

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
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Housing Finance Agency  
Independent Regulatory Review Commission  
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Liquor Control Board  
Municipal Police Officers' Education and Training  
Commission  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Real Estate Commission

**Detailed list of contents appears inside.**



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

**No. 368, July 2005**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### **Printing Format**

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

### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

## 4 Pa. Code (Administration)

### Adopted Rules

|     |      |
|-----|------|
| 6   | 348  |
| 65  | 1663 |
| 161 | 3143 |
| 243 | 2275 |
| 249 | 2275 |

### Statements of Policy

|     |   |
|-----|---|
| 1   | 358, 2116   |
| 9   | 20, 1223, 1584, 1775, 2315, 2414, 2753,<br>3147, 3426, 3946, 4198 |
| 114 | 1669  |

## 7 Pa. Code (Agriculture)

### Proposed Rules

|                        |            |
|------------------------|------------|
| 128b (with correction) | 3940, 4092 |
| 130b                   | 2101       |
| 145                    | 1772       |

## 22 Pa. Code (Education)

### Adopted Rules

|     |      |
|-----|------|
| 73  | 1982 |
| 215 | 2276 |
| 403 | 3662 |

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

|                      |                  |
|----------------------|------------------|
| 86                   | 1663             |
| 93 (with correction) | 1197, 1762, 1885 |
| 121                  | 2278             |
| 211                  | 3406             |
| 401                  | 2628             |

### Proposed Rules

|      |      |
|------|------|
| 252  | 519  |
| 1021 | 2107 |

### Statements of Policy

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

## 28 Pa. Code (Health and Safety)

### Adopted Rules

|    |    |
|----|----|
| 18 | 14 |
|----|----|

## 31 Pa. Code (Insurance)

### Adopted Rules

|    |      |
|----|------|
| 89 | 2729 |
|----|------|

## 34 Pa. Code (Labor and Industry)

### Proposed Rules

|     |      |
|-----|------|
| 121 | 3807 |
| 123 | 3820 |

## 37 Pa. Code (Law)

### Adopted Rules

|    |      |
|----|------|
| 42 | 254  |
| 91 | 2279 |
| 93 | 2279 |
| 94 | 2279 |

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|----|------|
| 97 | 3053 |
|----|------|

## 40 Pa. Code (Liquor)

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|---|------|
| 3 | 3547 |
|---|------|

### Proposed Rules

|    |      |
|----|------|
| 5  | 2112 |
| 11 | 2112 |
| 13 | 2112 |
| 17 | 2112 |

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

|                      |            |
|----------------------|------------|
| 1                    | 1763       |
| 9                    | 3923       |
| 13                   | 1667       |
| 15                   | 353        |
| 16                   | 3019       |
| 23                   | 3220       |
| 25                   | 3021       |
| 33                   | 2880, 2899 |
| 35 (with correction) | 1567, 2630 |
| 42                   | 2750       |

### Proposed Rules

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

### Statements of Policy

|    |      |
|----|------|
| 49 | 3150 |
|----|------|

## 52 Pa. Code (Public Utilities)

### Adopted Rules

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|-----|------|
| 53  | 3024 |
| 57  | 1886 |
| 59  | 1886 |
| 63  | 2289 |
| 101 | 3299 |

### Proposed Rules

|     |            |
|-----|------------|
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| 57  | 1421, 3146 |
| 101 | 740        |

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|-----|------|
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|-----|------|

|                              |            |
|------------------------------|------------|
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| 2600 (with correction) ..... | 2499, 2752 |
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| 3040 .....                   | 3491       |
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| 139 .....                   | 3927, 3928                      |
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4..... 2210, 3901  
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# THE GENERAL ASSEMBLY

## Recent Actions During the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session.

| <i>Doc. No.</i>  | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i>  |
|--|-----------------------|--------------------|-------------------------|-----------------------|--|
| <b>2005 GENERAL ACTS ENACTED—ACT 044 through 058</b>         |                       |                    |                         |                       |  |
| 044  | Jul 7                 | HB1521             | PN2570                  | Immediately           | Judiciary and Judicial Procedure (42 Pa.C.S.), Legislature (46 Pa.C.S.) and State Government (71 Pa.C.S.)—compensation   |
| 045  | Jul 13                | HB0003             | PN2571                  | Immediately           | Environmental Resources (27 Pa.C.S.)—omnibus amendments  |
| 046  | Jul 13                | HB0628             | PN2564                  | Immediately*          | Public School Code—omnibus amendments  |
| 047  | Jul 14                | HB0086             | PN1945                  | Immediately           | Department of Conservation and Natural Resources—agree to hold and save United States Army Corps of Engineers free from certain damages arising from certain construction projects                               |
| 048  | Jul 14                | HB0107             | PN2567                  | 60 days               | Health Savings Account Act—enactment   |
| 049  | Jul 14                | HB0139             | PN1313                  | 60 days               | Municipalities Generally (53 Pa.C.S.)—codifying the Optional County Affordable Housing Funds Act   |
| 050  | Jul 14                | HB0489             | PN2522                  | Immediately*          | Vehicle Code (75 Pa.C.S.)—omnibus amendments   |
| 051  | Jul 14                | HB0612             | PN2100                  | 60 days               | Pennsylvania Infrastructure Investment Authority Act—definitions   |
| 052  | Jul 14                | HB0823             | PN2569                  | Immediately           | Capital Budget Authorization and Highway Project Itemization Act of 2005-2006—enactment  |
| 053  | Jul 14                | HB1304             | PN2562                  | Immediately           | Library Code—fiscal year waiver of standards and State-aid for 2005-2006   |
| 054  | Jul 14                | HB1650             | PN2489                  | Immediately           | Fish and Boat Code (30 Pa.C.S.)—resident, nonresident and tourist fishing licenses   |
| 055  | Jul 14                | SB0147             | PN0132                  | 60 days               | Public School Code of 1949—technical assistance and information provided by department   |
| 056  | Jul 14                | SB0406             | PN1059                  | 60 days               | James E. Russo Highway, Senator Albert V. "Bud" Belan Bridge, Major Richard D. Winters Bridge, Amvets POW-MIA Memorial Bridge, Russell P. Letterman Wild Area and Vietnam Veterans Memorial Highway—designations |
| 057  | Jul 14                | SB0565             | PN1038                  | Immediately           | County Code—qualifications, eligibility and compensation for district attorneys  |
| 058  | Jul 14                | SB0706             | PN1013                  | 60 days               | General Richard Butler Bridge—designation  |
| <b>2005 APPROPRIATION ACTS ENACTED—ACT 009A through 038A</b> |                       |                    |                         |                       |  |
| 009A   | Jul 14                | HB0824             | PN2523                  | Immediately           | Pennsylvania State University—education and general expenses, agricultural research and extension services, Pennsylvania College of Technology and debt service related to Williamsport Area Community College   |

