Pennsylvania, Inc.	204 East Sunbury Street Shamokin, PA 17872	Lackawanna and Wyoming

*Project Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Aqua Pennsylvania, Inc. proposes to replace water lines in the given locations under a PENNVEST funded project entitled "Aqua Pa.—2003 Northeast Water Main Replacements." 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.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Stroudsburg Municipal Authority	410 Stokes Avenue East Stroudsburg, PA 18301	Monroe

*Project Description:* PENNVEST, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Stroudsburg Municipal Authority (ME#12618) proposes PWS service and fire protection expansion projects along SR 0611 in the Pocono Township Service Area (Monroe County). Proposed work consists of installing approximately 45,500 LF of distribution mains and appurtenances from the terminus of the preexisting Bartonsville service area, through Pocono Township along SR 0611 corridor (including Tannersville, Scotrun and Swiftwater), and ending at the 1.7 MG storage tank site in Swiftwater. Additional distribution system mains were installed along both sides of SR 0611 in Tannersville Village. The water service area and storage tank are supplied by a duplex booster pump station providing water out of the existing SMA distribution system. The pump station is equipped with telemetry controls, monitoring/alarm systems, and an emergency generator. The project also included 24 regulated stream crossings. Multiple crossings of SR 0611, S.R. 0314 and other State highways were performed via boring installation. Regional PRV vaults or individual PRVs on service connections were provided for all high pressure service areas. 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.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Stroudsburg Municipal Authority	410 Stokes Avenue East Stroudsburg, PA 18301	Monroe

*Project Description:* PENNVEST, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Stroudsburg Municipal Authority (SMA) (ME#12610) proposes PWS projects to provide PWS service and fire protection in four separate services areas (S.R. 0611 Bartonsville, Butler Park, Smithfield Township Region 1—Phase I, and Smithfield Township Region 6—Phase I Service Areas) located in Monroe County. These projects are known as the 2004 Water Service Area Expansion Projects (formerly the 2002 PENNVEST Water System Improvement/Extension Projects). The work generally consisted of installing DI water mains and appurtenances in each service area. The project included numerous related stream crossing and borings of state highways. One regional PRV vault and multiple service connection PRVs were provided in the Butler Park Service Area due to high service pressures. This project also initially included the siting and construction of Well No. 3 as an additional source of supply for SMA. 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.

**Sewage Facilities Act Special Notice**

**Special Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Chester Hill Borough	920 Walton Street Philipsburg, PA	Clearfield

*Description:* The PENNVEST, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Chester Hill Borough proposes to replace all of its vitrified clay pipe and brick manholes in its sewage collection system. This includes approximately 80 manholes, 25,000 linear feet of clay sanitary sewer pipe and 200 sewer laterals. The Depart-

ment's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

[Pa.B. Doc. No. 05-1123. Filed for public inspection June 10, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny General Hospital—Suburban Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Hospital—Suburban Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.1.A3, 10.2.B, 10.4, 10.6.A, 10.9, 10.12.A.2, 10.12.A4, 10.15.A.1 and 10.15.C.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1124. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of The Children's Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Institute has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.6.A6 (relating to private toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1125. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.6.B and 7.6.B8 (relating to nurse manager's office; and quiet room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing

impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1126. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of Jameson Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.6, 10.15.A2, 10.15.A5, 10.15.A6 and 10.15.A7.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1127. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of Mercy Fitzgerald Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Fitzgerald Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the standards contained in this publication relating to the NFPA Life Safety Code.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1128. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of Select Specialty Hospital of McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital of McKeesport has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B10 (relating to examination/treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1129. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of UPMC/HVHS Cancer Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC/HVHS Cancer Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1130. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Application of Village SurgiCenter of Erie for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Village SurgiCenter of Erie has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing

impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1131. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Lancashire Hall  
2829 Lititz Pike  
Lancaster, PA 17601

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Monticello House  
1048 West Baltimore Pike  
Media, PA 19063-5163

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1132. Filed for public inspection June 10, 2005, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Lucky for Life Lotto

In accordance with 61 Pa. Code § 873.8(a) (relating to time of drawing), the Secretary of Revenue announces that beginning August 1, 2005, Lucky for Life Lotto drawings will be conducted on Mondays and Thursdays. The last Wednesday drawing will be conducted on July

27, 2005. There will be no drawing on Saturday, July 30, 2005.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1133. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Pennsylvania Bingo Mania IV Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Bingo Mania IV.

2. *Price:* The price of a Pennsylvania Bingo Mania IV instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Bingo Mania IV instant lottery game ticket will contain 10 play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5," "Card 6," "Card 7," "Card 8," "Card 9" and "Card 10." The 77 play symbols located in the ten play areas are: The numbers 1 through 75, "FREE" symbol and a "5X" symbol. The "FREE" symbol is a free space. The "5X" symbol is a free space, and when it appears in a winning pattern, the prize quintuples.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 spaces on a 6 by 5 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000, \$2,500 and \$50,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Bingo Mania IV instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "M" pattern, matching in a five space vertical pattern the first and fifth columns and the second square from the top of the second and fourth columns, extending through the "FREE" space, on any "Card," shall be entitled to a prize of \$50,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 10," shall be entitled to a prize of \$2,500.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 6" or "Card 8" or "Card 9" or "Card 10," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 10," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 3" or "Card 7," shall be entitled to a prize of \$500.

(f) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 6" or "Card 8" or "Card 9," shall be entitled to a prize of \$500.

(g) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$250.

(h) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 3" or "Card 7," shall be entitled to a prize of \$250.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 6" or "Card 8," shall be entitled to a prize of \$250.

(j) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 2," shall be entitled to a prize of \$100.

(k) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$100.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 7," shall be entitled to a prize of \$100.

(m) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "5X" symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8" or "Card 9" or "Card 10," shall be entitled to a prize of \$50.

(n) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$50.

(o) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 3" or "Card 5" or "Card 9," shall be entitled to a prize of \$50.

(p) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "5X" symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$25.

(q) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 2," shall be entitled to a prize of \$25.

(r) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 1," shall be entitled to a prize of \$15.

(s) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1" or "Card 2" or "Card 4," shall be entitled to a prize of \$10.



(t) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8" or "Card 9" or "Card 10," shall be entitled to a prize of \$10.

(u) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal

line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$5.

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

<i>Win With Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
LINE CARD 1	\$5	30	160,000
LINE CARD 2	\$5	30	160,000
LINE CARD 3	\$5	30	160,000
LINE CARD 4	\$5	60	80,000
LINE CARD 5	\$5	60	80,000
LINE CARD 6	\$10	120	40,000
LINE CARD 7	\$10	120	40,000
LINE CARD 8	\$10	120	40,000
LINE CARD 9	\$10	120	40,000
LINE CARD 10	\$10	150	32,000
LINE CARDS 1 & 2	\$10	150	32,000
LINE CARDS 4 & 5	\$10	150	32,000
4 CORNERS CARD 1	\$10	150	32,000
4 CORNERS CARD 2	\$10	150	32,000
STAMP CARD 1	\$15	60	80,000
LINE CARDS 1, 2, 3, 4	\$20	100	48,000
LINE CARDS 2 & 5 + 4 CORNERS CARD 1	\$20	300	16,000
4 CORNERS CARDS 1 & 2	\$20	300	16,000
LINE CARD 1 w/5X MULTIPLIER	\$25	600	8,000
LINE CARD 2 w/5X MULTIPLIER	\$25	600	8,000
LINE CARD 3 w/5X MULTIPLIER	\$25	600	8,000
LINE CARD 4 w/5X MULTIPLIER	\$25	600	8,000
LINE CARD 5 w/5X MULTIPLIER	\$25	300	16,000
LINE CARDS 1, 2, 3, 4, 5	\$25	600	8,000
4 CORNERS CARD 4 + STAMP CARD 1	\$25	600	8,000
LINE CARDS 4 & 5 + STAMP CARD 1	\$25	600	8,000
STAMP CARD 2	\$25	600	8,000
LINE CARD 6 w/5X MULTIPLIER	\$50	800	6,000
LINE CARD 7 w/5X MULTIPLIER	\$50	800	6,000
LINE CARD 8 w/5X MULTIPLIER	\$50	800	6,000
LINE CARD 9 w/5X MULTIPLIER	\$50	800	6,000
LINE CARD 10 w/5X MULTIPLIER	\$50	800	6,000
LINE CARDS 6, 7, 8, 9, 10	\$50	857.14	5,600
STAMP CARDS 1 & 2 + LINE CARDS 3 & 4	\$50	827.59	5,800
X CARD 1	\$50	800	6,000
4 CORNERS CARD 3	\$50	800	6,000
4 CORNERS CARD 5	\$50	800	6,000
LINE CARD 1 w/5X MULTIPLIER + LINE CARD 2 w/5X MULTIPLIER	\$50	800	6,000

<i>Win With Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
LINE CARD 3 w/5X MULTIPLIER + LINE CARD 4 w/5X MULTIPLIER	\$50	800	6,000
4 CORNERS CARD 7	\$100	2,400	2,000
STAMP CARD 4	\$100	2,400	2,000
STAMP CARD 5	\$100	2,400	2,000
X CARD 2	\$100	2,400	2,000
X CARD 1 + 4 CORNERS CARD 9	\$100	2,400	2,000
STAMP CARD 3	\$250	120,000	40
4 CORNERS CARD 8	\$250	120,000	40
X CARD 3	\$500	120,000	40
STAMP CARD 6	\$500	60,000	80
STAMP CARD 8	\$500	60,000	80
STAMP CARD 9	\$500	60,000	80
X CARD 7	\$500	60,000	80
X CARD 4 + STAMP CARD 7	\$500	60,000	80
X CARD 5 + 4 CORNERS CARD 6	\$500	60,000	80
X CARD 6	\$1,000	120,000	40
X CARD 8	\$1,000	120,000	40
X CARD 9	\$1,000	120,000	40
4 CORNERS CARD 10	\$1,000	120,000	40
X CARD 10	\$1,000	120,000	40
STAMP CARD 10	\$2,500	240,000	20
M PATTERN ON ANY CARD	\$50,000	480,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

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

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

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1134. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Pennsylvania Checkerboard Bingo Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Checkerboard Bingo.

2. *Price:* The price of a Pennsylvania Checkerboard Bingo instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania Checkerboard Bingo instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." The 77 play symbols located in the six play areas are: The numbers 01 through 75, "FREE" symbol and a "TRIPLER" symbol. The "FREE" symbol is a free space. The "TRIPLER" symbol is a free space, and when it appears in a winning pattern, the prize triples.

(b) Each ticket will also contain a "Caller's Card" area. The 76 play symbols that may be located in the "Caller's Card" are: The letter B with a number 01 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75 and a "CHECKER" symbol.

4. *Prizes:* The prizes that can be won in this game are \$3, \$5, \$10, \$15, \$30, \$60, \$120, \$150, \$300, \$1,000, and \$30,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Checkerboard Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 6," shall be entitled to a prize of \$30,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 4" or "Card 5," shall be entitled to a prize of \$1,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 2" or "Card 3," shall be entitled to a prize of \$300.

(d) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 6," shall be entitled to a prize of \$300.

(e) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 1," shall be entitled to a prize of \$150.

(f) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4" or "Card 5," shall be entitled to a prize of \$120.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$60.

(h) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$60.

(i) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$30.

(j) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2" or "Card 3" or "Card 4," shall be entitled to a prize of \$30.

(k) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "TRIPLER" symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 4" or "Card 5" or "Card 6," shall be entitled to a prize of \$15.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$15.

(m) Holders of tickets with a "CHECKER" symbol in the "Caller's Card," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "TRIPLER" symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3," shall be entitled to a prize of \$9.

(o) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 4" or "Card 5" or "Card 6," shall be entitled to a prize of \$5.

(p) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3," shall be entitled to a prize of \$3.

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

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
LINE CARD 1	\$3	11.11	388,800
LINE CARD 2	\$3	33.33	129,600
LINE CARD 3	\$3	33.33	129,600
LINE CARD 4	\$5	76.92	56,160
LINE CARD 5	\$5	66.67	64,800
LINE CARD 6	\$5	100	43,200
LINE CARD 1 (TRIPLER)	\$9	100	43,200
LINE CARD 2 (TRIPLER)	\$9	100	43,200
LINE CARD 3 (TRIPLER)	\$9	100	43,200
LINE CARDS 4 & 5	\$10	200	21,600
LINE CARDS 4 & 6	\$10	200	21,600
LINE CARDS 5 & 6	\$10	200	21,600
CHECKER	\$10	200	21,600
4 CORNERS-CARD 1	\$15	1,000	4,320
LINE CARDS 4, 5 & 6	\$15	1,000	4,320
LINE CARD 4 (TRIPLER)	\$15	500	8,640
LINE CARD 5 (TRIPLER)	\$15	500	8,640
LINE CARD 6 (TRIPLER)	\$15	500	8,640
CHECKER + LINE CARD 4	\$15	500	8,640
CHECKER + LINE CARD 5	\$15	500	8,640
CHECKER + LINE CARD 6	\$15	500	8,640

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
DIAMOND CARD 1	\$30	1,000	4,320
4 CORNERS-CARD 2	\$30	1,000	4,320
4 CORNERS-CARD 3	\$30	1,000	4,320
4 CORNERS-CARD 4	\$30	1,000	4,320
LINE CARD 5 (TRIPLER) + LINE CARD 6 (TRIPLER)	\$30	1,000	4,320
CHECKER + LINE CARDS 4 (TRIPLER) & LINE CARD 5	\$30	1,000	4,320
CHECKER + LINE CARDS 5 (TRIPLER) & LINE CARD 6	\$30	1,000	4,320
CHECKER + LINE CARDS 6 (TRIPLER) & LINE CARD 4	\$30	333.33	12,960
CHECKER + DIAMOND CARD 1	\$40	1,200	3,600
CHECKER + 4 CORNERS CARD 2	\$40	1,200	3,600
CHECKER + 4 CORNERS CARD 3	\$40	1,200	3,600
CHECKER + 4 CORNERS CARD 4	\$40	1,200	3,600
DIAMOND CARD 2	\$60	6,000	720
DIAMOND CARD 3	\$60	6,000	720
4 CORNERS-CARD 5	\$60	6,000	720
4 CORNERS-CARD 6	\$60	6,000	720
DIAMOND CARD 1 + 4 CORNERS-CARD 2	\$60	6,000	720
DIAMOND CARD 1 + 4 CORNERS-CARD 3	\$60	6,000	720
DIAMOND CARD 1 + 4 CORNERS-CARD 4	\$60	6,000	720
4 CORNERS CARDS 4 & 5	\$90	12,000	360
DIAMOND CARD 2 + 4 CORNERS CARD 4	\$90	12,000	360
4 CORNERS CARDS 2, 3 & 4	\$90	12,000	360
LINE CARDS 4 & 5 (TRIPLER) + DIAMOND CARD 2	\$90	12,000	360
LINE CARDS 4 & 6 (TRIPLER) + DIAMOND CARD 3	\$90	12,000	360
LINE CARDS 5 & 6 (TRIPLER) + DIAMOND CARD 2	\$90	12,000	360
DIAMOND CARD 4	\$120	60,000	72
DIAMOND CARD 5	\$120	60,000	72
DIAMOND CARD 2 + 4 CORNERS CARD 6	\$120	60,000	72
4 CORNERS CARD 5 + 4 CORNERS CARD 6	\$120	40,000	108
X CARD 1	\$150	40,000	108
4 CORNERS CARD 3 + DIAMOND CARD 5	\$150	40,000	108
X CARD 2	\$300	120,000	36
X CARD 3	\$300	120,000	36
DIAMOND CARD 6	\$300	120,000	36
X CARD 1 + X CARD 2	\$450	120,000	36
X CARD 3 + DIAMOND CARD 5 + 4 CORNERS CARD 4	\$450	120,000	36

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
X CARD 4	\$1,000	120,000	36
X CARD 5	\$1,000	120,000	36
X CARD 4 + X CARD 5	\$2,000	360,000	12
X CARD 6	\$30,000	1,080,000	4

CHECKER = WIN \$10 AUTOMATICALLY

TRIPLER = TRIPLE THE PRIZE

Prizes, including top prizes, are subject to availability at the time of purchase.