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i>  |
|-----------------|-----------------------|--------------------|-------------------------|-----------------------|--|
| 010A            | Jul 14                | HB0825             | PN2524                  | Immediately           | University of Pittsburgh—student life initiatives, Western Psychiatric Institute and Clinic, recruitment and retention of disadvantaged students, and rural education outreach |
| 011A            | Jul 14                | HB0826             | PN2525                  | Immediately           | Temple University—recruitment and retention of disadvantaged students  |
| 012A            | Jul 14                | HB0827             | PN2416                  | Immediately           | Lincoln University—education and general expenses  |
| 013A            | Jul 14                | HB0828             | PN2526                  | Immediately           | Drexel University—instruction and student aid  |
| 014A            | Jul 14                | HB0829             | PN2527                  | Immediately           | University of Pennsylvania—dental clinics, doctor of medicine program, veterinary activities, and cardiovascular studies   |
| 015A            | Jul 14                | HB0830             | PN2528                  | Immediately           | Philadelphia Health and Education Corporation—Colleges of Medicine, Public Health, Nursing and Health Professions, continuation of pediatric services                          |
| 016A            | Jul 14                | HB0831             | PN2529                  | Immediately           | Thomas Jefferson University—instruction in doctor of medicine program, maintenance, College of Allied Health Sciences, student aid and Children's Heart Hospital               |
| 017A            | Jul 14                | HB0832             | PN2530                  | Immediately           | Philadelphia College of Osteopathic Medicine—instruction in doctor of osteopathy program   |
| 018A            | Jul 14                | HB0833             | PN2531                  | Immediately           | Lake Erie College of Osteopathic Medicine—instruction in doctor of osteopathy program  |
| 019A            | Jul 14                | HB0834             | PN2532                  | Immediately           | Pennsylvania College of Optometry—instruction  |
| 020A            | Jul 14                | HB0835             | PN2533                  | Immediately           | University of the Arts, Philadelphia—instruction and student aid   |
| 021A            | Jul 14                | HB0836             | PN2534                  | Immediately           | Berean Training and Industrial School—operation and maintenance expenses, payment of debt service  |
| 022A            | Jul 14                | HB0837             | PN2535                  | Immediately           | Johnson Technical Institute of Scranton—operation and maintenance expenses   |
| 023A            | Jul 14                | HB0838             | PN2536                  | Immediately           | Williamson Free School of Mechanical Trades—operation and maintenance expenses   |
| 024A            | Jul 14                | HB0839             | PN2537                  | Immediately           | Fox Chase Institute for Cancer Research—operation and maintenance of cancer research program   |
| 025A            | Jul 14                | HB0840             | PN2538                  | Immediately           | Wistar Institute—operation and maintenance expenses and AIDS research  |
| 026A            | Jul 14                | HB0841             | PN2407                  | Immediately           | Central Penn Oncology Group—operation  |
| 027A            | Jul 14                | HB0842             | PN2539                  | Immediately           | Lancaster Cleft Palate—outpatient-inpatient treatment  |
| 028A            | Jul 14                | HB0843             | PN2540                  | Immediately           | Burn Foundation, Philadelphia—outpatient and inpatient treatment   |
| 029A            | Jul 14                | HB0844             | PN2541                  | Immediately           | Children's Institute—treatment and rehabilitation of certain persons with disabling diseases   |
| 030A            | Jul 14                | HB0845             | PN2542                  | Immediately           | Children's Hospital of Philadelphia—comprehensive patient care and general maintenance and operation   |
| 031A            | Jul 14                | HB0846             | PN0879                  | Immediately           | Beacon Lodge Camp—services to the blind  |

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i>   |
|-----------------|-----------------------|--------------------|-------------------------|-----------------------|---|
| 032A            | Jul 14                | HB0847             | PN2543                  | Immediately           | Carnegie Museums of Pittsburgh—operations and maintenance expenses, and purchase of apparatus, supplies and equipment |
| 033A            | Jul 14                | HB0848             | PN2544                  | Immediately           | Franklin Institute Science Museum—maintenance expenses  |
| 034A            | Jul 14                | HB0849             | PN2545                  | Immediately           | Academy of Natural Sciences—maintenance expenses  |
| 035A            | Jul 14                | HB0850             | PN2546                  | Immediately           | African-American Museum—operating expenses  |
| 036A            | Jul 14                | HB0851             | PN2547                  | Immediately           | Everhart Museum—operating expenses  |
| 037A            | Jul 14                | HB0852             | PN2548                  | Immediately           | Mercer Museum—operating expenses  |
| 038A            | Jul 14                | HB0853             | PN2549                  | Immediately           | Whitaker Center for Science and the Arts—operating expenses   |

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

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

#### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT ZECH,  
Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 05-1425. Filed for public inspection July 29, 2005, 9:00 a.m.]

# THE COURTS

## Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. I]

### Rule 101 Revision of Comment

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the Comment Revision to Pa.R.E. 101. These changes are being proposed to eliminate inconsistencies with other rules and conflicts with certain statutes.

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's consideration in formulating this proposal. Please note that the Committee Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Report.

The text of the proposed changes precede the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns Staff Counsel  
Supreme Court of Pennsylvania  
Committee on Rules of Evidence  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

no later than September 12, 2005.

*By the Committee on Rules of Evidence*

HONORABLE RICHARD A. LEWIS,  
*Chair*

#### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE I. GENERAL PROVISIONS

#### Rule 101. Scope and Citation of the Rules.

\* \* \* \* \*

Comment

\* \* \* \* \*

These rules are applicable [ **only to** ] in the courts of the Commonwealth of Pennsylvania's unified judicial system. [ They are applicable in all divisions of the Courts of Common Pleas including the Civil Division, Criminal Division, Trial Division, Orphans' Court Division and Family Division. They are not applicable to other tribunals, such as administrative agencies and arbitration panels, except as provided by law or unless the tribunal chooses to apply them. ] In some respects, these rules are applicable in administrative proceedings. See, e.g., *Gibson v. W.C.A.B.*, 861 A.2d 938 (Pa. 2004) (evidentiary rules 602, 701 and 702 applicable in agency proceedings in general, including workers' compensation proceedings). These rules are also applicable in compulsory arbitration hearings, with specific exceptions relating to the admissibility of certain written evidence and official documents. See, e.g., [Pa.C.R.P.] Pa.R.C.P. 1305 [ (rules of evi-

dence shall be followed in compulsory arbitration hearings, with specific provisions relating to the admissibility of certain written evidence and official documents) ].

#### REPORT

*Proposed Revision of Comment  
Pa.R.E. 101  
Scope and Citation of the Rules*

#### Changes

The Committee on Rules of Evidence proposes to revise the Comment to cite the opinion of *Gibson v. W.C.A.B.*, 861 A.2d 938 (Pa. 2004). In *Gibson*, the Pennsylvania Supreme Court holds that in some respects the rules of evidence apply to administrative proceedings. These rules are applicable also in compulsory arbitration proceedings.

[Pa.B. Doc. No. 05-1426. Filed for public inspection July 29, 2005, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**Amendment, Adoption and Rescission of Philadelphia Rules of Criminal Procedures 406-1, 406-2, 406-4, 406-6, 406-12, 406-13, 406-14, and 406-15; President Judge General Court Regulation No. 2005-05**

#### Order

And Now, this 14th day of July, 2005, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 17, 2005 to amend, adopt or rescind Philadelphia Rules of Criminal Procedures 406-1, 406-2, 406-4, 406-6, 406-12, 406-13, 406-14, and 406-15, as applicable, *It Is Hereby Ordered* that Philadelphia Rules of Criminal Procedures 406-1, 406-2, 406-4, 406-6, 406-12, 406-13, 406-14, and 406-15 are amended, adopted or rescinded as follows.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 105 and, as required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Clerk of Quarter Sessions, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

*By the Court*

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

**Philadelphia Criminal Rules**

**Rule 406-1 Standards for Appointment in Homicide Cases**

\* \* \* \* \*

(B)(7) [ **Has attended and successfully completed within the last two years at least one training or educational program on criminal advocacy which focused on the trial of cases in which the death penalty is sought. (This requirement may be waived if the attorney has demonstrated outstanding performance as lead counsel in two or more death penalty trials within the preceding two years.)** ] **Has complied with the educational requirements detailed in Pa.R.Crim.P. 801(2).**

**Rule 406-2 Appeals in Death Penalty Cases**

\* \* \* \* \*

(B) *Qualifications for Counsel Appointed on Appeal to Represent Appellants Under Sentence of Death*

\* \* \* \* \*

(2) [ **Has had primary responsibility for at least five briefs submitted to any Appellate Court** ] **Has had primary responsibility for at least five briefs in "significant cases," as defined in Pa.R.Crim.P. 801 (1)(c) and has represented clients in at least eight significant cases in appellate or post conviction matters;**

**Rule 406-4 Post Conviction Petitions by Prisoners Under Sentence of Death**

\* \* \* \* \*

(B) *Qualifications for Counsel Appointed to Represent Prisoners Under Sentence of Death in Post-Conviction Petitions.*

An attorney may be appointed to represent a post-conviction petitioner under sentence of death only if that attorney:

\* \* \* \* \*

(6) [ **Has taken at least one training or educational program, within the past two years, which focused on post-conviction litigation in death penalty cases. (This requirement may be waived if the attorney demonstrates to the Screening Committee knowledge of the principles of Pennsylvania and federal death penalty post-conviction litigation.)** ] **Has complied with the educational requirements detailed in Pa.R.Crim.P. 801(2).**

**Rule 406-6 Standards for Appointment in Felony Cases**

(A) *Qualifications for Counsel*

An attorney may be appointed as counsel only if that attorney:

\* \* \* \* \*

(7) **Has prior experience as counsel in no fewer than five criminal trials which were tried to completion in this or any other jurisdiction. "Tried to completion" shall include trials in which the jury is discharged at the conclusion of the case without reaching a verdict. No more than two of the required five trials shall consist of major felony juvenile cases;**

**Rule 406-12 Experience Exception To Standards**

A. If any applicant fails to meet any of the above specified standards, the Screening Committee, after conducting a personal interview with the applicant, may rate the applicant to be qualified if the applicant's experience, knowledge and training are clearly equivalent to the standards for the category in which applicant seeks qualification, **except as otherwise required by Pa.R.Crim.P. 801.**

B. Even if the applicant meets all of the specific standards in any category, but it appears to the Selection Committee that the applicant's experience, knowledge, training and/or past performance in specific cases, may show the need for more training or supervision, the Selection Committee may require the applicant to appear before the Committee for a personal interview, after which the Selection Committee may approve the applicant, or may require the applicant to undergo one of the remedial measures set forth in Rule 406-15 before being approved. If the applicant refused to undergo those measures, or if after completing the measures, the Selection Committee still rejects the application, then the applicant may appeal the disapproval as provided in Rule 406-14.

**Rule 406-13 Experience Exception To Standards.**

Rescinded in its entirety as not in compliance with Pa Rule 801.

**Rule 406-14 Performance Standards; Processing Complaints:**

A. **General:** The Screening Committee may refuse to approve applicants as provided in Rule 406-12.B, or may impose remedial measures, if the applicant fails to meet the performance standards set forth in this Rule.

**B. Processing Complaints:**

1. Any complaint about the performance of any court-appointed counsel shall first be transmitted to an official in the Court Administrator's office designated for the receipt of such complaints. The official shall forward the complaint to the Chair of the Screening Committee.

2. All such complaints, as well as the identity of the complainant, shall remain absolutely confidential, except as set forth herein.

3. When the Chair of the Screening Committee receives such a complaint, he or she should appoint three members of the Committee as a Panel, and submit the complaint to that Panel. The Panel should review the complaint to determine whether it requires action. If the Panel finds that the complaint requires further action it should notify the subject and afford the subject an opportunity to reply or produce evidence in response to the complaint. The identity of the complainant should not be disclosed, unless the complainant waives confidentiality, provided that the non disclosure of the identity of the complainant does not preclude the subject from being able to address the substance of the complaint. Anonymity of the complainant shall go to the weight, but is not a bar to processing of a complaint. If it so determines, the Panel should notify the complainant that his or her identity will be disclosed, unless the complainant decides to withdraw the complaint.

4. Once the subject has submitted a reply to the complaint and any evidence deemed appropriate, the Panel should promptly review the matter. The Panel may recommend that the subject voluntarily undergo remedial measures. The Panel may in its discretion refer the matter to a Hearing Committee, as set out hereinafter. If the Panel decides that the matter does not require an immediate disposition, then the subject shall be notified that no remedial action will be taken at this time, but the matter shall be deferred for up to two years. If the subject does not receive two more complaints within that two five year period, then the matter will be closed and the complaint dismissed. If complaints of 2 additional incidents arising from separate proceedings arise during a two year period following the first complaint, all open complaints may be referred to a Hearing Committee as set out herein.

5. A Hearing Committee shall consist of three members of the Criminal Justice Section appointed by the Executive Committee of the Criminal Justice Section. The Executive Committee shall name one of the three as Chair. None should be members of the Screening Committee. Those members should be respected an prominent members of the Section, with outstanding reputations for ethical conduct and knowledge of criminal law.

6. When a matter is referred to the Hearing Committee, the Committee will schedule hearing dates as soon as possible. One member of the Panel shall present the evidence of the deficient performance or skills. The Committee may invite the Complainant to appear. The subject must be invited to appear and may present evidence, and may be represented by counsel. The subject may have a court reporter present at the subject's own expense; however, a copy of the transcribed notes must be provided to the Committee without cost to the Committee.

7. If a majority of the Hearing Committee finds that the charges have not been sustained by clear and convincing evidence, then the complaint should be dismissed with notice to the subject. If the Hearing Committee can impose any of the remedies set out in Rule 406-15 infra.

#### C. Appeals:

If the subject objects to any action of the Hearing Committee, then he or she may within 30 days appeal to the Court of Common Pleas. During the pendency of that appeal to the Court of Common Pleas, any remedies ordered shall be stayed. The President Judge of the Court of Common Pleas shall appoint three judges to hear such appeals. The scope of the hearing shall be de novo. One member of the Panel shall present the evidence concerning violation of the performance standard. The subject may also present any relevant evidence. The Court shall make any finding and impose any remedial measure authorized under Rule 406-15 infra.

#### D. Rule 427 excluded:

None of the actions of the Panel, the Hearing Committee, nor of the Court of Common Pleas shall relieve any attorney or judge from the right or obligation to make a proper report to the Disciplinary Board in accordance with local Rule of Criminal Procedure 427.