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

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

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1135. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Pennsylvania Magic Numbers '05 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Magic Numbers '05.

2. *Price:* The price of a Pennsylvania Magic Numbers '05 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Magic Numbers '05 instant lottery game ticket will contain one play area featuring one "MAGIC NUMBERS" area, one "YOUR NUMBERS" area and a "BONUS BOX" area. The play symbols and their captions located in the "MAGIC NUMBERS" area and the "YOUR NUMBERS" area are: 1

(ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENTY). The play symbols and their captions located in the "BONUS BOX" area are: Clover Symbol (CLOVER), Leprechaun Symbol (LPCHN), Crystal Ball Symbol (BALL), Rabbit Symbol (RABBIT), Horse Shoe Symbol (SHOE), Rainbow Symbol (RNBOW), Wishbone Symbol (WSHBN) and Penny Symbol (PENNY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$2,000 (TWO THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$400, \$2,000 and \$25,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Magic Numbers '05 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets with a Rabbit Symbol (RABBIT) in the "BONUS BOX" area, and ten prize symbols of \$40\$ (FORTY) appear under the "YOUR NUMBERS" play symbols on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Rabbit Symbol (RABBIT) in the "BONUS BOX" area, and ten prize symbols of \$10.<sup>00</sup> (TEN DOL) appear under the "YOUR NUMBERS" play symbols on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with a Rabbit Symbol (RABBIT) in the "BONUS BOX" area, and ten prize symbols of \$4.<sup>00</sup> (FOR DOL) appear under the "YOUR NUMBERS" play symbols on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with a Rabbit Symbol (RABBIT) in the "BONUS BOX" area, and ten prize symbols of \$2.<sup>00</sup> (TWO DOL) appear under the "YOUR NUMBERS" play symbols on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with a Rabbit Symbol (RABBIT) in the "BONUS BOX" area, and ten prize symbols of \$1.<sup>00</sup> (ONE DOL) appear under the "YOUR NUMBERS" play symbols on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

<i>When Any of Your Numbers Match Either Magic Number, Win with Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 x 2	\$2	18.75	320,000
\$2	\$2	21.43	280,000
\$1 x 4	\$4	37.50	160,000
\$4	\$4	30	200,000
\$1 x 5	\$5	75	80,000
\$5	\$5	75	80,000
\$1 x 10	\$10	750	8,000
\$2 x 5	\$10	750	8,000
\$5 x 2	\$10	750	8,000
\$10	\$10	375	16,000
Rabbit w/\$1	\$10	75	80,000
\$5 x 4	\$20	300	20,000
\$20	\$20	300	20,000
Rabbit w/\$2	\$20	300	20,000
\$4 x 10	\$40	1,200	5,000
\$5 x 8	\$40	1,200	5,000
\$10 x 4	\$40	1,263	4,750
\$20 x 2	\$40	1,263	4,750
\$40	\$40	1,200	5,000
Rabbit w/\$4	\$40	1,200	5,000
\$10 x 10	\$100	12,000	500
\$20 x 5	\$100	12,000	500
\$40 x 2 + \$5 x 4	\$100	12,000	500
\$100	\$100	12,000	500
Rabbit w/\$10	\$100	12,000	500
\$100 x 4	\$400	60,000	100
\$400	\$400	60,000	100
Rabbit w/\$40	\$400	60,000	100
\$2,000	\$2,000	600,000	10

<i>When Any of Your Numbers Match Either Magic Number, Win with Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$400 × 5	\$2,000	600,000	10
\$25,000	\$25,000	600,000	10

Rabbit—Win all 10 prizes automatically.  
Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Magic Numbers '05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Magic Numbers '05, prize money from winning Pennsylvania Magic Numbers '05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Magic Numbers '05 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used

for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Magic Numbers '05 or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-1136. Filed for public inspection June 10, 2005, 9:00 a.m.]

**Realty Transfer Tax; 2004 Common Level Ratio Real Estate Valuation Factors**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2004. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2005, to June 30, 2006, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	3.28	Elk	5.26	*Montour	8.82
Allegheny	1.10	Erie	1.13	Northampton	2.75
Armstrong	2.56	Fayette	1.10	*Northumberland	4.07
Beaver	3.23	Forest	4.37	Perry	1.16
Bedford	5.00	Franklin	7.69	Philadelphia	3.37
Berks	1.25	Fulton	2.20	Pike	4.76
Blair	11.91	Greene	1.21	Potter	2.53
Bradford	2.43	Huntingdon	6.80	Schuylkill	2.42
*Bucks	8.93	Indiana	7.69	Snyder	6.29
Butler	9.90	*Jefferson	1.74	Somerset	2.63
*Cambria	3.57	Juniata	6.41	Sullivan	1.19
Cameron	2.81	Lackawanna	5.38	Susquehanna	2.56
Carbon	2.52	**Lancaster	1.00	Tioga	1.18
Centre	3.04	Lawrence	1.10	Union	6.85
Chester	1.65	*Lebanon	6.25	**Venango	1.00
Clarion	5.10	Lehigh	2.73	Warren	2.81
Clearfield	5.13	Luzerne	15.39	Washington	6.94
Clinton	3.73	**Lycoming	1.00	**Wayne	1.00
Columbia	3.26	*McKean	1.06	Westmoreland	4.88
Crawford	2.87	Mercer	3.56	Wyoming	4.39
**Cumberland	1.00	Mifflin	2.09	York	1.33

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Dauphin	1.24	Monroe	6.14		
Delaware	1.38	Montgomery	1.66		

\*Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2005.

\*\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2005.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-1137. Filed for public inspection June 10, 2005, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Butler 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 increase the number of lanes at the SR 19/SR 3022 intersection to improve safety, increase the intersection's efficiency and to reduce delay to the traveling public. The intersection improvements require the taking of approximately 0.099ha (0.244 acre) from the Frederick Meeder Farmstead/Drover's Inn and, therefore, the use of the Frederick Meeder Farmstead/Drover's Inn, which qualifies as a Section 2002/Section 4(f) resource.

Mitigation measures to minimize harm to the resource include the following:

1. Access to the Frederick Meeder Farmstead/Drover's Inn will be maintained at all times and will not be modified or impacted. The property will be fully functional during construction activities.
2. The proposed construction activities will be limited to the minimal area necessary to conduct the required roadway improvements.
3. Storage of construction equipment and materials will be restricted from the Frederick Meeder Farmstead.
4. Nonpaved areas of disturbance will be returned to current conditions when the work is completed, including revegetation.
5. One hundred percent of the proposed property acquisition will not occur in land within the Frederick Meeder Farmstead that functions as farmland. All takes occur near the edge of the property within zones previously impacted by a utility easement and any easement acquisition will occur adjacent to the right-of-way or edge of the property, or both.
6. Structures are being designed to reduce scour damage from flooding. Scour will be minimized by the structures being sized appropriately (through the joint permit application process) to pass the 100-year design storm and the installation of R-8 rock choked off with R-3 will protect the abutments.

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. 05-1138. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Sale of Land No Longer Required for Transportation; Uneconomic Remnant

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is rectangular shaped, located at the corner of Southland Drive and Route 512, Section 004 in Hanover Township, Northampton County. The parcel is approximately 13,911.04 square feet. The sale of the property is in an "as is" condition. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

For further information, contact Ken Kutchinsky, District Property Manager, Department of Transportation, 1713 Lehig Street, Allentown, PA 18103, (610) 798-4271.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 05-1139. Filed for public inspection June 10, 2005, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### White Township v. DEP and Glendale Yearound Sewer Co.; EHB Doc. No. 2005-097-R

White Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Chest and White Townships, Cambria County.

A date for the hearing on the appeal has not yet been scheduled.



The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-1140. Filed for public inspection June 10, 2005, 9:00 a.m.]

**Williams Township v. DEP and Chrin Brothers, Inc.,  
Permittee; EHB Doc. No. 2005-096-MG**

Williams Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Chrin Brothers, Inc. (R & M) for a facility in Williams Township, Northampton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-1141. Filed for public inspection June 10, 2005, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health ben-

efits on request of the executive and legislative branches of government. The Council has been requested by Representative Nicholas A. Micozzie, Chairperson of the House Insurance Committee, to review House Bill 350, Printer's Number 371 (Grucela). House Bill 350 would require health insurance policies to provide coverage for hearing aids sold in accordance with section 403 of the Hearing Aid Sales Registration Law (35 P. S. § 6700-403).

Initial notification of request for information and documentation was published at 35 Pa.B. 1727 (March 12, 2005), with documentation due to the Council by May 12, 2005.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours, 8:30 a.m. to 5 p.m., until July 11, 2005. Additional comments on this information must be received by that time. Council offices are located at 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Flossie Wolf at the previous address.

#### *Submissions for House Bill 350*

1. *Blue Cross of Northeastern Pennsylvania*
  - Statement addressing section 9 requirements and opposing House Bill 350.
  - Attachments addressing health insurance coverage, health insurance mandates and factors driving the rising cost of healthcare.
2. *Highmark*
  - Statement addressing section 9 requirements and opposing House Bill 350.
  - Attachments addressing hearing aid coverage, health insurance and health insurance mandates.
3. *The Insurance Federation of Pennsylvania*
  - Statement addressing section 9 requirements and opposing House Bill 350.
  - Attachments addressing the factors driving the rising cost of healthcare.
4. *Managed Care Association of Pennsylvania*
  - Statement addressing concerns regarding mandated benefits and information on factors driving the rising costs of healthcare premiums.
5. *Pennsylvania Academy of Audiology*
  - Letter addressing section 9 requirements and indicating support of mandated health benefits for hearing aids.
6. *Pennsylvania Chamber of Business and Industry*
  - Letter and comments in opposition to House Bill 350.
7. *Pennsylvania Self Help for Hard of Hearing People*
  - Letter and comments in support of House Bill 350.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 05-1142. Filed for public inspection June 10, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 26, 2005, and announced the following:

### Regulation Approved

State Architects Licensure Board #16A-418: Definitions and Fees (amends 49 Pa. Code Chapter 9)

### Approval Order

Public Meeting held  
May 26, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli

*State Architects Licensure Board—Definitions and Fees;  
Regulation No. 16A-418*

On March 30, 2004, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Architects Licensure Board. This rulemaking amends 49 Pa. Code Chapter 9. The proposed regulation was published in the April 10, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 22, 2005.

This regulation adds a definition of the term "sole proprietorship," and clarifies that sole proprietorships are not required to pay the Board's annual renewal fee. These amendments will conform the regulation to the Architects Licensure Law.

We have determined this regulation is consistent with the statutory authority of the State Architects Licensure Board (63 P. S. § 34.6(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1143. Filed for public inspection June 10, 2005, 9:00 a.m.]

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

### Final-Omit

Reg. No.	Agency/Title	Received	Tolled	Resubmitted
54-62	Pennsylvania Liquor Control Board Point System for Certain Licenses	5/24/05	5/24/05	5/24/05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1144. Filed for public inspection June 10, 2005, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Application for Approval to Redomesticate

Old Guard Insurance Company, a domestic stock property insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Ohio. The initial filing was made under the requirements set forth under 15 Pa.C.S. §§ 1101—1110 (relating to the Business Corporation Law of 1988). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the 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](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1145. Filed for public inspection June 10, 2005, 9:00 a.m.]

## Andrew Fanelli, D.O.; Hearing

### Appeal of Andrew Fanelli, D.O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-09-031

A hearing shall occur on July 18, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 11, 2005, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties;

(2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

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. 05-1146. Filed for public inspection June 10, 2005, 9:00 a.m.]

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**Harlan Giles; Prehearing**

**Appeal of Harlan Giles under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-004**

On or before April 27, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's July 30, 2004, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for 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 4, 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 11, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1147. Filed for public inspection June 10, 2005, 9:00 a.m.]

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**Keith A. Goffe, M.D.; Prehearing**

**Appeal of Keith A. Goffe, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-05-014**

On or before June 16, 2005, the appellant shall file a concise statement setting forth the factual and/or legal

basis for his disagreement with MCARE's April 8, 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 July 7, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 30, 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 June 23, 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 June 30, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1148. Filed for public inspection June 10, 2005, 9:00 a.m.]

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**Lisa Hanes, CNM; Prehearing**

**Appeal of Lisa Hanes, CNM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-05-015**

On or before June 9, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for her disagreement with MCARE's May 3, 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 June 30, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 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 June 16, 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 June 23, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1149. Filed for public inspection June 10, 2005, 9:00 a.m.]