#### Rule 406-15 Remedial Measures:

A. General: Once the Hearing Committee has determined that violation of these standards has been established, the Hearing Committee or reviewing court may impose any one or more of the following remedial measures. The purpose of these measures is not punitive, but remedial. Accordingly, the least onerous measure or measures should be imposed which is designed to remedy the type of violation adjudged.

#### B. Types of remedies:

##### 1. Warning:

The subject should be warned of the nature of the deficiency, and that future complaints could be grounds for more serious sanctions.

##### 2. Continuing legal education:

The subject could be urged, or required, to attend an appropriate legal education course.

##### 3. Mentoring:

The subject could be urged, or require, to utilize the services of a mentor provided by the Screening Committee, for one or more court-appointed cases.

##### 4. Second chair:

The subject could by urged, or required, to sit as second chair to an experienced attorney, selected by the Screening Committee, for a specified number of cases.

##### 5. Probation:

The Subject could be placed on probation for a specified period of time or number of cases, during which the subject's right to receive appointments could be conditioned upon such remedial measures as the Hearing Committee believes necessary. One member of the Prima Facie Panel should be named to monitor the subject during the probationary period.

##### 6. Suspension:

The subject can be suspended from receiving any appointments for a specified period of time or a number of cases, and can be required to undergo remedial measures during the period of suspension.

##### 7. Decertification:

If the deficiencies are considered very serious, and/or other remedial measures have not resulted in improvement, then the subject can be decertified from receiving appointments in a specific category or from all appointments. Any attorney decertified under this Rule may not reapply for appointments until at least one year has elapsed from the date of decertification and proof of satisfactory remediation is shown.

*Comment:* The above are subject to the requirements of Pa.R.Crim.P. 801.

[Pa.B. Doc. No. 05-1427. Filed for public inspection July 29, 2005, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Governing Location of Filing Civil Petitions, Motions and Courtroom Assignments; Revised Consolidation Motion Practices; Assignment of Petitions and Motions to Judges and Adoption of Revised Motion Court Cover Sheet; Administrative Doc. No. 5 of 2005

And Now, this 12th day of July, 2005, it is hereby Ordered and Decreed that Administrative Docket No. 03 of 1996 is Revised as follows:

##### A. Filing Location and Courtroom Assignments

1. All Petitions and Motions other than Discovery Motions shall be filed in the Office of Civil Administration, Room 296, City Hall, Philadelphia, PA 19107.

2. All Motion Court proceedings shall be conducted in Courtroom 426, City Hall, Philadelphia, PA 19107.

3. All Discovery Motions shall be filed in Room 287, City Hall, Philadelphia, PA 19107.

4. All Discovery Court proceedings shall be conducted in Courtroom 285, City Hall, Philadelphia, PA 19107, unless otherwise designated by a Judicial Team Leader.

##### B. Revised Consolidation Motion Practices

1. All Motions to Consolidate will be processed through normal Civil Motions Program procedures. These matters will no longer be subject to alternate motion procedures. Stipulations to Consolidate will no longer be accepted.

2. All Motions to Consolidate must contain the following information:

a.) The program designation of each of the cases (i.e., Arbitration, Arbitration Appeal, Non-Jury, Mass Tort, Day Forward 2001 and Back, Day Forward 2002, Day Forward 2003, Day Forward 2004, or Day Forward 2005)

b.) The next scheduled action and date of that action for each of the cases

c.) Whether the cases are subject to a Case Management Order (if so, a copy of the order(s) must be attached)

d.) The name of the Judicial Team Leader

e.) Whether there is any opposition (upon inquiry of all counsel)

3. Motions to Consolidate will be assigned as follows:

a.) Where the consolidation involves a Major Jury case, the Motion will be assigned to the Team Leader of the most recently filed Major Jury case.

The current Team Leaders of Major Jury cases are:

Cases filed in 2005—Judge Jacqueline F. Allen

Cases filed in 2004—Judge Arnold L. New

Cases filed in 2003—Judge Sandra Mazer Moss

Cases filed in 2002—Judge Allan L. Tereshko

Cases filed in 2001 and Back—Judge Sandra Mazer Moss

b.) Where the consolidation does not involve any Major Jury cases but does involve Non-Jury, Arbitration Appeal, or Mass Tort cases, the motion will be assigned to the Coordinating Judge of the Complex Litigation Center. The current Coordinating Judge of the Complex Litigation Center is Judge Norman Ackerman.

c.) Where the consolidation involves a Commerce case, the motion will be assigned to the respective Commerce Judge. The current Commerce Judges are:

Judge Albert W. Sheppard, Jr.

Judge C. Darnell Jones, II

Judge Howland W. Abramson

d.) Where the consolidation involves only Arbitration cases, the motion will be assigned to the presiding Civil Motions Judges. The current presiding Civil Motions Judges are Judge Gary S. Glazer and Judge Joseph A. Dych.

##### C. Assignment of Petitions and Motions to Judges

Motions and Petitions shall be assigned according to the Motion Assignment Matrix, a copy of which is attached as Appendix A. This Matrix, which may be amended from time to time without the need for issuance of an Amended Administrative Order or publication, will be available from the Civil Motions Program, or in the Forms section of the First Judicial District's Website (<http://courts.phila.gov>).

##### D. Revised Motion Court Cover Sheet

All Motions and Petitions shall be accompanied by a Motion Cover Sheet in the form in Appendix B. The Motion Cover Sheet, which may be amended from time to time without the need for issuance of an Amended Administrative Order or publication, will be available from the Civil Motions Program, or in the Forms section of the First Judicial District's Website (<http://courts.phila.gov>).

At his discretion the Administrative Judge or his designee, the Supervising Judge-Civil, may entertain, assign, or reassign any motion or petition.

*By the Court*

JAMES J. FITZGERALD, III,  
*Administrative Judge*

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. \*51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.



| <b>TRIAL DIVISION—CIVIL<br/>MOTION ASSIGNMENT MATRIX<br/>2005</b>   |  |
|---|--|
| <b>The Civil Motions Filing Clerk is located in Room 296, City Hall.<br/>All Motions/Petitions shall be assigned in accordance with the following Matrix:</b>   |  |
| <b>PROGRAM/FILING TYPE</b>  | <b>JUDICIAL ASSIGNMENT</b>   |
| <b>MAJOR JURY PROGRAMS</b>  |  |
| Day Forward 2001 and Back   | Judge Moss   |
| Day Forward 2002  | Judge Tereshko   |
| Day Forward 2003  | Judge Moss   |
| Day Forward 2004  | Judge New  |
| Day Forward 2005  | Judge Allen  |
| <b>PROGRAMS OTHER THAN MAJOR JURY</b>   |  |
| Commerce Program  | Judge Sheppard/Judge Abramson/Judge Jones  |
| Non Jury Program  | Judge Glazer/Judge Dych/Judge Ackerman   |
| Compulsory Arbitration  | Judge Glazer/Judge Dych  |
| Post Arbitration & Arbitration Appeal   | Judge Glazer/Judge Dych/Judge Ackerman   |
| Mass Tort Program   | Judge Ackerman   |
| Class Actions   | Judge Bernstein  |
| Municipal Court Appeals from <b>Denial to Open Default Judgment</b>   | Judge Glazer/Judge Dych  |
| Municipal Court Appeals ( <b>Money Judgment</b> )   | Judge Glazer/Judge Dych  |
| Municipal Court Appeals ( <b>Landlord Tenant</b> )  | Municipal Court Judges   |
| <b>SPECIFIC MOTIONS/PETITIONS</b>   |  |
| Wrongful Death & Minor's Compromise   | Orphans' Court Judges  |
| Motions to Consolidate  | Assigned in Accordance with Administrative Docket No. 3 of 1996, as revised at Administrative Docket No. 05 of 2005. |
| Motions to Enforce Settlement   | Assigned to the judge who approved or was involved in effecting the settlement.                                      |
| Motions for Reconsideration   | Assigned to the judge who entered the order to be reconsidered.  |
| Preliminary Injunctions (Non-Commerce)  | Judge Glazer/Judge Dych  |
| Preliminary Injunctions (Commerce)  | Judge Sheppard/Judge Abramson/Judge Jones  |
| Preliminary Injunctions (Major Jury)  | Major Jury Team Leader   |
| Discovery Motions   | Scheduled consistent with Judicial Team Leader assignments to Discovery Court.                                       |
| <b>The following Motions/Petitions shall be assigned to the Administrative Judge/Supervising Judge <i>regardless</i> of any program designation:</b>  |  |
| <ul style="list-style-type: none"> <li>▪ Motions for Assignment to an Individual Judge</li> <li>▪ Motions for Advancement on the Trial List</li> <li>▪ Petitions to Appoint Neutral Arbitrator</li> <li>▪ Petitions to Compel Arbitration</li> <li>▪ Motions to Proceed <i>In Forma Pauperis</i></li> </ul> |  |

## Appendix "A"

01-118 (Rev. 07/2005)

PHILADELPHIA COURT OF COMMON PLEAS  
PETITION/MOTION COVER SHEET

| FOR COURT USE ONLY   |                       |
|--|-----------------------|
| ASSIGNED TO JUDGE:   | ANSWER/RESPONSE DATE: |
| Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a> |                       |

|  |
|--|
| CONTROL NUMBER:<br><br><b>(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)</b> |
|--|

\_\_\_\_\_ Term, \_\_\_\_\_  
 \_\_\_\_\_ Month \_\_\_\_\_ Year  
 No. \_\_\_\_\_

Name of Filing Party: \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_

(Check one)  Plaintiff  Defendant  
 (Check one)  Movant  Respondent

**INDICATE NATURE OF DOCUMENT FILED:**

Petition (Attach Rule to Show Cause)  Motion  
 Answer to Petition  Response to Motion

Has another petition/motion been decided in this case?  Yes  No

Is another petition/motion pending?  Yes  No

If the answer to either question is yes, you must identify the judge(s): \_\_\_\_\_

|  |  |
|--|--|
| TYPE OF PETITION/MOTION (see list on reverse side)   | PETITION/MOTION CODE (see list on reverse side)  |
| ANSWER/RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):   |  |
| <b>I. CASE PROGRAM</b><br>Is this case in the (answer all questions):<br><b>A. COMMERCE PROGRAM</b><br>Name of Judicial Team Leader: _____<br>Applicable Petition/Motion Deadline: _____<br>Has deadline been previously extended by the Court?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><b>B. DAY FORWARD/MAJOR JURY PROGRAM — Year _____</b><br>Name of Judicial Team Leader: _____<br>Applicable Petition/Motion Deadline: _____<br>Has deadline been previously extended by the Court?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><b>C. NON JURY PROGRAM</b><br>Date Listed: _____<br><b>D. ARBITRATION PROGRAM</b><br>Arbitration Date: _____<br><b>E. ARBITRATION APPEAL PROGRAM</b><br>Date Listed: _____<br><b>F. OTHER PROGRAM:</b> _____<br>Date Listed: _____ | <b>II. PARTIES (required for proof of service)</b><br>(Name, address and <b>telephone number</b> of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.) |
| <b>III. OTHER</b>  |  |

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

\_\_\_\_\_  
 (Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.

30-1061B

Appendix "B"

**Instructions for Completing Petition/Motion Cover Sheet**

A Petition/Motion Cover Sheet must be attached to all Petitions, Motions, Answers or Responses filed, except for Discovery Motions and Motions for Extraordinary Relief. Sanctions will be imposed if the Cover Sheet is inaccurately completed.

Please Note the following:

1. ANSWER or RESPONSE DATE. The Motion Clerk shall enter the "Answer" or "Response" Date on the Cover Sheet. All Responses to Motions and Answers to Petitions must be filed with the Prothonotary and submitted to the Motion Clerk on or before the Response Date. **Note:** Summary Judgment Motions have a 30 day Response period. Except for those Motions identified in Phila.Civ.R. \*208.3(a) and (b), all other Motions have a 20 day Response period.
2. ARGUMENT DATE. The Motion Clerk shall enter the Argument Date and location on the Cover Sheet, as appropriate.
3. CONTROL NUMBER. The Motion Clerk shall assign a Control Number to all Petitions and Motions. The Responding parties must enter this Control Number on the Cover Sheet accompanying their Answer or Response.
4. NATURE OF DOCUMENT FILED. The filing party must check whether the document being filed is a Petition (in which case a Rule to Show Cause Order must be attached), a Motion, an Answer to a Petition, or a Response to a Motion. The parties must indicate whether another Petition or Motion is outstanding or has been decided and, if so, must identify the Judge(s) to whom such prior Petitions or Motions had been assigned.
5. PETITION OR MOTION TYPES. The parties must utilize the following Petition or Motion Codes and Types (and the Motion Clerk is authorized to change a filing party's designation to reflect the correct Petition or Motion Code and Type):