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**Richard G. Kensinger; Hearing**

**Appeal of Richard G. Kensinger under 40 P. S. §§ 991.2101—991.2193; UPMC Health Plan; Doc. No. HC05-04-039**

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.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on June 29, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 22, 2005. The hearing shall occur on July 13, 2005, at 1 p.m. in Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 23, 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 shall be filed on or before June 30, 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. 05-1150. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Linda Kleidon; Hearing

#### Linda Kleidon; License Denial; Doc. No. AG05-05-003

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 July 11, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 6, 2005. A hearing shall occur on July 27, 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 June 28, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 5, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to

participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1151. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Personal Surplus Lines, Inc.; Hearing

#### Personal Surplus Lines, Inc.; Order to Show Cause; Doc. No. SC05-05-016

A prehearing telephone conference initiated by this office is scheduled for July 6, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 30, 2005. A hearing shall occur on July 20, 2005, in the Administrative Hearings Office, Capitol Associates Buildings, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 22, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before June 29, 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. 05-1152. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have 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 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, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Nicholas Barnick; file no. 05-188-03060; Viking Insurance Company; doc. no. P05-05-009; June 30, 2005, 1 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Michael and Lillian Dzirko; file no. 05-265-01226; Nationwide Insurance Company; doc. no. PH05-05-007; August 4, 2005, 9 a.m.

Appeal of Joyce Anne Malatesta; file no. 05-265-01062; Erie Insurance Exchange; doc. no. PH05-05-008; August 4, 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 Thomas Edward Ritorto; file no. 05-308-70564; Metropolitan Direct Property & Casualty Insurance Company; doc. no. PI05-05-006; July 13, 2005, 10 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. 05-1153. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. 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 hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Joseph E. and Nancy Clinton; file no. 05-188-00661; Goodville Mutual Insurance Company; doc. no. P5-04-008; July 11, 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 Tara Ann Howard; file no. 05-303-70118; Insurance Placement Facility; doc. no. PI05-05-005; July 14, 2005, 9 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (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. 05-1154. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Thrivent Financial for Lutherans; Long Term Care Rate Increase; Rate Filing

Thrivent Financial for Lutherans has submitted filings to increase the rates for several long term care policies previously issued by the Aid Association for Lutherans and Lutheran Brotherhood. The first request is for an aggregate 20% increase on forms 12105PA and 12106PA. The increase will affect 1,564 policyholders in this Commonwealth. The second request is for an aggregate 13% increase on forms H2-LN-LTC-1 and H2-LN-LTCH-1. The increase will affect 463 policyholders in this Commonwealth. The third request is for an aggregate 17% increase on form H2-LA-LTC-1PA. The increase will affect 1,716 policyholders in this Commonwealth. The fourth request is for an aggregate 37% increase on forms H3-NN-LTCN-1 PA (97) and H3-NC-LTCC-1 PA (97). The increase will affect 4,199 policyholders in this Commonwealth.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

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. 05-1155. Filed for public inspection June 10, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Wholesale Shoppe #0215, 1601 Liberty Avenue, Pittsburgh, PA 15222-4301.

*Lease Expiration Date:* August 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 net useable square feet of new or existing warehouse space serving the downtown Pittsburgh area. The site must have access for tractor-trailer delivery, loading docks and at least 12 parking spaces.

*Proposals due:* July 1, 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

Allegheny County, Wine & Spirits Shoppe #0222, United Industrial Park, 98 Vanadium Road, Bridgeville, PA 15017-3034.

*Lease Expiration Date:* April 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,500 net useable square feet of new or existing warehouse space for use as a wholesale store in the Bridgeville/Heidelberg area. The location must have access for tractor-trailer delivery, loading dock, separate garage door and 10 to 15 parking spaces.

*Proposals due:* July 1, 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

Allegheny County, Wine & Spirits Shoppe #0238, Shady Hill Center, 6320 Shakespeare Street, Pittsburgh, PA 15206-4013.

*Lease Expiration Date:* March 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 to 7,000 net useable square feet of new or existing retail commercial space. The location must be in a shopping center environment near the intersection of Shady and Penn Avenues in the City of Pittsburgh.

*Proposals due:* July 1, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Butler County, Wine & Spirits Shoppe #1005, Bon Aire Plaza, 1101 N. Main Street, Butler, PA 16001-1944.

*Lease Expiration Date:* April 30, 2006

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. The location must be along Route 8, north of the intersection of Route 422.

*Proposals due:* July 1, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2502, 105 W. 18th Street, Erie, PA 16501-2103.

*Lease Expiration Date:* April 30, 2006

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. The location must be in a shopping center environment. The location should be within 1/2 mile of the intersection of Peach Street and 18th Street, Erie.

*Proposals due:* July 1, 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

Erie County, Wine & Spirits Shoppe #2511, 737 East 38th Street, Erie, PA 16504-2834.

*Lease Expiration Date:* April 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space. The location must be in a shopping center environment near the intersection of 38th Street and Pine Avenue in Erie.

*Proposals due:* July 1, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Franklin County, Wine & Spirits Shoppe #2802, 2105 E. Main Street, Waynesboro, PA 17268-1884.

*Lease Expiration Date:* June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space located near SR 16 between Wayne Heights and Rouzerville.

*Proposals due:* July 1, 2005, at 12 p.m.

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

Lackawanna County, Wine & Spirits Shoppe #3518, Keyser Oak Plaza, 1762 Keyser Oak Avenue, Scranton, PA 18508-1232.

*Lease Expiration Date:* May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space located within 1 mile of the North Scranton Expressway and the intersection of Interstate 81 and SR 307, City of Scranton.

*Proposals due:* July 1, 2005, at 12 p.m.

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

Lawrence County, Wine & Spirits Shoppe #3702, 729 Lawrence Avenue, Ellwood City, PA 16117-1931.

*Lease Expiration Date:* July 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space. The location must serve the Central Business District of Ellwood City. The location must have rear loading facilities.

*Proposals due:* July 1, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Lehigh County, Wine & Spirits Shoppe #3904, 3300 Lehigh Street, Allentown, PA 18103-7037.

*Lease Expiration Date:* 90-day status since November 1, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,500 net useable square feet of new or existing retail commercial space located on Lehigh Street within 1 mile of the intersection of 33rd Street Southwest, Salisbury Township.

*Proposals due:* July 1, 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

Schuylkill County, Wine & Spirits Shoppe #5412, 17 St. John Street, Schuylkill Haven, PA 17972-1652.

*Lease Expiration Date:* May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space located within Schuylkill Haven Borough.

*Proposals due:* July 1, 2005, at 12 p.m.

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

Tioga County, Wine & Spirits Shoppe #5903, 16 Crafton Street, Wellsboro, PA 16901-1508.

*Lease Expiration Date:* May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,400 net useable square feet of new or existing retail commercial space located within the Borough of Wellsboro.

*Proposals due:* July 1, 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. 05-1156. Filed for public inspection June 10, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Insurance Coverage Requirements for Motor Carriers; Doc. No. M-00041816**

Public Meeting held  
 May 19, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson;  
 Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

### Declaratory Order

*By the Commission:*

By Order entered August 6, 2004, we initiated a declaratory order proceeding to address the effect of exclusionary clauses possibly found in insurance policies issued to motor carriers, and the effect of those clauses on coverage mandated by statute and regulation. Specifically, we were concerned about valid claims for recovery being denied on the basis that a particular vehicle or driver involved in an accident was not listed on the motor carrier's insurance policy. We noted that we had previously addressed this issue in *Petition of Thomas Redfield*, Docket No. P-00950951 (Order entered October 4, 1995), wherein we found that coverage was available to claimants, regardless of whether a particular carrier vehicle involved in an accident was listed on the insurance policy. Notwithstanding our decision in *Redfield*, we became aware that insurers may be denying valid claims based on the unlisted vehicle theory. Therefore, we initiated the present proceeding to remove any uncertainty over mandated coverage requirements.

Our August 6, 2004 Order was served on all motor carrier insurers actively providing coverage in Pennsylvania. In addition, our Order was published on August 21, 2004, in the *Pennsylvania Bulletin*. 34 Pa.B. 4661. Comments were to be filed within twenty (20) days of the date

of publication. Comments were filed by Eric F. Ewing, the Insurance Federation of Pennsylvania, Inc. ("IFP"), the Property and Casualty Insurers Association of America ("PCIAA"), Philadelphia Parking Authority ("PPA"), and Prime Insurance Syndicate, Inc. ("Prime").

#### *Summary of Comments*

Mr. Ewing, the chief executive officer of Citizens Insurance Services, LLC, a Pennsylvania corporation registered in Pennsylvania to sell insurance products, commended the Commission for its initiative in addressing the problems arising in the marketplace for liability insurance and the resulting expenses of the public due to uninsured and underinsured commercial motor vehicle operators. Mr. Ewing encouraged the Commission to broaden its inquiry beyond the effect of exclusionary clauses to include the practice of regulated carriers to self-insure. We decline Mr. Ewing's suggestion, and will limit the scope of this Order to the particular issue for which we solicited comment.

IFP and PCIAA, insurance trade associations, commented that the resolution of the effect of exclusionary policy provisions requires resolution of possibly competing public policy goals; one ensuring that the public is adequately protected by the financial security in place, and the other protecting traditional underwriting and contractual interpretation principles underpinning the insurance market. IFP and PCIAA cited the Superior Court's decisions dealing with exclusionary clauses as frustrating the intent of federal and state transportation regulators to ensure adequate coverage for injured members of the public. IFP and PCIAA urge the Commission to limit its Order to taxicab coverage and not attempt to reach beyond the traditional privities of contract in insurance arrangements.

PPA commented that exclusionary clauses found in individual insurance policies issued to common carriers, are void to the extent that those clauses would provide less coverage than mandated by law. PPA has issued regulations that explicitly address exclusionary clauses in insurance contracts, and indicates that these clauses are subordinate to insurance coverage required by law.

Prime commented that if the Commission upholds its prior decision on this matter, it "will have a disastrously negative impact upon Prime and upon other companies writing commercial automobile coverage, particularly for taxicabs, in Pennsylvania." Prime commented that if it was forced to provide coverage for vehicles and operators that it did not willingly and specifically undertake to insure, it will be unable to participate in this market in Pennsylvania and will begin an orderly withdrawal. Prime argued that a more effective approach would be to make insurers provide proof of insurance specific to the vehicle and operator, not the carrier. Finally, Prime commented that "the Commission has no lawful authority to regulate the contents or terms of the insurance contracts which Prime or any other insurer issues." While the Commission has the power to regulate motor carriers and to require motor carriers to carry insurance, Prime argued that the Commission is not permitted to regulate the insurance industry or the insurers doing business in Pennsylvania.

#### *Discussion*

Section 331(f) of the Public Utility Code, 66 Pa.C.S. § 331(f), provides that: "The commission, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty." Given the conflicting comments,

we believe that sufficient uncertainty surrounds the extent of coverage mandated by statute and regulation. Therefore, we will exercise our discretion and issue a declaratory order to remove any uncertainty.

Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, provides the Commission with extensive authority over motor carrier insurance requirements. That provision provides, in part, that:

The commission may, as to motor carriers, prescribe by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers, whose current liquid assets do not exceed their current liabilities by at least \$100,000.00, shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy . . . in such amounts as the commission may prescribe. . . .

Pursuant to this broad statutory charge, the Commission promulgated regulations governing motor carrier insurance requirements. 52 Pa. Code Chapter 32. Those regulations require motor carrier insurers to file with the Commission a certificate of insurance to provide for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. 52 Pa. Code §§ 32.11, 32.12.<sup>1</sup> A motor carrier may not operate without the Commission's ap-

<sup>1</sup> These provisions provide:

#### **§ 32.11. Passenger carrier insurance.**

(a) A common carrier or contract carrier of passengers may not engage in intrastate commerce and a certificate or permit will not be issued, or remain in force, except as provided in § 32.15 (relating to applications to self-insure) until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in this Commonwealth, to provide for the payment of valid accident claims against the insured for bodily injury to or the death of a person, or the loss of or damage to property of others resulting from the operation, maintenance or use of a motor vehicle in the insured authorized service.

(b) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting fewer than 16 passengers shall be in an amount not less than \$35,000 to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The \$35,000 minimum coverage is split coverage in the amounts of \$15,000 bodily injury per person, \$30,000 bodily injury per accident and \$5,000 property damage per accident. This coverage shall include first party medical benefits in the amount of \$25,000 and first party wage loss benefits in the amount of \$10,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits shall conform to 75 Pa.C.S. §§ 1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa.C.S. § 1711 (relating to required benefits).

(c) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting 16 to 28 passengers shall be in an amount not less than \$1 million to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. Except as to the required amount of liability coverage, this coverage shall meet the requirements of 75 Pa.C.S. §§ 1701—1799.7.

(d) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting more than 28 passengers shall be in an amount not less than \$5 million to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. Except as to the required amount of liability coverage, this coverage shall meet the requirements of 75 Pa.C.S. §§ 1701—1799.7.

(e) The limits in subsections (b)—(d) do not include the insurance of cargo.

#### **§ 32.12. Property carrier insurance.**

(a) No common carrier or contract carrier of property may engage in intrastate commerce and no certificate will be issued, or remain in force, except as provided in § 32.15 (relating to applications to self-insure), until there has been filed with and approved by the Commission, a certificate of insurance by an insurer authorized to do business in this Commonwealth, to provide for the payment of valid accident claims against the insured for bodily injury to or the death of persons, or the loss or damage to property of others resulting from the operation, maintenance or use of a motor vehicle in the insured authorized service. The liability of the insurance company on each motor vehicle operated in common or contract carrier service shall be in amounts not less than \$300,000 per accident.

(b) The limitations in subsection (a) do not include insurance to cover damage to cargo.

(c) Insurance coverage of motor carriers of property shall meet the requirements of 75 Pa.C.S. §§ 1701—1798 (relating to Motor Vehicle Financial Responsibility Law).



proval of the certificate filed by its insurer. Id. The certificate of insurance, commonly known as a Form "E," is in a form prescribed and approved by the Commission. 52 Pa. Code § 32.2(a).<sup>2</sup> That Form "E" provides, in relevant part:

**UNIFORM MOTOR CARRIER BODILY INJURY  
AND PROPERTY DAMAGE LIABILITY  
CERTIFICATE OF INSURANCE**

*(Executed in Triplicate)*

Filed with (name of Commission)

This is to certify that the (Insurance Company), has issued to (Motor Carrier) a policy of policies of insurance effective from (Date and Time) at the address of the insured stated in said policy or policies and continuing until cancelled as provided herein, *which by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.* (Emphasis added.)

By filing the Form "E," an insurer certifies that a policy of insurance has been issued to the motor carrier, which "by attachment of the uniform motor carrier bodily injury and property damage liability insurance endorsement, has been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law . . ." of Pennsylvania. The "uniform motor carrier bodily injury and property damage liability insurance endorsement," known as a Form "F," provides, in relevant part:

**UNIFORM MOTOR CARRIER BODILY INJURY  
AND PROPERTY DAMAGE LIABILITY  
INSURANCE ENDORSEMENT**

It is agreed that:

The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State commission having jurisdiction with respect thereto, *amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby;* provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification. (Emphasis added.)

The Form "F" endorsement constitutes an amendment of the underlying insurance policy to provide that coverage shall be in accordance with the coverage required by "any State motor carrier law or regulations promulgated by any State commission with jurisdiction" over the motor carrier. Accordingly, by filing the Form "E" certification, coupled with the Form "F" endorsement, the insurer

certifies to the Commission that it is providing coverage in accordance with the law, notwithstanding any potentially contrary terms contained in an individual policy of insurance.

Our statute and regulations clearly require coverage on each and every vehicle used by a motor carrier in its authorized service. 66 Pa.C.S. § 512, 52 Pa. Code §§ 32.11, 32.12. As noted earlier, the Public Utility Code requires coverage for "each and every vehicle." 66 Pa.C.S. § 512. In addition, Commission regulations provide that an insurer must file with the Commission a Form "E" to cover bodily injury or property damage "resulting from the operation, maintenance or use of a motor vehicle in the insured authorized service." 52 Pa. Code §§ 32.11, 32.12. Vehicle lists utilized by an insurer and insured as part of the private insurance contract cannot be used to defeat coverage for all vehicles used by a carrier in its service, as required by law.

An insurer's public Form "E" filing, coupled with the Form "F" endorsement, is a certification that it is providing coverage in accordance with applicable law. Similar to limits of coverage, an insurer may not escape responsibility for payment of valid accident claims on the theory that the governing statute and regulations are directives to the motor carrier, not the insurer. Adopting this rationale would make the insurer's Form "E" filing of little value.<sup>3</sup> As the Court held in *Metro Transportation Company v. North Star Reinsurance Company*, 912 F.2d 672 (3rd Cir., 1990), an insurer who files a Form "E" with the Commission is responsible to provide coverage mandated by law. Moreover, the Form "F" endorsement referenced in the Form "E" constitutes a formal amendment to the motor carrier's insurance policy to make it consistent with the requirements of Pennsylvania law. Therefore, we hereby reaffirm our decision in *Redfield*, finding that exclusionary clauses contained in an insurance policy will not defeat coverage mandated by law.

Finally, in addition to vehicular exclusionary clauses, we must address the remaining issue of driver exclusionary clauses. It is our understanding that coverage is being denied by insurer(s) on the theory that a driver, involved in an accident, does not appear on an approved list maintained by the insurer. Again, we believe that the statute and regulations are clear in requiring coverage for accident claims "resulting from the operation, maintenance or use of a motor vehicle in the insured authorized service." There is no qualification on this requirement that only "listed" drivers are covered in the event of an accident. Rather, all losses are covered as long as they occurred in "the insured authorized service." Based on the clear language of the statute and regulations, we find that the Form "E" certification, coupled with the Form "F" endorsement, defeats any driver exclusionary clause found in an individual insurance policy.

We note that our decision today is consistent with Federal practice involving interstate carriers. *Progressive Casualty Insurance Co. v. Hoover*, 809 A.2d 353 (Pa. Supreme, 2002) (Pennsylvania Supreme Court held that the interstate commerce endorsement mandates payment for liability regardless of whether the vehicles are scheduled in a policy.); *Adams v. Royal Indemnity Co.*, 99 F.3d 964 (10th Cir., 1996) (10th Circuit Court of Appeals held that the interstate commerce endorsement modified the underlying insurance policy to provide coverage regard-

<sup>2</sup> This provision provides:

**§ 32.2. Insurance forms and procedures.**

(a) *Forms for certificates of insurance and others.* Endorsements for policies of insurance and surety bonds, certificates of insurance, applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancellation shall be in the form prescribed and approved by the Commission.

<sup>3</sup> The PPA commented that the "Form E filed by the insurer on behalf of the motor carrier trumps the insurance policy between those parties when it comes to the responsibility to the public of the insurer to meet the obligations set forth in our standards. Otherwise, the Form Es are worthless and the public is unprotected."

less of whether each motor vehicle is specifically described in the policy.). In addition, our position is consistent with various States which have addressed this matter. *Hindel v. State Farm Mut. Ins. Co. of Bloomington, Ill.*, 97 F.2d 777 (7th Cir., 1938) (7th Circuit Court of Appeals held that the interstate commerce endorsement requires coverage for unlisted vehicles.); *Fidelity & Casualty of New York v. Jacks*, 165 So. 242 (Supreme Ct. Al., 1936) (Supreme Court of Alabama, in holding coverage is available for an unlisted vehicle, stated that "It is not for the passenger, boarding a vehicle of such carrier, to inquire whether the particular vehicle so publicly employed has been put into the service in conformity with lawful regulations; nor for a shipper via such carrier to inquire what vehicle of such owner receives and carries his freight; nor for the public to be deprived of the security provided in the bond against the carrier's negligence by reason of another wrongful act of such carrier in putting into service a vehicle in violation of the rules with which he shall comply."); *Ross v. Stephens*, 496 S. E.2d 705 (Supreme Ct. Ga., 1998) (Supreme Court of Georgia held that regulation mandated coverage for vehicles not specifically described in the policy.); *American National Fire Insurance Company v. Levy*, 594 N.Y. S.2d 118 (Supreme Ct., Queen County, N.Y., 1992) (New York Supreme Court, Queens County, held that Form F endorsement amends the insurance policy of the carrier to provide protection for all vehicles operated under the motor carrier's certificate, whether or not the vehicles are listed in the insurance policy.); *Thompson v. Amalgamated Cas. Ins. Co.*, 207 F.2d 214 (U.S. App. D.C. 1953) (D.C. Court of Appeals held endorsement to policy requires coverage in accordance with law, notwithstanding terms of policy, and coverage is extended to drivers not named in policy.).

It is significant to note that those states, from a policy viewpoint, refused to place the risk of loss for a potentially uninsured motor carrier vehicle on the public. See *Hindel*. Further, those cases noted that an insurer's exposure, by virtue of filing a Form "E" certification, is not infinite nor without redress. The certification requires insurance coverage be provided in accordance with the limits established by law.<sup>4</sup> Also, an insurer is able to seek reimbursement from an insured for any payments made by the "company which it would not have been obligated to make under the terms of (the) policy except by reason of the obligation assumed in making such certification." Form "F."<sup>5</sup> To the extent a carrier is not abiding by the terms of its insurance contract, the insurer should take aggressive action to ensure compliance and seek out whatever remedies are available under its agreement with the motor carrier.<sup>6</sup> However, the remedy is not to deny claims that are to be covered under the minimum requirements of Pennsylvania law.

Further, for the reasons cited in *Redfield*, we do not find the holding in *Czarnecki v. Delco Cab, Inc.*, 419 A.2d 139 (Pa. Super., 1980), persuasive or dispositive on the issue of the effect of exclusionary clauses on coverage mandated by law. In *Redfield*, we stated:

In *Czarnecki*, the court stated that despite the statutory scheme and its public interest theme, there did not appear to be any intent on the part of the

<sup>4</sup> For example, the Commission requires passenger carriers maintain \$35,000 split coverage for bodily injury, death, or property damage. Coverage would only be required to the extent of these limits.

<sup>5</sup> This would appear to refute Prime's comment that an insurer would be saddled with claims arising from the insured's wrongful conduct.

<sup>6</sup> In extreme situations, the only remedy may be cancellation of the insurance policy by filing a Form "K" with the Commission. The Form "K" constitutes formal notice to the Commission that the insurance policy is cancelled, effective 30 days from the date the notice is actually received by the Commission. 52 Pa. Code § 32.2(e).

legislature to supersede the express language of the contract of insurance. The court found that the burden of insurance was placed on the common carrier, not the insurer, and in the absence of a clear legislative directive, the court refused to find such a liability on the part of insurers.

It is significant that *Czarnecki*, while briefly discussing the existence of the Form E Certificate, the statute and the regulations, completely failed to discuss the content and import of the Form E Certificate. *Czarnecki* makes no mention whatsoever of the insurer's statement in a Form E Certificate that "a policy or policies of insurance . . . has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State."

In the case now before the Commission, as in *Metro I* and *Metro II*, the Form E Certificate filed by the insurance company indicates that the policy of insurance has been changed to provide for coverage of the carrier's obligations in accordance with the motor carrier law of Pennsylvania and regulations promulgated in accordance therewith. It is the insurance policy, as amended by the endorsement described in the Form E Certificate, which dictates the result here. We need not address the issue of whether our statute, contrary to *Czarnecki*, automatically serves to amend or read coverage into the policy. (Footnote omitted.) The policy itself, as certified by the insurer here, provided coverage as required by the motor carrier laws of Pennsylvania. That law includes 66 Pa.C.S. § 512 and 52 Pa. Code § 32.11. *Metro II*. (Emphasis in original.)

Also, the Superior Court's recent pronouncement in *Lebanon Coach Company v. Carolina Casualty Insurance Company*, 675 A.2d 279 (Pa. Super, 1996), is not controlling. In *Lebanon Coach*, the vehicle involved in the accident was not owned by the operator. The Superior Court held that the expanded coverage required by Commission regulation does not apply to vehicles not owned by the operator that are insured by the vehicle's owner. Further, to the extent that *Lebanon Coach* affirms *Czarnecki*, we decline to follow that holding. We note that the Commission was not involved in either the *Lebanon Coach* or *Czarnecki* proceeding. Further, it is the interpretation of the Commission's enabling statute and regulations that is critical to the disposition of this case, and the Commission is afforded great deference to its interpretation. *Dee Dee Cab Inc. v. Pa. P.U.C.*, 817 A.2d 393 (Pa. Cmwlth., 2003), Allocatur Denied, 836 A.2d 123 Pa. Supreme, 2003).

Finally, we wish to address several specific comments submitted. First, IFP and PCIAA comment that the Commission should limit its order to taxicab coverage, exempting other carrier groups. We reject this comment. The sound legal premise underlying the result today, and in *Redfield*, is equally applicable to all carrier types. There is no reason to differentiate between taxicabs and other carriers on this issue.<sup>7</sup>

Also, Prime comments that the current procedure be modified so that Form E's are vehicle specific, only covering a particular vehicle identified on the form sub-

<sup>7</sup> We note that our decision is consistent with interstate insurance requirements for all carrier types.

mitted for filing to the Commission. We reject this comment. The current practice is to have an insurer file a Form E certification with the Commission certifying that the motor carrier's entire operation is insured in accordance with law. To adopt Prime's comment would defeat the very security that the Form E was designed to provide. If we were to adopt a vehicle specific Form E, the public would not know, on any particular trip, if the vehicle utilized was actually identified in the Form E and therefore insured, a result we reject.

Finally, Prime comments that the Commission does not have the authority to regulate the insurance industry or insurers, which it allegedly is doing by virtue of interpreting required coverage. We reject this comment. The Commission is authorized to prescribe insurance requirements for motor carriers. Requiring motor carriers to carry insurance on all vehicles and drivers providing public utility service is, without question, within the Commission's authority. Requiring Form E certifications from an insurer certifying that a carrier has procured insurance in accordance with statutory and regulatory requirements is also, without question, within the Commission's authority. As explained herein, the Form "E" certifies that the insurance company is providing coverage in accordance with the requirements of Pennsylvania law and the referenced Form "F" is a formal amendment to the insurance policy to make it conform to Pennsylvania law. We agree with PPA's observation that

... the Form E filed by the insurer on behalf of the motor carrier trumps the insurance policy between those parties when it comes to the responsibility to the public of the insurer to meet the obligations set forth in our standards. Otherwise, the Form Es are worthless and the public is unprotected.

PPA Comments at 2. Prime's argument to the contrary is without merit.

For the foregoing reasons, we hereby reaffirm our decision in *Redfield*. Exclusionary clauses based on vehicle and driver lists, found in individual insurance policies issued to motor carriers, do not relieve an insurer, which has filed a Form "E" certification with the Commission, from providing coverage in the event of an accident.

*Therefore, It Is Ordered That:*

1. A Declaratory Order is hereby issued.
2. Exclusionary clauses, including those based on vehicle and driver lists, found in individual insurance policies issued to motor carriers, do not relieve an insurer, which has filed a Form "E" certification with the Commission, from providing coverage in the event of an accident.
3. This order shall be served on all commentators and on all motor carrier insurers actively providing coverage in Pennsylvania.
4. This order shall be published in the *Pennsylvania Bulletin*.
5. This order is final upon entry.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-1157. Filed for public inspection June 10, 2005, 9:00 a.m.]

## Lifeline and Link-Up Programs; Doc. No. M-00051871

Public Meeting held  
May 19, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Kim Pizzigrilli

### Final Order

*By the Commission:*

By this Final Order, we adopt participation in the National School Free Lunch Program and income-based criterion at or below 135% of the Federal Poverty Guidelines as additional eligibility criteria for Pennsylvania's Lifeline 150 and Link-Up programs in order to make our programs consistent with the Federal Communication Commission's (FCC) default Lifeline/Link-Up programs, as announced on April 29, 2004, *Report and Order and Further Notice of Proposed Rulemaking In the Matter of Lifeline and Link-Up*, at CC Docket No. 04-87, WC Docket No. 03-109. We also modify the Lifeline 150 program and rename it Lifeline 135, since the income eligibility level has changed.