| CODE  | MOTIONS  | CODE  | MOTIONS  | CODE        | MOTIONS  |
|-------|--|-------|--|-------------|--|
| MTSAL | Motion for Additional Distribution of Sale Proceeds                    | MTJNP | Motion for Entry of Judgment of Non Pros   | MTRWT       | Motion to Return Writ of Possession or Execution             |
| MTPHV | Motion for Admission Pro Hac Vice                                      | MTSUP | Motion for Entry of Supersedeas  | MTSAN       | Motion for Sanctions   |
| MTSVR | Motion for Alternative Service   | MTEXP | Motion for Expungement of Record   | MT229       | Motion for Sanctions for Failure to Deliver Settlement Funds |
| MTAMJ | Motion to Amend Judgment   | MTEOT | Motion for Extension of Time to file Certificate of Merit                          | MTSAS       | Motion to Set Aside Sheriff's Sale                           |
| MTAMD | Motion to Amend Pleading   | MTEXT | Motion for Extension of Time to answer/respond)                                    | MTSAA       | Motion to Set Aside Award                                    |
| MTGAL | Motion to Appoint Guardian Ad Litem                                    | PTEXR | Motion for Extraordinary Relief  | MTIPP       | Motion to Settle Incompetent/Incapacitated Person's Estate   |
| MTAPC | Motion for Appointment of a Conservator                                | MTNPT | Motion to File Nunc Pro Tunc   | MTSPR       | Motion to Stay Proceedings                                   |
| MTMCF | Motion for Approval and Distribution of Minor's Compromise             | MTFUS | Motion to File Under Seal  | MTWEO       | Motion to Stay Writ of Execution                             |
| MTWRD | Motion for Approval & Distribution of Wrongful Death & Survival Action | PTFMV | Motion to Fix Fair Market Value  | MTSTK       | Motion to Strike Pleading                                    |
| MTAPS | Motion to Approve Transfer of Structured Settlement                    | MTINT | Motion for Interpleader  | MTSJD       | Motion for Summary Judgment (30 day hold)                    |
| MTADH | Motion for Assessment of Damages Hearings                              | MTINV | Motion to Intervene  | MTRAE       | Motion for Supplementary Relief in Aid of Execution          |
| MTAMV | Motion to Auction Motor Vehicles                                       | MTIOP | Motion to Invalidate Opt-Outs (Class Action cases)                                 | MTRDM       | Motion to Reassess Damages                                   |
| MTBIF | Motion to Bifurcate  | MTJAD | Motion to Join Additional Defendant  | MTREF       | Motion for Reimbursement of Fees                             |
| MTCIA | Motion to Certify Order for Interlocutory Appeal                       | MTJPL | Motion for Judgment on the Pleadings   | MTRDL       | Motion to Release Bond                                       |
| MTCNM | Motion to Change Name  | MTJUR | Motion for Jury Out of Time  | MTRDS       | Motion to Remove Case from Deferred Status                   |
| MTCLC | Motion for Class Action Certification                                  | MTLIM | Motion in Limine   | MTSRC       | Motion to Seal Record  |
| MTCMP | Motion to Compel Discovery   | MTMJS | Motion to Mark Judgment Satisfied  | MTSEV       | Motion to Sever Cases  |
| MTCPS | Motion to Compel Payment of Settlement                                 | MTMVR | Motion to Obtain Motor Vehicle Records   | MTSPP       | Motion for Specific Performance                              |
| MTCOM | Motion to Complete Terms of Sheriff's Sale                             | MTOPN | Motion to Open/Strike Confessed Judgment   | MTTFR       | Motion to Transfer   |
| MTCST | Motion to Confirm Settlement   | MTPAR | Motion for Partition   | MTTRJ       | Motion to Transfer Judgment                                  |
| MTCNS | Motion to Consolidate Actions  | MTPIC | Motion for Payment into Court  | MTFTV       | Motion for Title to Vehicle                                  |
| MTCON | Motion for Continuance   | MTPRE | Motion to Pay Rent into Escrow Account   | MTWDA       | Motion to Withdraw Appearance                                |
| MTCOR | Motion for Coordination of Actions                                     | MTSYS | Motion to Postpone Sheriff's Sale  | MTWPS       | Motion for Writ of Possession                                |
| MTCRT | Motion to Correct Record   | PTTMF | Motion for Post Trial Relief   | MTWRS       | Motion for Writ of Seizure                                   |
| MTCNF | Motion for Counsel Fees  | MTPCD | Motion for Pre-Complaint Discovery   | MTMIS       | Miscellaneous Motion   |
| PTDOM | Motion for Delay Damages   | PRINJ | Motion for Preliminary Injunction  |             |  |
| MTDJT | Motion to Demand Jury Trial  | MTPSA | Motion for Preliminary Settlement Approval (Class Action Cases)                    | <b>CODE</b> | <b>PETITIONS</b>   |
| DPROB | Motion to Determine Preliminary Objections                             | MTPDE | Motion to Preserve Documents and Evidence  | PTAAR       | Petition to Appoint Common Law Arbitrator                    |
| MTDSC | Motion to Discontinue Case   | MTIFP | Motion to Proceed In Forma Pauperis  | PTARC       | Petition to Appoint a Receiver                               |
| MTDIS | Motion to Dismiss for Forum Non Conveniens                             | MTPRO | Motion for Protective Order  | PTCAR       | Petition to Compel Arbitration                               |
| MTDCN | Motion to Disqualify Counsel   | MTQSH | Motion to Quash  | PTCAW       | Petition to Confirm Arbitration Award                        |
| MTEMG | Emergency Motion   | MTRCS | Motion for Reconsideration   | PTCST       | Petition to Confirm Settlement                               |
| MTEST | Motion to Enforce Settlement   | MTRPR | Motion to Redeem Premises  | PTFCT       | Petition for Contempt  |
| MTJDG | Motion for Entry of Default Judgment                                   | MTRRF | Motion to Release Escrow Funds   | PTOJD       | Petition to Open Default Judgment                            |
|       |  | MTOPT | Motion to Remove Opt-Out of the Proposed Settlement Agreement (Class Action Cases) | PTSNP       | Petition to Open Judgment of Non Pros                        |
|       |  |       |  | PTEMG       | Emergency Petition   |

6. CASE PROGRAM. The party shall check the program to which the case is assigned and provide the requested program data.
7. PARTIES. The filing parties shall set forth the name, address and telephone number of all counsel of record and unrepresented parties, and must attach a stamped addressed envelope for each attorney of record and unrepresented party.
8. OTHER. The parties shall enter other relevant important information in this box – such as request for stay, emergency designation etc. – placing the Motion Clerk on notice of special handling or request.
9. SIGNATURE LINE. The Cover Sheet must be signed, dated and, if applicable, the attorney ID number must be provided.
10. SERVICE. A copy of the file-stamped Petition, Motion, Answer, Response and attachments must be served on all parties of record immediately after filing as required by Pa.R.C.P. 206.6, and Pa.R.C.P. 440.

The Current Version of the Petition/Motion Cover Sheet May Be Downloaded From The First Judicial District's Website:  
<http://courts.phila.gov>

## PHILADELPHIA COUNTY

**Termination of Inactive Citations Issued Before  
January 1, 2000; Administrative Order No. 01 of  
2005**

**Order**

*And Now*, this 29th day of June, 2005, the Traffic Court having determined that approximately 116,036 citations issued between January 1, 1999 and December 31, 1999, have not resulted in a plea, payment, adjudication or judgment against the named Defendants; the Traffic Court having determined that there has been no activity on these citations for a period of two years or more, and that the citations are thus both legally and practically unenforceable; a Notice having been published in the *Legal Intelligencer* on May 10, 2005, informing interested parties that a full list of citations to be terminated was available for public inspection at the Philadelphia Traffic Court for thirty days, and further notifying interested parties that unless they petitioned the Court to show cause why any citation on the termination list should not be removed from that list, the citations would be terminated;

*Now, Therefore*, there having been no objection to the termination of the citations, upon compliance with the Procedure for Terminating Inactive Traffic Court Citations pursuant to Pa.R.J.A. No. 1901, and as provided in Administrative Docket No. 1 of 2001,

*It Is Hereby Ordered, Adjudged and Decreed* that all Traffic Court citations issued between January 1, 1999 and December 31, 1999, for which there has been no plea, adjudication or payment, and for which there has been a lack of activity for a period of two (2) years or more, shall be terminated effective immediately.

This Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

*By the Court*

BERNICE DEANGELIS,  
*Administrative Judge  
Traffic Court*

[Pa.B. Doc. No. 05-1429. Filed for public inspection July 29, 2005, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Disbarment**

Notice is hereby given that Joe Carl Ashworth having been disbarred from the practice of law in the State of Maryland by Order dated January 5, 2005, the Supreme Court of Pennsylvania issued an Order on July 15, 2005, disbaring Joe Carl Ashworth from the Bar of this Commonwealth, effective August 14, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted

attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-1430. Filed for public inspection July 29, 2005, 9:00 a.m.]

**Notice of Disbarment**

Notice is hereby given that Ronald Allen Brown having been disbarred from the practice of law in the State of Maryland by Order dated April 9, 2004, the Supreme Court of Pennsylvania issued an Order on July 12, 2005, disbaring Ronald Allen Brown from the Bar of this Commonwealth, effective August 11, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-1431. Filed for public inspection July 29, 2005, 9:00 a.m.]

**Notice of Disbarment**

Notice is hereby given that James Grafton Gore, Jr. having been disbarred from the practice of law in the State of Maryland by Order dated April 5, 2004, the Supreme Court of Pennsylvania issued an Order on July 12, 2005, disbaring James Grafton Gore, Jr., from the Bar of this Commonwealth, effective August 11, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-1432. Filed for public inspection July 29, 2005, 9:00 a.m.]

**Notice of Disbarment**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 12, 2005, Charles Kushner has been disbarred on consent from the Bar of this Commonwealth, to be effective August 11, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-1433. Filed for public inspection July 29, 2005, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [61 PA. CODE CH. 874]

#### Raffle Lottery Games

The Secretary of Revenue (Secretary), under the authority in section 303 of the State Lottery Law (72 P. S. § 3761-303), adds Chapter 874 (relating to raffle lottery games) to read as set forth in Annex A.

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and the regulation thereunder, 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the final-omitted rulemaking process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in Lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the final-omitted rulemaking process as evidenced by the approval of these types of regulations in the past.

#### *Purpose of Regulation*

The final-omitted rulemaking establishes and details the procedures that will be followed in operating and administering raffle lottery games.

#### *Explanation of Regulatory Requirements*

The addition of Chapter 874 establishes procedures for the creation of on-line raffle lottery games, sales of tickets, validation of winners and payment of prizes for on-line raffle lottery games conducted by the Pennsylvania State Lottery.

A "raffle lottery game" is a Lottery game that is of limited duration, having preestablished and announced beginning, end sale and drawing date. A limited number of tickets, each unique from all others, will be offered for the opportunity to win one of a number of predetermined and announced prizes. Prior to the beginning of sales of a raffle lottery game, the Department will publish a notice in the *Pennsylvania Bulletin* with information as outlined in this chapter.

#### *Fiscal Impact*

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth and that the game described by the regulations could increase revenues available to older Pennsylvanians.

#### *Paperwork*

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The final-omitted rulemaking is scheduled for review within 5 years of final publication. No sunset date has been assigned.

#### *Contact Person*

The contact person for an explanation of the final-omitted rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 19, 2005, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.1) of the Regulatory Review Act, on July 13, 2005, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 14, 2005, and approved the final-omitted rulemaking.

#### *Findings*

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because of the time constraints associated with the establishment, operation and administration of lottery games.

#### *Order*

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

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 874.1—874.17 to read as set forth in Annex A.

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

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

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

GREGORY C. FAJT,  
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 4270 (July 30, 2005).)

**Fiscal Note:** Fiscal Note 15-428 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 61. REVENUE**

**PART V. STATE LOTTERIES**

**CHAPTER 874. RAFFLE LOTTERY GAMES**

|         |  |
|---------|--|
| Sec.    |  |
| 874.1.  | Creation.  |
| 874.2.  | Purpose.   |
| 874.3.  | Definitions.   |
| 874.4.  | Notice of raffle lottery game rules.                     |
| 874.5.  | Price.   |
| 874.6.  | Ticket sales retailers.                                  |
| 874.7.  | Determination of prize winning tickets.                  |
| 874.8.  | Lottery raffle game purchase and ticket characteristics. |
| 874.9.  | Raffle ticket responsibility.                            |
| 874.10. | Ticket validation and requirements.                      |
| 874.11. | Procedures for claiming and payment of prizes.           |
| 874.12. | Prizes.  |
| 874.13. | Unclaimed prize money.                                   |
| 874.14. | Withholding.   |
| 874.15. | Purchase and prize restrictions.                         |
| 874.16. | Governing law.   |
| 874.17. | Retailer promotion programs.                             |

**§ 874.1. Creation.**

Under the act and this part, there is created a raffle game, called raffle lottery games, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

**§ 874.2. Purpose.**

(a) A raffle lottery game is a lottery game that is of limited duration, having preestablished and announced beginning, end sale, and drawing dates. A limited number of tickets or chances, each unique from all others, will be offered for the opportunity to win one of a number of predetermined and announced prizes.

(b) This chapter establishes procedures for the creation of on-line raffle lottery games, sales of tickets, validation of winners, and payment of prizes for on-line raffle lottery games conducted by the Pennsylvania State Lottery.

**§ 874.3. Definitions.**

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

*Apparent winning ticket*—A raffle lottery game ticket bearing a winning number, which has not yet been validated by the Lottery.

*Chance*—A unique multiple-digit number, computer-selected from the range of numbers designated for a raffle Lottery drawing, also known as a play.

*Drawing*—The process of selecting the winning numbers that determine the winners for each designated prize for a particular raffle game.

*On-line retailer or retailer*—A person who is properly licensed by the Lottery to sell tickets.

*Prize*—The item or money that can be won as specified by the notice for each raffle lottery game as published under § 874.4 (relating to notice of raffle lottery game rules).

*Raffle lottery game*—A lottery game for which a chance or play will be sold for a limited announced period of time, and in which a maximum designated number of chances or plays will be offered, and the winning chances or plays will be selected from only those chances or plays actually sold.

*Ticket*—A raffle lottery ticket produced by the Lottery and sold by a licensed retailer in an authorized manner containing at a minimum a unique multiple-digit number constituting a single play or chance, the drawing date and validation data.

*Winning number*—The unique multiple-digit number selected in a particular raffle lottery game drawing, which has been subsequently validated by the Lottery, and which shall be used to determine the winning plays in that particular raffle lottery game.

**§ 874.4. Notice of raffle lottery game rules.**

Prior to the commencement of sales of a raffle lottery game, the Department will publish a notice in the *Pennsylvania Bulletin* containing, at a minimum, the following information about the particular raffle game:

- (1) The name of the raffle lottery game.
- (2) The purchase price of a raffle lottery game chance or play.
- (3) The date after which sales of chances or plays can be made.
- (4) The date after which sales of chances or plays cannot be made.
- (5) The manner in which the selection of winning chances or plays will be made.
- (6) The date and time for the selection of the winning chances or plays.
- (7) The maximum odds of the game and prizes that can be won.
- (8) The maximum number of chances or plays that can be sold in that raffle lottery game.
- (9) The number and description of prizes available to be awarded in that raffle.
- (10) The existence of a finalist, grand prize, second chance or other offering, if applicable, and the procedure for conducting the same, if applicable.
- (11) The existence of retailer bonus programs, if any, and the rules for determining awards under the program.
- (12) Other information necessary for the conduct of that lottery raffle game.