*Procedural History*

In 1984, the FCC established a Lifeline program to promote universal telephone service by providing low-income consumers with discounts on the monthly cost of dial tone service. By 1987, the FCC implemented Link-Up America (Link-Up) to help low-income households pay phone connection charges. With the passage of the Telecommunications Act of 1996 (TA-96), the FCC expanded its rules<sup>1</sup> so that Federal Lifeline service could be provided to low-income consumers in every state regardless of whether a state provided related support; under the amended rules, telephone companies designated as eligible telecommunications carriers (ETCs) must provide Lifeline service to eligible consumers and receive federal universal service funding support for doing so.

Until November 30, 2004, the effective date of Act 183,<sup>2</sup> all local exchange carriers (LECs) operating in the Commonwealth were required to provide Lifeline service and to have a Lifeline plan and rates filed in their tariff. On June 28, 1994, the Commission first ordered Bell Atlantic—Pennsylvania, Inc. (BA-PA) (now Verizon PA), to submit for approval a revenue-neutral Lifeline program and a Universal Telephone Assistance Program (UTAP). On August 3, 1995, the Commission granted BA-PA's petition and ratified a Lifeline Settlement Agreement.<sup>3</sup> BA-PA's Lifeline program was implemented in 1996 and was the first such program in the Commonwealth. In 1997, BA-PA revised its Lifeline program in Docket No. R-00974153, Order entered November 21, 1997, so Lifeline customers had a choice in local service options. The order also increased the customer discount. Additionally, BA-PA requested that the Commission designate BA-PA as an ETC so that it could receive federal Universal Service Fund (USF) support. Given the federal initiative, the Commission subsequently, at I-00940035, on July 31, 1997, directed each LEC to file a Lifeline plan to become effective January 1, 1998. On September 30, 1997 the Pennsylvania Telephone Association (PTA) filed a petition for the Approval of Lifeline Service Plan on behalf of its

<sup>1</sup> *Federal-State Board on Universal Service*, (FCC May 8, 1997) CC Docket No. 96-45, FCC 97-157.

<sup>2</sup> Act 183 of 2004 is the new Chapter 30 to Title 66 of *Pennsylvania Consolidated Statutes*. House Bill 30 (P. N. 4778) was signed into law by the Governor on November 30, 2004, and became effective immediately.

<sup>3</sup> *Pennsylvania Public Utility Commission v. Bell Atlantic—Pennsylvania, Inc.*, P-00930715, P-00950958, entered August 4, 1995.

member companies. The PTA companies' Lifeline eligibility requirements mirrored the BA-PA plan except that the BA-PA Lifeline program provided Lifeline customers with a larger credit for monthly service. By Order entered November 21, 1997<sup>4</sup> the Commission approved the PTA plans which led to the implementation of the statewide Lifeline program.

Lifeline programs were addressed in the *Global Order*.<sup>5</sup> Three orders approving the later-filed Lifeline/Link-Up tariffs of BA-PA, GTE North, and the PTA, respectively, were addressed at the *Global Order* dockets and were entered August 17, 2000.<sup>6</sup> These orders approved the tariff filings and defined the program eligibility requirements further by adding the State Blind Pension program and the Temporary Assistance for Needy Families Program (TANF) to the list of eligible social assistance programs.

Pennsylvania's telephone current Universal Service Programs are as follows:

*Lifeline—Verizon PA*<sup>7</sup> and Verizon North are the only companies offering this. It provides qualified customers with a credit (currently between \$11.55 and \$12.00)<sup>8</sup> towards their basic monthly phone charges with the option of choosing either the local area standard usage service or the local area unlimited usage service. Eligible customers may qualify if they have incomes at or below 100% Federal Poverty Income Level Guidelines (FPG) or receive General Assistance (GA), Supplemental Security Income (SSI), or Temporary Assistance for Needy Families (TANF). This program did not permit customers to subscribe to Call Waiting or other optional services. However, customers were permitted to subscribe to Call Trace Service at regular cost under special circumstances.

*Lifeline 150*—All LECs operating in Pennsylvania carry Lifeline 150 in their tariffs. It provides qualified customers with a credit (currently between \$7.80 and 8.25)<sup>9</sup> towards their basic monthly phone charges with the option of choosing either the local area standard usage service or the local area unlimited usage service. Eligible customers may qualify if they have incomes at or below 150% of the FPG and participate in certain assistance programs.<sup>10</sup> Further, a customer was restricted to one line with either local area standard usage package or local area unlimited usage package, and one optional service such as Call Waiting, Caller ID, home voice mail, etc., at regular charges.

On April 29, 2004, the FCC released a *Report and Order and Further Notice of Proposed Rulemaking In the*

<sup>4</sup> Petition of the Pennsylvania Telephone Association Lifeline Service Plan at Docket Nos. I-00940035, P-00971274, Order entered November 21, 1997.

<sup>5</sup> *Joint Petition of Nextlink Pennsylvania, Inc., et al. and Joint Petition of Bell Atlantic Pennsylvania, Inc., et al.*, P-00991648 and P-00991649, September 30, 1999 (*Global Order*).

<sup>6</sup> *Pennsylvania PUC v. Bell Atlantic—Pennsylvania, Inc., Pennsylvania PUC v. Pennsylvania Telephone Association, Pennsylvania PUC v. GTE North Incorporated*, P-00991648, P-00991649, August 17, 2000.

<sup>7</sup> Verizon PA also offers eligible Lifeline customers and qualified Lifeline applicants (with a pre-existing basic service arrearage) financial assistance to restore their basic telephone service through its Universal Telephone Assistance Program (UTAP). The Salvation Army manages UTAP and distributes funds to qualified customers and Lifeline applicants.

<sup>8</sup> Verizon PA and Verizon North Lifeline credit is a monthly amount equal to their federal subscriber line charge of \$6.05 for Verizon PA and \$6.50 for Verizon North plus a \$2.50 contribution from Verizon and \$3.00 from the Federal USE.

<sup>9</sup> Verizon PA and Verizon North Lifeline 150 credit is a monthly amount equal to their federal subscriber line charge of \$6.05 and \$6.50 respectively plus \$1.75 from the Federal USE. Lifeline 150 for all other ILECs is each company's federal subscriber line charge, currently capped at \$6.50 plus \$1.75. CLECs provide similar Lifeline credit amounts, regardless of whether or not they designate a federal subscriber line charge on customer bills.

<sup>10</sup> These social assistance programs include: General Assistance (GA), Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF), Food Stamps, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, and Federal Public Housing Assistance. Verizon also includes State Blind Pension as an eligible program.

*Matter of Lifeline and Link-Up*, at CC Docket No. 04-87, WC Docket No. 03-109. The FCC modified its rules (most of which became effective July 22, 2004), so as to increase the national telephone penetration rate above the current level of 94.7% and make phone service affordable to more low-income households. The order expanded the federal default eligibility criteria so as to include an income-based criterion of 135% of the Federal Poverty Guidelines (FPG)<sup>11</sup> and added the National School Lunch Program's free lunch program (NSL)<sup>12</sup> as a qualifying social assistance program. In prior years, consumers whose state followed the federal program had to participate in one of the qualifying programs to qualify for Lifeline. Now low-income consumers can qualify based on household income alone. Thus, more households nationwide arguably could qualify for the federal default program.

In order to combat fraud, the FCC added a proof of eligibility provision that places an additional administrative requirement on the LECs to get their customers to certify in writing, under oath, that they meet the eligibility requirements for household income or participation in qualifying social assistance programs.

On September 3, 2004, this Commission entered a Tentative Opinion and Order at Docket No. P-00951005<sup>13</sup> that addressed the Settlement Agreement and Further Settlement Agreement regarding the *Petition of the Frontier Companies for approval under Chapter 30 of the Public Utility Code for Approval of an Alternative Regulation and Network Modernization Plan* (September 3, 2004 Order). The September 3, 2004 Order modified one aspect of the Further Settlement Agreement by rejecting the provision allowing customers who receive the Lifeline discount to purchase up to two vertical services on the basis that it was inconsistent with the Commission's conclusion in the *Global Order* on this issue. Ordering Paragraph No. 8 of the September 3, 2004 Order also directed Commission staff to submit a recommendation to the Commission within 60 days of the entry date of that Order regarding how the Pennsylvania Lifeline program should be structured as a result of the recent FCC Lifeline Order.

On November 19, 2004, Pennsylvania's legislature passed House Bill 30—an amended version of the original Chapter 30 provisions concerning alternative rate regulation for the telecommunications industry and network modernization plans. The Governor signed House Bill 30 into law as Act 183, with an effective date of December 1, 2004. Among other things, Act 183 expressly mandates significant changes to Pennsylvania's universal service programs. Specifically, the provisions outlined in Section 3019(f) state the following:

§ 3019(f) Lifeline Service.—

(1) All eligible telecommunications carriers certified to provide local exchange telecommunications service shall provide lifeline service to all eligible telecommunications customers who subscribe to such service.

<sup>11</sup> At or below 135% of the FPG is \$24,840 for a family of four.

<sup>12</sup> To be eligible for the NSL free lunch program, a consumer's household income must be at or below 130% of the FPG, which is currently \$23,920 for a family of four. 2003 FPG, 68 Fed. Reg. at 6456-58. In addition, children are automatically eligible to participate in the NSL free lunch program if their household receives Food Stamps, benefits under the Food Distribution Program on Indian Reservations or, in most cases, benefits under the TANF program. <http://www.fns.usda.gov/cnd/About/faqs.htm>.

<sup>13</sup> The Tentative Opinion and Order became final in accordance with Ordering Paragraph No. 6 that stated: "That if none of the Parties object to the modifications to the Settlement Agreement and Further Settlement Agreement, within the time specified in Ordering Paragraph No. 3 of this Tentative Order, then it is further ordered that this Tentative Opinion and Order shall become final, and a Secretarial Letter shall be issued to that effect, without further action by the Commission." All of the Parties subsequently notified the Commission that they do not object to Settlement and Further Settlement Agreement as modified by the Tentative Opinion and Order.

(2) All eligible telecommunications customers who subscribe to lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services.

(3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of lifeline service twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the lifeline service subscription requirements.

(5) When a person enrolls in a low-income program administered by the department of public welfare that qualifies the person for lifeline service, the department of public welfare shall automatically notify that person at the time of enrollment of his or her eligibility for lifeline service. This notification also shall provide information about lifeline service including a telephone number of and lifeline subscription form for the person's current eligible telecommunications carrier or, if the person does not have telephone service, telephone numbers of eligible telecommunications carriers serving the person's area, which the person can call to obtain lifeline service. Eligible telecommunications carriers shall provide the department of public welfare with lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the department of public welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this section any new lifeline service discount that is not fully subsidized by the federal universal service fund.

On March 8, 2005, the Commission entered a Tentative Order proposing to expand Lifeline 150 and Link-Up program eligibility requirements consistent with the provisions of Act 183. Comments from the Pennsylvania Telephone Association (PTA),<sup>14</sup> the Office of Consumer Advocate (OCA) and Verizon were filed with the Commission.

#### *Discussion*

##### *PTA's Comments*

The PTA comments that the Commission should delay implementation of the 135% income eligibility standard. PTA claims that the FCC reduced its standard from 150% to 135%. Thus, the PTA proposes maintaining the 150% income standard in light of the FCC's statement that it will explore further whether to adopt a 150% income standard. Requiring ETCs to adopt the more restrictive 135% standard now while the possibility remains that those companies will be required to return to the 150% standard in the near future will create an unnecessary administrative burden. Further, PTA argues that consumers will benefit as the current standard is less restrictive.

<sup>14</sup> The Pennsylvania Telephone Association represents more than 30 incumbent local exchange carriers operating in Pennsylvania.

We disagree with PTA regarding this issue. The current standard of 150% Federal Poverty Guidelines and participation in one of a list of approved social assistance programs is more restrictive than just meeting a 135% of Federal Poverty Guidelines household income standard. Not all consumers with household incomes of 150% FPG or less are also enrolled in a social assistance program. Whereas, by changing the two-prong test to a single prong test, the consumer need only meet either the income standard or the participation in a social assistance program standard, and not both. To date, there has been no final decision from the FCC regarding expanding its default Lifeline/Link-Up program income qualifying criteria from 135% to 150%. In fact, this Commission does not believe PTA's statement that the FCC reduced its income qualifying criteria from 150% to 135% is inaccurate. There was previously no federal income requirement—only a requirement for participation in social assistance programs. Should the FCC decide in the future to expand the qualification from 135% to 150%, this Commission will reevaluate its own Lifeline/Link-Up programs.

PTA also comments that it does not oppose including the National School Lunch Program's free school lunch program as a qualifying program for Lifeline eligibility so long as the customer is responsible for providing the ETC with verification of enrollment as this program is not overseen by the Department of Public Welfare. The PTA believes the companies should be permitted to recover the additional costs incurred in implementing this addition. PTA asserts such recovery could be through the exogenous event factor recognized in the companies' price cap formula.

Although there are approximately 500,000 students in Pennsylvania who currently qualify for free school lunches, this Commission does not know exactly how that translates into number of households in Pennsylvania that qualify. Further, it is likely that if one or more children in a household are receiving their school lunches at no cost, that household's income is below 135% FPG and that household receives social assistance in the form of food stamps, LIHEAP, Medicaid, TANF, SSI, or some other approved program.<sup>15</sup> Therefore, since there is likely an overlap of program participation, the administrative costs incurred by the companies as a result of the addition of NSL do not seem on the surface to be that overly burdensome as many households can already qualify with the DPW database check.

Any ILEC can of course petition for recovery through price stability mechanisms or a rate increase, but would have to be able to demonstrate how this additional cost qualifies as an exogenous event within the meaning of its Chapter 30 plan. Further, we recognize there is as of yet no national database with household information regarding the children qualifying and participating in the National School Lunch free lunch program. Thus, we are willing to accept as sufficient evidence of participation in the program, a copy of the letter from the program administrator to the household identifying the child's name and address and the year for which the child qualifies. The address would have to match the address of the household requesting the Lifeline/Link-Up credit. There need not be separate verification through the Pennsylvania Department of Education or a national database at this time.

<sup>15</sup> In order to qualify for participation in the National School Lunch Program's free lunch program, a household's income cannot exceed 130% multiplied by the Federal Income Poverty Guidelines for the year 2005. *United States Department of Agriculture's Notice of Child Nutrition Programs—Income Guidelines*, 70 Fed. Reg. 52, p. 13161, March 18, 2005.

Finally, PTA comments that it does not oppose changing the language of the *Global Order* from “and” to “or” provided that those customers applying for Lifeline service pursuant to the income criteria bear responsibility for documentation of their income. PTA claims that income-based eligibility cannot be verified through any state-maintained database. The applicants’ eligibility, therefore, must be confirmed by the customers themselves through verified forms detailing their income. According to the PTA, ETCs do not have the resources or inclination to continuously follow-up with customers enrolled in Lifeline, and requiring ETCs to do so would cause unreasonable administrative burden. PTA avers that any obligation for providing or updating the relevant information in a timely manner should be borne by the customers themselves. In order to deter fraud, PTA argues that customers seeking to enroll on the basis of income alone should be required to submit their income information using an independently verified format, such as a state or federal income tax return.

Currently, Verizon uses the Pennsylvania Department of Revenue (DOR) to separately check if the customer’s income meets the 150% FPG standard if the customer first is not found to be on one of the qualifying social assistance programs according to the Department of Public Welfare’s (DPW) database. The DOR charges \$5.00 per inquiry as it is a manual task and is not automated. DOR reports that in 2003 there were approximately 2900 inquiries, dropping to roughly 2000 in 2004, and in 2005, so far there have been 260 inquiries. Of these statistics, more than half of the inquiries are from Verizon. So, the expense may likely be no more than \$10,000—\$15,000 per year for Verizon, and for the other ETCs, probably substantially less. This Commission finds that the companies ought to use the DPW’s database first to establish if there is acceptable social assistance program participation. If the household qualifies, then no further investigation or verification need be done. The household qualifies based on program participation or income verification. If the household does not appear to be enrolled in one of the approved social assistance programs, then 135% FPG income or less may be verified through either copies of written state or federal income tax returns for the prior year, or the carrier may contact DOR and pay the nominal fee to have the customer’s household’s income verified. We agree with PTA that self-certification without some form of reasonable independent verification is suspect for fraudulent abuse and will not be acceptable in Pennsylvania as a means for qualifying for our Lifeline/Link-Up programs.

Finally, PTA asserts that it does not oppose the Commission’s proposed annual recertification requirement as long as no additional recertification obligations exceed those put in place by the FCC. We agree with the PTA regarding this issue, and are satisfied that the statistically valid sampling method imposed by the FCC is sufficient and will be adopted here in Pennsylvania, with the exception that the FCC has a deadline of June 22, 2005 for the sampling to be complete, and we will offer jurisdictional LECs an additional six months until December 31, 2005 to submit their samples to the Universal Service Administration Company (USAC). The sample may be verified through DPW, DOR or LIHEAP’s separate program.

#### *Verizon’s Comments*

Verizon Pennsylvania Inc. and Verizon North Inc. (collectively “Verizon”) commented first that the Commission should permit at least the incremental costs of adminis-

tering the expanded Lifeline 135 program to be recovered by Verizon and other ETCs. Verizon predicts that the proposed changes in the Tentative Order will likely result in tens of thousands of Verizon customers in the 135% and under group applying for Lifeline service, which will likely exponentially increase Verizon’s costs for the Department of Revenue’s certification of applicants’ income eligibility based on tax returns as well as Verizon’s internal administrative costs for the manual handling of applications. Accordingly, Verizon requests we allow Verizon and other ETCs to track and recover at least the additional administrative costs incurred in connection with the Lifeline programs. Verizon requests that monies set aside for Lifeline purposes from the 2004/2005 Price Change Opportunity should be available to offset the additional administrative costs.

It is premature to estimate how much more administrative costs Verizon and the other ETCs will incur as a result of the impact of Act 183, which eliminated the restriction on vertical services from the prior Lifeline 150 program, and other proposed changes outlined in our Tentative Order. Currently, Verizon does not do a cross-check on income even though the current *Global Order* says “150% FPG income and participation in an approved social assistance program.” Verizon infers that the customers’ income must be at or less than 150% FPG for him or her to be receiving such social assistance. This is logical and it saves Verizon the unnecessary cost of a separate \$5 fee per inquiry from DOR. If the customer is listed as an approved social assistance program participant, the customer is accepted into the Lifeline/Link-Up programs. If the customer is not listed as a social assistance program participant, Verizon searches for LIHEAP qualification, and if that doesn’t confirm eligibility, Verizon inquires at the DPW. The DPW inquiry does not cost Verizon anything, and DPW has automated its database. The search is quick, efficient and not costly. DOR costs \$5 per inquiry because it involves a manual search on the part of DOR employees and DOR has no plans to automate its system especially since the number of inquiries has been decreasing over the years. The ETCs are permitted to track costs associated with administering the Lifeline programs, but we are not prepared at this point to allocate any 2004/2005 PCO monies towards covering any additional administrative costs for Verizon. Verizon may make this type of request in a future PCO filing if it has evidence of substantial additional administrative costs in implementing the new program.

Second, Verizon argues that Lifeline eligibility should not be expanded to include the National School Lunch Program as a criterion until compliance with the criterion is verifiable. We will work with the Pennsylvania Department of Education to determine if a state-wide data base can be made available to the phone carriers for independent verification. However, we are satisfied that at this time, a written document showing the name of the child, his or her address, and the year for which he/she qualifies for free school lunches is sufficient to qualify for the Lifeline/Link Up credit as long as the address matches the household address of the customer seeking the credit.

Finally, Verizon argues that the implementation period for the Lifeline 135 eligibility changes should be longer than 30 days. Verizon argues the FCC provided default states a full year after the date its Lifeline Order was published in the Federal Register to implement the same eligibility changes as the Commission proposes to make final here. Verizon requests a 6-month delay to allow Verizon and other ETCs needed time to gear up to handle the expected heavy volume of additional Lifeline appli-

cants and time to get a separate National School Free Lunch program verification system set up. Six months delay in implementation is a little long given that LECs have been on notice of possible changes since the FCC entered its April 29, 2004 Lifeline Order, and the Commission subsequently entered its Tentative Order in March, 2005, adopting the federal default program requirements. We will grant the ETCs four months from the date of entry of this Order to begin implementation of the new eligibility standards for Lifeline/Link-Up programs in Pennsylvania. Four months is sufficient to draft tariff supplements, form applications for the Lifeline/Link-Up programs, and brochures. Further, the LECs have until December 31, 2005, to do the verification of existing customers through sampling. We will not delay implementation pending the establishment of an independent National School Lunch free lunch program verification system since we do not know definitely when that will occur, and are not immediately requiring independent verification of customer documentation of participation in the National School Lunch free lunch program.

#### *OCA's Comments*

OCA filed comments in support of the Tentative Order. OCA supports adding the National School Lunch free lunch program for the same reasons as the FCC gave in its *Lifeline Order*.

#### *The Impact of Act 183*

Section 3019(f)(1) requires all ETCs<sup>16</sup> to provide Lifeline service to all eligible customers. The Commission's *Global Order* required all LECs (including non-ETCs) to file Lifeline tariffs and provide this service to eligible customers. The current pool of ETCs consists of all 37 ILECs and three CLECs (MCI Metro Access Transmission Services, Service Electric Telephone, Inc., and RCN Telecom Services of Pa., Inc.) and two wireless companies (Nextel Partners, Inc. and Sprint PCS). In accordance with Section 3019(f)(1), CLECs that are not ETCs are no longer required to provide Lifeline service. The FCC does not permit pure CLEC resellers to seek ETC status. However, these companies are permitted to offer Lifeline by purchasing a discounted Lifeline service from an ILEC such as Verizon. CLECs that are facilities-based may seek ETC status from this Commission. Non-ETC CLECs<sup>17</sup> reported that 587 of their customers received Lifeline 150 service in 2003. As of December 31, 2003 the non-ETC CLECs had 489 Lifeline customers still enrolled in the Lifeline 150 program. The majority of these Lifeline customers were divided between two large CLECs, Comcast (329) and CTSI (140). The remaining 20 Lifeline customers were split among four smaller CLECs

The Commission encourages all CLECs to continue offering Lifeline and Link-Up services and to revise their Lifeline offering to comply with the expanded program set forth in this Order. As per the *Global Order*, Verizon will continue to provide CLEC resellers discounted rates for Lifeline services. This means that CLEC resellers may continue to provide Lifeline and Link-Up services. The Commission also encourages facilities-based CLECs to seek ETC status so they may provide Lifeline and Link-Up services and be reimbursed from the federal

universal service fund. CLECs that choose to remove Lifeline and/or Link-Up provisions from their tariffs must provide their customers with notice. This notice will advise customers that the CLEC will no longer offer Lifeline or Link-Up service. In addition, the notice must provide customers with details on how to migrate their local service to an ETC LEC operating in the same area.

Companies' outreach efforts have generally been limited to sending out an annual bill insert, providing information in their directories, and in some cases, developing their own Lifeline brochures. Generally, Act 183 directs ETCs to expand their outreach efforts. Section 3019(f)(4) states that ETCs shall inform existing customers of the availability of Lifeline service twice annually by bill insert or message. Under Section 3019(f)(3) whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an ETC, the carrier shall explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service. Automatic notification is also discussed in Act 183. Section 3019(f)(5), states that the DPW shall automatically notify people about Lifeline service when they enroll for qualifying low-income programs administered by DPW.

Pennsylvania's current Lifeline 150 program restricts the purchase of vertical services to one service. Under Section 3019(f)(2) of Act 183, "[a]ll eligible telecommunications customers who subscribe to Lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services." Therefore, the prior restriction to one vertical service is now lifted, and there are no restrictions on the number of vertical services a Lifeline customer can choose.

#### *Default vs. Non-Default State*

At the time the *Global Order* was entered in September 1999, the Commission determined Pennsylvania was a "default" state based on the language then present in 47 CFR § 54.409 of the FCC's regulations. A non-default State mandates its own Lifeline/Link-Up programs and there are contributions other than federal universal service fund contributions being made toward the Lifeline/Link-Up credit. The significance of being a non-default state is that the Commission or the state legislature can establish rules specific to Pennsylvania to address any issues that may be unique to the Commonwealth. Whereas, a default state does not mandate Lifeline/Link-Up programs; thus, carriers operating in default states are required to follow the FCC's regulations and the Lifeline/Link-Up eligibility requirements are directed by the FCC. In 1999, Section 54.409(b) stated:

To qualify to receive Lifeline in states that do not provide state Lifeline support, a consumer must participate in one of the following programs: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; or Low-Income Home Energy Assistance Program.

Now, the same Section 54.409(b) states:

To qualify to receive Lifeline service in a state that does not mandate state Lifeline support, a consumer must participate in one of the following federal assistance programs: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; and Low-Income Home Energy Assistance program.

<sup>16</sup> Act 183 appears to apply only to ETCs. We interpret Chapter 30, specifically Section 3019 to preclude the Commission from continuing to require non-ETC LECs to provide Lifeline/Link-Up programs because the legislature used the specific term, "ETCs" instead of "LECs." Therefore, the Commission may reasonably infer using statutory interpretation principles that the use of this explicit term means to the exclusion of all non-ETC LECs.

<sup>17</sup> These numbers are based on the 2003 Annual Lifeline Tracking Reports submitted by the following companies: Comcast Phone of Pennsylvania, LLC, CEI Networks, CTSI LLC, IDT Corporation, Penn Telecom, VartecTelecom, Inc., and Z-Tel Communications Inc.

In 1999, we viewed our state as a default state for the Lifeline 150 program because Pennsylvania did not provide any funding for the program and we did not require LECs to provide additional support for this program. The Commission viewed the Lifeline 150 as a separate program that would be totally funded by federal support. At that time, we did not believe that contributions from BA-PA for its Lifeline 100 program would be viewed by the FCC as state contribution for the Lifeline 150 program. Therefore, Lifeline 150 customers could not qualify based on income alone and would have to participate in qualifying assistance programs.

The companies also viewed Pennsylvania as a default state in 1999 as evidenced in the Replies of PTA, BA-PA, and GTE North (now known as Verizon North) to the exceptions of OCA regarding these three Lifeline Compliance Tariffs filed on or about November 30, 1999. At that time BA-PA stated,

The Commission's requirement that Lifeline recipients participate in one of the enumerated programs is completely consistent with the FCC's requirements for receiving federal universal service support for eligible Lifeline customers . . . . The OCA's interpretation—that Lifeline eligibility can be met through income alone—is flatly inconsistent with the FCC's regulations, and could jeopardize BA-PA's ability to obtain federal universal service fund reimbursement for the Lifeline 150 program.<sup>18</sup>

Further evidence that BA-PA once viewed Pennsylvania as a default state was their petition to the FCC for a waiver of one of FCC's rule Section 54.409(b) to permit BA-PA to use Pennsylvania Department of Public Welfare (DPW) database to verify the eligibility of Lifeline subscribers.<sup>19</sup> This petition was granted by the FCC on December 27, 2000. In its order approving the petition, the FCC stated:

Option 2 [Lifeline 150] expands eligibility for support to all subscribers with incomes at or below 150% of the federal poverty level and permits those customers to add vertical services. Because the program is funded entirely from federal support, Commission rules require Bell Atlantic to obtain written certifications of eligibility from subscribers to Lifeline Option 2.

Bell Atlantic seeks a waiver of the written certification requirement for subscribers of the Lifeline Option 2 who are listed in the Pennsylvania DPW database. It asks that, given its four years of successful experience with the DPW database, it be allowed to continue to rely on that database when the database indicates that a customer is eligible for Lifeline Option 2 [Lifeline 150]. Bell Atlantic agrees that if its waiver request is granted, it will continue to require the written certification specified in Section 54.409(b) of the rules where consumers qualify for the program based on their enrollment in the federal public housing assistance or Low-Income Home Energy Assistance programs, because data about participation in those programs is not contained in the DPW database.

<sup>18</sup> Reply of Bell Atlantic-Pennsylvania To Exceptions of the Office of Consumer Advocate to Lifeline Compliance Tariff, June 12, 2000, pp. 3-4.

<sup>19</sup> See Bell Atlantic-Pennsylvania, Inc., Petition for Waiver of Section 54.409(b) of the Commission's Rules and Regulations, filed December 22, 1999.

We find that Bell Atlantic has demonstrated that good cause exists to waive section 54.409(b) of the Commission's rules.<sup>20</sup>

However, despite the prior FCC order, Pennsylvania was not listed as a default state in the FCC's Appendix G of the *FCC Lifeline Order*. Appendix G listed 16 states that are considered to be default states because these states did not mandate their own Lifeline/Link-Up programs. Arguably then, we are a non-default state. Commission staff was told by the FCC that Appendix G is not necessarily up to date or accurate, but at the same time, there was no dollar contribution amount threshold requirement before a state could be classified as non-default. In Pennsylvania, only Verizon North and Verizon PA are required to provide support to the Lifeline program (Lifeline 100 only). Because Verizon is mandated to contribute to its Lifeline programs Pennsylvania qualifies as a "non-default" state according to the FCC rules. None of the other LECs who offer Lifeline are required to provide support for this program. Still, this seems to be enough to now satisfy the FCC's definition of a non-default state. Pennsylvania mandates support for a Lifeline program and contributions other than Federal monies are being made. Further, a representative from the Universal Service Administration Company (USAC) represented that we were a non-default state and OCA as well as the LECs participating in staff's Lifeline survey all agreed that Pennsylvania is a non-default state.

Pennsylvania is a "state that mandates state Lifeline support" based on the support provided by BA-PA for the Verizon Lifeline 100 program. Universal service goals are furthered even though the state Lifeline support does not apply to all Pennsylvania Lifeline programs. Thus, the Commission has some flexibility pursuant to Section 54.409(a) of the FCC's Lifeline regulations to establish eligibility criteria so long as they are "narrowly targeted qualification criteria that are based solely on income or factors directly related to income." 47 CFR § 54.409(a). As the FCC explained, this flexibility allows states such as Pennsylvania "to consider federal and state-specific public assistance programs with high rates of participation among low-income consumers in the state." *FCC Lifeline Order* par. 5.

#### *Lifeline Program Take Rates*

Consumer advocates, staff, and members of the General Assembly<sup>21</sup> have all expressed concern about the low levels of participation in Pennsylvania's Lifeline programs. As shown on the following chart, Pennsylvania's customer participation has grown since 2000. Even so, the penetration rates for these programs have been disappointing given the number of eligible consumers and the amount of money Pennsylvania ratepayers<sup>22</sup> contribute to the federal USF. According to the Office of Consumer Advocate and the DPW, there are over a million people who participate in Medicaid living in Pennsylvania. For August 2004, the DPW reports the unduplicated number of persons eligible for Medical Assistance totaled 1,713,023. *Medical Assistance Eligibility Statistics, August 2004*.<sup>23</sup>

<sup>20</sup> In the Matter of Federal-State Joint Board On Universal Service, Bell Atlantic Pennsylvania, Inc., Petition for Waiver of Section 54.409(b) of the Commission's Rules and Regulations, CC Docket No. 96-45, December 27, 2000, pp. 2-3.

<sup>21</sup> House Bill 2571, Introduced by State Representative Veon.

<sup>22</sup> Some LECs and IXCs collect federal universal service funding as a line item on their monthly bills.

<sup>23</sup> While the Commission is not completely certain how 1.7 million Medicaid participants translates into number of households which participate in Medicaid, we believe it is likely there are significantly more than 137,000 households that would be considered Medicaid-participating households.



**End-of-Year Lifeline Enrollment 2000-2003  
Major Telephone Companies<sup>24</sup>**

<i>Company</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
ALLTEL	1,356	3,388	3,902	4,106
Comcast	NA	NA	NA	329
Commonwealth	694	997	1,195	1,485
MCI Local	45	163	434	555
United	1,083	1,334	1,563	1,913
Verizon North*	3,070	3,794	6,890	6,763
Verizon PA*	46,459	68,630	95,969	118,987
Total*	52,707	78,306	109,953	134,138

\*Includes Lifeline and Lifeline 150  
N/A not available

Adding the non-major LECs' end-of-year enrollment figures to the major LECs' subtotal of 134,138 yields a total Lifeline enrollment total of about 137,000. Assuming a maximum of 1.7 million households eligible, this calculates the take rate to be possibly as low as 8%.

According to the FCC, Pennsylvania's take rate is 16.2% compared to the nationwide take rate of 33.7%.<sup>25</sup> We have seen an enrollment increase since the Global Order from approximately 35,000 Lifeline customers in September 1999 to 137,000 as of December 31, 2003, but we are still very short of enrolling all consumers who could benefit from the Lifeline credit. If other states act to add the new income-based eligibility criteria of 135% of FPG, to remain unchanged in our policy may result in Pennsylvania incurring increased federal USF responsibility (as the size of the Fund increases) with no improvement in the percentage returned to the Commonwealth in terms of federal USF low-income support.

*Pennsylvania is a Net-Contributor to the Universal Service Fund*

We are concerned that in 2003, Pennsylvania received \$13.6 million in low-income support yet our ratepayers contributed over \$126.4 million to all four federal USF programs<sup>26</sup> of which approximately \$24 million went towards the low-income federal USF.<sup>27</sup> Thus, Pennsylvania is a net-contributor regarding the low-income portion of the federal USF. Last year approximately \$10 million dollars collected here through federal USF charges were not used by our Lifeline customers, but rather were used by other states' low-income programs. This disparity will only widen as a result of the recent FCC rules changes unless the Commission follows the FCC's lead and broadens its Lifeline 150 eligibility criteria in addition to removing the vertical services restriction barrier to enrollment. The Commission recognizes that in a pooled fund, such as the federal USF, not all states can be net recipients. However, increasing Pennsylvania's participation levels will allow more dollars to remain within the state.

*Examination of Other States*

An examination of other states similar to Pennsylvania shows that Florida's Public Service Commission recently

recognized that even though it is not a default state, "it is in Florida's best interest to also adopt this criterion." *In re: Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs*, Notice of Proposed Agency Action Order Expanding Lifeline Eligibility at 4, Docket No. 040604-TL (Fl.PSC Aug. 10, 2004) (Florida PSC Order). As the Florida PSC stated, "[w]e are concerned that if we do not adopt the 135% criterion for all ETCs, it could result in compounding Florida's status as a net contributor into the USF Low Income Support Mechanism and keep some consumers that would otherwise be eligible out of the program." Florida PSC Order at 4-5. Like Pennsylvania, Florida's LECs already used TANF as an eligibility criterion. *Florida PAA Order* at 1.

In 2003, Kansas (another non-default state) decided to enroll low-income consumers with incomes at or below 150% of FPG. Kansas also enrolls consumers in Lifeline based on eligibility for the Free School Lunch Program. See *In Re: Investigation into the Lifeline Service Program and Methods to Ensure Awareness of the Program*, Docket No. 00-GIMT-910-GIT, Order (KS, SCC, Jan. 21, 2003).

As stated previously, we are still a long way from enrolling all consumers who could benefit from the Lifeline credit, and failing to modify our policy may result in Pennsylvania incurring more of the federal USF funding liability as other states act to add the new income-based eligibility criteria of 135% of FPG. The FCC has already stated that it has weighed the impact on the federal USF if all states added the new income-based eligibility criteria of 135% of FPG and found that the benefits of "adding new low-income subscribers and retaining existing subscribers outweigh the potential increased costs." *FCC Lifeline Order*, par. 12.

Even though many LECs said that they were unclear whether enrollment in Lifeline service would increase should Pennsylvania make these changes to its Lifeline program, we may logically deduce from the factual information that is currently available to the Commission that the proposed changes would not result in lowered enrollment, and could, in fact, result in significant increases in enrollment.

Many consumers in Pennsylvania could be benefiting from the Lifeline/Link-Up credit but are not because they do not qualify under the current 2-prong test, or possibly because of lack of awareness of the availability of the program. The Commission believes it is likely that the

<sup>24</sup> These are LECs with 50,000 or more residential customers. Comcast does not have ETC status.

<sup>25</sup> FCC Report, April 29, 2004, FCC 04-87, Table 1.A, Baseline Lifeline Subscription Information (Year 2002).

<sup>26</sup> The four federal USF programs include: (1) low-income; (2) schools and libraries; (3) rural health care; and (4) high-cost support.

<sup>27</sup> FCC Federal-State Joint Board *Universal Service Monitoring Report*, CC Docket No. 98-202, Table No. 2.4 (rel. Oct. 2004). This table states Pennsylvania received \$13.6 million in low income support. The Commission estimates Pennsylvania ratepayers contributed \$24 million based on the most recent data staff could obtain, from the Universal Service Administrative Company Annual Report of 2002 based upon 2001 data. The Commission also notes that Pennsylvania received a total of \$126,408,000 from the USF in 2001 for the four programs including: 1) low-income, 2) high cost support; 3) Schools and libraries; and 4) rural health care. However, our ratepayers consistently year after year contribute more than what is returned through the USF.

addition of household participation in NSL as a Lifeline eligibility criterion may increase Lifeline enrollment in Pennsylvania even though the FCC noted that statistics are not available that translate into the number of NSL recipients into a household count. Therefore, the Commission believes it should expand the Lifeline 150 program to include NSL and change the 150% "and" requirement to 135% "or." We would lose no current enrolled customers and this change could boost enrollment figures. Moreover, we would be on more even footing with other states and imposing standards consistent with those in the federal regime. While some additional administrative costs may be incurred by LECs in order to implement revisions allowing NSL and income as eligibility factors, the benefits to Pennsylvanians outweigh this burden.

*Increasing Subscriber Line Charges*

The federal USF low-income program is designed to help low-income consumers' bills remain affordable as the FCC continues to raise the subscriber line charge (SLC), which currently is capped at \$6.50 per line on all monthly phone bills. If our program eligibility is more restrictive than the federal rules, and the SLC continues to increase, we may be doing a disservice to Pennsylvanian low-income ratepayers.

*Notification Requirements*

Section 3019(f)(4) requires ETCs to inform existing customers of the availability of Lifeline service twice annually by bill insert or message. The notice must be conspicuous and must provide appropriate eligibility, benefits and contact information for customers who wish to learn of the Lifeline service subscription requirements. 66 Pa.C.S. § 3019(f)(4). In keeping with tradition, we will direct our Bureau of Consumer Services to work with the Pennsylvania Telephone Association to develop biannual Lifeline bill inserts or bill messages that are written consistent with the Commission's plain language policy guidelines at 52 Pa. Code § 69.251.

*Conclusion*

In the *Global Order*, the Commission recognized that eligibility criteria identified by the FCC in 47 CFR

Section 54.409(b) established, prima facie, income-based eligibility. Thus, in the *Global Order* and subsequent orders approving compliance filings, the Commission did not limit eligibility criteria strictly to those set forth in Section 54.409(b) of the FCC's Lifeline regulations. Instead, the Commission required LECs "to broaden eligibility requirements" by adding Temporary Assistance for Needy Families (TANF), General Assistance (GA), and State Blind Pension (Verizon only) to the FCC's list of eligible social assistance programs. *In re Nextlink, Inc.*, 93 Pa. P.U.C. 172, 244 (Sept. 30, 1999). See also, *Pa. PUC v. Pa. Telephone Ass'n*, Docket No. P-00991648, P-00991649, Order at 2, 5 (Aug. 17, 2000) (*PTA Lifeline Order*). *Pa. P.U.C v. Bell Atlantic-Pennsylvania, Inc.* Docket No. P-00991648, P-00991649) (BA-PA Lifeline Order).

The Commission shall again broaden, on a prospective basis, the Lifeline eligibility criteria to benefit low-income Pennsylvania telephone consumers. As the FCC stated in its April 2004 Order, "we believe there is more we can do to make telephone service affordable for more low-income households." *FCC Lifeline Order*. In Pennsylvania 1,842,724 children were enrolled in the National School Lunch Program as of October, 2004. Of that number, 498,604 were eligible to participate in the NSL free lunch program.<sup>28</sup> Upon adoption of the NSL program, we will coordinate with the Pennsylvania Department of Education, and Department of Public Welfare, and other organizations to incorporate the program into Pennsylvania's current Lifeline and Link-Up outreach initiatives. Adding the NSL program will benefit Pennsylvania by increasing the number of eligible consumers for the Lifeline and Link-Up programs. We hereby adopt the NSL program for purposes of determining eligibility in the Lifeline and Link-Up programs in Pennsylvania.

For ease in comparison, the following is a table comparison between the old and new FCC Lifeline eligible requirements, and the Commission's current Lifeline 150 program requirements and the new eligibility requirements established under this Final Order.

<sup>28</sup> *National School Lunch Program Approved Free and Reduced Applications, Building Data Report for October 2004 Children Eligible*, October, 2004, Sandy Souder, Administrator, National School Lunch Program.

**Telephone Universal Service Program Eligibility Requirements**

<i>Old FCC Lifeline Program</i>	<i>PA PUC Lifeline 150 Program</i>	<i>New FCC</i>	<i>New PaPUC Order and Act 183</i>
Medicaid	Medicaid	Medicaid	Medicaid
Federal Public Housing Assistance (Section 8)	Federal Public Housing Assistance (Section 8)	Federal Public Housing Assistance (Section 8)	Federal Public Housing Assistance (Section 8)
Low-Income Home Energy Assistance Program (LIHEAP)	Low-Income Home Energy Assistance Program (LIHEAP)	Low-Income Home Energy Assistance Program (LIHEAP)	Low-Income Home Energy Assistance Program (LIHEAP)
Supplemental Security Income (SSI)	Supplemental Security Income (SSI)	Supplemental Security Income (SSI)	Supplemental Security Income (SSI)
Food Stamps	Food Stamps	Food Stamps	Food Stamps
	Temporary Assistance to Needy Families (TANF)	Temporary Assistance to Needy Families (TANF)	Temporary Assistance to Needy Families (TANF)
	State Blind Pension*		State Blind Pension*
	General Assistance		General Assistance
		National School Lunch Program	National School Lunch Program

**Telephone Universal Service Program Eligibility Requirements**

No separate income requirement	<b>AND</b> Income at or below 150% of the Federal Poverty Guidelines	<b>OR</b> income at or below 135% of the Federal Poverty Guidelines	<b>OR</b> income at or below 135% of the Federal Poverty Guidelines
No restriction on vertical services	Only allowed one vertical service	No restriction on vertical services	No restriction on vertical services

\* Only Verizon North and Verizon PA.

Lifeline enrollment in Pennsylvania will tend to increase if the Commission requires all Pennsylvania LECs to modify their existing Lifeline 150 programs in two ways:

(1) Change the current eligibility limitation from the conjunctive "and income at or below 150% of FPG" to a new disjunctive eligibility criterion so Lifeline eligibility may be determined based on participation in a public benefit program "or income at or below 135% FPG."

(2) Add participation in the National School Lunch free lunch program (NSL) as an additional program-based eligibility criterion.

While these changes may increase administrative costs to the ETCs administering the programs, any such increase is outweighed by the potential benefits in terms of increased enrollment and in securing a greater portion of the federal USF benefits that Pennsylvania consumers are already paying for. Moreover, the proposal is consistent with FCC standards. Accordingly, the Commission will expand the eligibility criteria to include the National School Lunch Free Lunch program (NSL), and a separate income-based eligibility criterion of 135% of FPG.

*Therefore,*

*It Is Ordered That:*

1. The current income limitation in the Lifeline 150 programs of "and income at or below 150% of Federal Poverty Guidelines" is hereby amended to a new separate eligibility criterion so Lifeline eligibility may be determined based on participation in a public benefit program "or income at or below 135% of Federal Poverty Guidelines."

2. We hereby add the National School Lunch free lunch program (NSL) to the list of qualifying social assistance programs for purposes of determining eligibility in the Lifeline and Link-Up programs in Pennsylvania.

3. Commission Staff continue to explore a means of independent state or federal verification of household participation in the National School Lunch free lunch program.

4. ETCs accept written documentation of eligibility and participation in the National School Lunch free lunch program in Pennsylvania for the current year within which the customer is applying for the Lifeline/Link-Up program.

5. In accordance with 66 Pa.C.S. § 3019(f)(1), ETCs are directed to file tariff revisions on or before four months from the date of entry of this order to: (1) change the current income limitation in the Lifeline 150 programs of "and income at or below 150% of Federal Poverty Guidelines" to a new separate eligibility criterion so Lifeline eligibility may be determined based on participation in a public benefit program "or income at or below 135% of Federal Poverty Guidelines"; and (2) add the National School Lunch free lunch program (NSL) for purposes of determining eligibility in the Lifeline and Link-Up programs in Pennsylvania.

6. In accordance with 66 Pa.C.S. § 3019(f)(2), all ETCs shall permit customers who subscribe to Lifeline service to subscribe to any number of other telecommunications services including vertical services at the tariffed rates for such services.

7. In accordance with 66 Pa.C.S. § 3019(f)(3), each ETC in the Commonwealth shall explicitly advise new service applicants of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the applicant qualifies for such service and, if so, whether the applicant wishes to subscribe to the service.

8. The Bureau of Consumer Services work with the Pennsylvania Telephone Association to develop biannual Lifeline bill inserts or bill messages that are written consistent with the Commission's plain language policy guidelines at 52 Pa. Code § 69.251.

9. LECs offering Lifeline and Link Up services are directed to recertify their Lifeline and Link-Up customers at least annually in accordance with FCC procedures established at 47 CFR § 54.410 (relating to certification and verification of consumer qualifications for Lifeline) and § 54.416 (relating to verification of qualifications for Link-Up).

10. We hereby adopt the statistically valid random sampling method established by the Federal Communications Commission at 47 CFR § 54.410(c)(ii) as a proper means of continued verification of eligibility for Lifeline and Link-Up and that LECs have until December 31, 2005, to submit the results of their samples to the Universal Service Administration Company, and this verification shall occur annually by December 31 of each year going forward.

11. Any non-ETC CLECs that choose to remove Lifeline and/or Link-Up provisions from their tariffs shall be required to provide their customers with 60 days notice of the type described herein, which has been reviewed and pre-approved by the Commission's Bureau of Consumer Services.

12. All LECs operating in Pennsylvania, the Pennsylvania Telephone Association, Nextel Partners, Inc., Sprint PCS, Office of Consumer Advocate, Department of Public Welfare, Pennsylvania Utility Law Project, Department of Revenue, Department of Education and AARP shall be served with a copy of this Final Order.

13. A copy of this Final Order shall be published in the *Pennsylvania Bulletin*.

14. The deadline for implementation of the new eligibility standards is 120 days from the date of entry of this Final Order.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1158. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Natural Gas Service

**A-121800F2000 and A-125140. Myers Gas Company (Charles E. Myers).** Application of Myers Gas Company (Charles E. Myers) for approval of the abandonment or discontinuance of distribution of natural gas service to the public in a portion of Rockland Township, Venango County, and for the approval of S.A.R. Gas, Inc. (Steve Phipps and Richard Brandon) to begin to offer, render, furnish or supply natural gas to the public in a portion of Rockland Township, Venango 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 June 27, 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:* Myers Gas Company and S.A.R. Inc.

*Through:* Charles E. Myers, 220 Main Street, P. O. Box 65, Kennerdell, PA 16374

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1159. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; M-00900239 F0009

Public Meeting held  
May 19, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

#### Order

*By the Commission:*

In accordance with our May 29, 1990 Order at Docket No. M-00900239, which established Telephone Relay Service (TRS) in Pennsylvania, and Act 34 of 1995, 35 P. S. §§ 6701.1, et seq.,<sup>1</sup> which codified the provision of TRS and established the Telephone Device Distribution Program (TDDP), we have completed the recalculation of the Pennsylvania TRS surcharge as it applies to residence and business access lines for July 1, 2005, through June 30, 2006.

As part of their continuing obligations under the surcharge recalculation process, the local exchange carriers<sup>2</sup> have submitted their wireline access line counts. The total number of access lines, adjusted for Centrex lines, is 7,881,264, which includes 5,274,584 residence access lines and 2,606,680 business access lines. The TRS Provider, AT&T Communications of Pennsylvania, LLC, has submitted the estimated minutes of use and charges for July

<sup>1</sup> The statutory provisions were subsequently amended by Act 181 of 2002 and Act 174 of 2004 to expand TRS coverage and to create the Print Media Access System (PMAS), a reading service for persons with certain vision and physical disabilities. The law is now called the Universal Telecommunications and Print Media Access Act.

<sup>2</sup> Including both incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). This total is further adjusted under a Centrex equivalency formula.

1, 2005, through June 30, 2006. Wachovia Bank, N.A.,<sup>3</sup> the Fund Administrator, has provided a statement of the financial status of the Fund,<sup>4</sup> as well as its expected fees for next year. The executive director of the Office of Vocational Rehabilitation (OVR) in the Department of Labor and Industry has submitted its 2005-2006 TDDP budget. Additionally, the surcharge will fund the final three months of the 2003-2005 TRS consumer education outreach program.<sup>5</sup>

Based upon the number of access lines, the cost of the consumer education outreach campaign, the estimated 2005-2006 expenses of the TRS and the TDDP,<sup>6</sup> and the financial status of the TRS Fund, we shall set the residential and business monthly access line surcharge at \$0.07 (unchanged from 2004-2005) and \$0.10 (decreased from 2004-2005), respectively. Effective July 1, 2005, the monthly surcharge shall be allocated as follows<sup>7</sup>:

	2005-2006 Monthly Surcharge	
	Residence	Business
TRS	\$0.06	\$0.09
TDDP	\$0.01	\$0.01
Total Surcharge	\$0.07	\$0.10

All surcharge revenues shall continue to be remitted to the Fund Administrator.<sup>8</sup>

We shall continue our active oversight of the operations of the Pennsylvania TRS and continue to collaborate with OVR and its TDDP administrator to ensure distribution of TDDP equipment to low-income households in accordance with 35 P. S. §§ 6791.1, et seq.

Additionally, it should be noted that, consistent with our May 29, 2003 Order at M-00900239F0003, the Commission has completed an audit of the TDDP for the fiscal year ended June 30, 2004. The scope of the audit concentrated on examining the underlying costs associated with TDDP during the audit period. Also reviewed was the certification of the eligibility of individuals applying for TDDP participation and the distribution of TDDP equipment and devices to TDDP participants. Based on this audit, the Commission is generally satisfied that ratepayer funds were appropriately used for the TDDP during the audit period.

While the Bureau of Audits has been charged with auditing AT&T's budgeted costs and actual expenditures of providing TRS, AT&T has undergone significant corporate changes since the Commission directed the audit. For example, AT&T has closed various call centers, exited the consumer telephone market, and petitioned to merge with SBC Communications Inc., See Application of SBC Communications, Inc. and AT&T Corporation and its Certified Pennsylvania Subsidiaries, AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, Inc. and

<sup>3</sup> Hamilton Bank changed its name to CoreStates Bank N. A. in 1995, as the result of a merger; to First Union National Bank in 1999; and to Wachovia Bank, N. A. in 2002.

<sup>4</sup> Separate accounts are maintained for the portion of the surcharge allocated to TRS and the portion allocated to TDDP.

<sup>5</sup> On June 3, 2003, AT&T was directed to submit an Implementation Plan of its proposal for consumer education outreach. On September 29, 2003, the Commission accepted the Implementation Plan. W. J. Green & Associates, Inc. started the outreach campaign in October, 2003. The two-year campaign, at a cost of \$500,000 per year, runs through September 30, 2005. At that time, the results of the campaign will be evaluated, and a determination will be made whether to continue with an outreach campaign.

<sup>6</sup> The estimated annual expense is based on the estimated minutes of TRS use, estimated charges submitted by AT&T, estimated Relay Advisory Board expenses, estimated compensation to the Fund Administrator, and the estimated budget for the TDDP submitted by OVR. No surcharged-funded expenses are anticipated for PMAS for 2005-2006.

<sup>7</sup> The TRS surcharge appears as a single line item on customers' bills but actually has two components.

<sup>8</sup> LECS shall remit surcharge revenues to Wachovia Bank, N. A., Attn: Sue Massey, 123 S. Broad St., PA4942 Institutional Trust Services, Philadelphia, PA 19109, payable to the "PA Relay Service Fund."

TCG Delaware Valley, Inc. at Docket nos. A-311163F0006, A-310213F0008, A-310258F0005. While these changes have had an impact, auditing the TRS's underlying program budgets and expenditures is important and necessary to ensure fiscal responsibility regarding the funds ratepayers are required to pay for these programs; *Therefore,*

*It Is Ordered That:*

1. For the period of July 1, 2005, through June 30, 2006, the residence surcharge per access line per month shall be \$0.07 and the business surcharge per access line per month shall be \$0.10, unless we take further action to revise the surcharge prior to June 30, 2006.
2. All incumbent local exchange carriers and competitive local exchange carriers are directed to use the following form to remit the monthly TRS surcharge collections to Wachovia Bank, N. A.
3. All incumbent local exchange carriers and competitive local exchange carriers are directed to file revised tariff supplements to become effective July 1, 2005, on at least

one day's notice, which reflect the residence and business surcharges in accordance with Ordering Paragraph No. 1.

4. The TRS Provider, AT&T Communications LLC, is directed to work with the Bureau of Audits in conjunction with on-going audit activities.
5. A copy of this Order be served upon all incumbent local exchange carriers and competitive local exchange carriers, AT&T Communications Company of Pennsylvania, LLC, the Wachovia Bank, N. A., the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate and the Pennsylvania Telephone Association.
6. A copy of this order be published in the *Pennsylvania Bulletin*.
7. A copy of this Order be posted to the Commission's web site.

JAMES J. MCNULTY,  
*Secretary*

**REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS 2005-2006**  
**Effective July 1, 2005 through June 30, 2006**

All local service providers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month, to the Wachovia Bank, N. A., ATTN: Sue Massey, 123 S. Broad St.-PA 4942, Philadelphia, PA 19109. Please make your remittance checks payable to the Pennsylvania Relay Service Fund., using the following format for the monthly remittance. Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850.

<i>Pennsylvania Relay Service</i>	
For the Month Ending:	
Number of Residential access lines:	
(TRS) × \$0.06 per line	
Number of Residential access lines	
(TDDP) × \$0.01 per line	
Number of Business access lines	
(TRS) × \$0.09 per line	
Number of Business access lines	
(TDDP) × \$0.01 per line	
Total Remittance:	
Make check payable to:	Pennsylvania Relay Service Fund
Send Report and payment to:	Wachovia Bank, N. A.
	Sue Massey PA-4942 Institutional Trust Services 123 So. Broad Street Philadelphia, PA 19109

<i>Pennsylvania Relay Service</i>	
Remittance for: Company name(s)	
Address	
Company Contact: Name	
Phone number	
Authorized Signature:	
Date:	

[Pa.B. Doc. No. 05-1160. Filed for public inspection June 10, 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, on or before July 5, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. to 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-00120897, Folder 2. Mohammed Ali** (705 McAlister Street, Hanover, York County, PA 17331)—persons, in paratransit service, between points in the Borough of Hanover, York County, and points within an airline distance of 20 statute miles of the limits of the Borough of Hanover. *Attorney:* D. J. Hart, 40 York Street, Hanover, PA 17331.

#### **Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of household goods in use as described under the application.***

**A-00117540, Folder 3. Davcon Packing Services, Ltd. t/d/b/a Davcon Relocation Services** (115 Chapel Lane, Ephrata, Lancaster County, PA 17522), a corporation of the Commonwealth—household goods, in use, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa.

#### **Applications of the following for *amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-00120667, Folder 1, Am-A. Kevin D. Morse t/d/b/a Touch of Class Limousine** (R. R. 1, Box 287, Rome, Bradford County, PA 18837)—discontinuance of service—persons, in limousine service, between points in the County of Bradford, and from points in said county, to points in Pennsylvania, and vice versa.

**A-00099663, Folder 1, Am-B. R. J. Renn Son's, Inc.** (755 S. 5th Street, Coal Township, Northumberland County, PA 170444-0361), a corporation of the Commonwealth—discontinuance of service—household goods in use: (1) between points in the Borough of Shamokin, Northumberland County, and within 12 miles by the usually traveled highways of the limits of said borough; (2) from points in the Borough of Shamokin, Northumberland County, and within 12 miles by the usually traveled highways of the limits of said borough, to other points in Pennsylvania, and vice versa; and (3) between points in the Borough of Mt. Carmel, Northumberland County, and within 5 mile by the usually traveled highways of the limits of said borough, and from points in said area, to points within 175 miles by the usually traveled highways of the limits thereof, and vice versa.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1161. Filed for public inspection June 10, 2005, 9:00 a.m.]

### Water Service

**A-210104F0062. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of East Brandywine Township, Chester 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 June 27, 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:* Aqua Pennsylvania, Inc.