**§ 874.5. Price.**

The Secretary in conformance with the law will prescribe the purchase price of a raffle lottery game chance or play. The purchase price for each raffle chance or play shall be published in the notice provided by § 874.4 (relating to notice of raffle lottery game rules).

**§ 874.6. Ticket sales retailers.**

(a) Raffle lottery game ticket sales may only be made through licensed retailers the Director will appoint and contract with as provided in § 815.42 (relating to ticket sales agents).

(b) The Lottery may terminate sales by a retailer without prior notice to the retailer if the retailer becomes delinquent in payment of proceeds due the Lottery, or fails to handle Lottery funds in the prescribed manner, or if the retailer fails to follow the contract or any addendum thereof, this part or procedures established governing the sale of tickets or if the Lottery deems it to be in the best interest of the Commonwealth.

**§ 874.7. Determination of prize winning tickets.**

(a) Raffle lottery game prize winning chances or plays will be determined under this part and specific raffle

lottery game notifications published in the *Pennsylvania Bulletin* under § 874.4 (relating to notice of raffle lottery game rules).

(b) A prize shall be paid only if the ticket meets the criteria established in § 874.10 (relating to ticket validation and requirements).

**§ 874.8. Lottery raffle game purchase and ticket characteristics.**

(a) To purchase a ticket, a player shall request an on-line retailer to issue a ticket. The ticket, at a minimum, will contain one chance or play which shall consist of one unique, computer-generated, multiple-digit number from the range of numbers published in the *Pennsylvania Bulletin* for that particular raffle, the drawing date, amount bet and validation data. The ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date printed on the ticket.

(b) A raffle lottery game ticket may not be canceled or voided once printed by the Lottery terminal, even if the ticket is printed in error.

(c) It is the sole responsibility of the ticket holder to verify the accuracy and condition of data printed on the ticket. The placing of plays through the on-line retailer, who is acting on behalf of the player in entering the chance or plays, is done at the player's own risk.

**§ 874.9. Raffle ticket responsibility.**

(a) A raffle lottery game ticket is a bearer document deemed to be owned by the person holding the ticket, except that if a name is contained on the back of the ticket, the person so named will, for all purposes, be considered the owner of the ticket.

(b) The purchaser of a ticket has the sole responsibility for checking the accuracy and condition of the data printed on the ticket.

(c) The Commonwealth will not be responsible for a lost or stolen raffle lottery game ticket.

(d) The Commonwealth will not be responsible for a ticket redeemed by a player in error.

(e) A prize shall be claimed within 1 year of the date of the raffle for which the ticket was entered.

**§ 874.10. Ticket validation and requirements.**

(a) *Valid tickets.* To be a valid raffle lottery game ticket, the presented ticket must meet the following conditions:

(1) The ticket validation numbers must be present in their entirety and correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket.

(2) The ticket must be intact.

(3) The ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The ticket shall have been issued by the Lottery through a licensed retailer.

(6) The ticket may not have been stolen.

(7) The ticket shall be validated in accordance with § 874.11 (relating to procedures for claiming and payment of prizes).

(8) The ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the ticket data must match this computer record in every respect.

(9) The computer-assigned numbers, the validation data and the drawing date of an apparent winning ticket must appear on the official file of winning tickets. A ticket with that exact data may not have been previously paid.

(10) The ticket may not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be processed by the Lottery.

(11) The ticket shall pass other confidential security checks of the Lottery.

(12) By submitting a ticket for validation, the player agrees to abide by this chapter as determined by the Secretary.

(13) There may not be another breach of this part in relation to the ticket which, in the opinion of the Secretary, justifies disqualification.

(b) *Invalid or defective tickets/disputes.* A ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final and binding. The Secretary may replace an invalid ticket with a ticket of equivalent sale price from a current Lottery game.

(2) If a defective ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current Lottery game.

(3) If a ticket is not paid by the Lottery and a dispute occurs as to whether the ticket is a winning ticket, the Lottery may replace the ticket as provided in paragraph (2). This is the sole and exclusive remedy of the holder of the ticket.

**§ 874.11. Procedures for claiming and payment of prizes.**

(a) A prize shall be claimed only through a licensed on-line retailer as soon as that drawing is placed in pay status by the Lottery.

(b) An on-line retailer is authorized and required to make payment of a prize of \$2,500 or less, if the ticket is presented within a designated time period as announced by the Secretary, on an individual winning ticket, if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning ticket representing a prize of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the ticket validation requirements in § 874.10. (relating to ticket validation and requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other retailer procedures have been met.

(d) The holder of an apparent winning ticket representing a prize in excess of \$2,500, with the exception of the first prize, shall present the winning ticket to an on-line retailer or authorized claim center under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning ticket representing a first tier prize shall present, in person, the apparent winning ticket to Lottery Headquarters or a Lottery area office under Chapter 811.

(f) The payment of a prize to a person who dies before receiving a particular prize or to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

**§ 874.12. Prizes.**

(a) Moneys shall be drawn from the Lottery Fund, to the extent necessary, to fund the payment of prizes under this subsection.

(b) If the raffle lottery game is terminated for any cause, prize moneys remaining undistributed will be paid out of the State Lottery Fund and used for purposes otherwise provided for by law.

(c) A winning raffle lottery game ticket is entitled only to the highest prize won by the number on each play or chance.

**§ 874.13. Unclaimed prize money.**

Unclaimed prize money on winning raffle lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the raffle lottery game. If no claim is made within 1 year of the announced close of the raffle lottery game conducted by the State Lottery under this chapter, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

**§ 874.14. Withholding.**

Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

**§ 874.15. Purchase and prize restrictions.**

A ticket may not be purchased by, and a prize will not be paid to, an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, who are involved in the operation of the on-line lottery games system or its associated drawings, or to a spouse, child, brother, sister or parent residing in the same household of the officer, employee, contractor or subcontractor.

**§ 874.16. Governing law.**

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the raffle lottery game.

(b) Decisions made by the Secretary including the declaration of prizes and the payment thereof in interpretation of this part are final and binding on players and persons making a claim in respect thereof.

**§ 874.17. Retailer promotion programs.**

Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery Fund.

[Pa.B. Doc. No. 05-1434. Filed for public inspection July 29, 2005, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1187]

### Nursing Facility Services; Preadmission Requirements and Civil Rights Compliance for Nursing Facilities

The Department of Public Welfare (Department), under the authority of sections 201(2), 206(2) and 403(b) of the Public Welfare Code (62 P.S. §§ 201(2), 206(2) and 403(b)), proposes to amend Chapter 1187 (relating to nursing facility services) to read set forth in Annex A.

#### *Purpose*

The proposed rulemaking requires a nursing facility to have applicants evaluated by the Department or its independent assessor for the need for nursing facility services prior to admission to the facility. The clinical evaluation is intended not only to determine an individual's need for nursing facility services, but also to educate the individual regarding other available long-term care service options. The Department expects that when given the information necessary to make an informed choice, more individuals will choose to receive home and community-based services (HCBS) as opposed to institutional services.

The proposed rulemaking also requires a nursing facility to maintain civil rights compliance information on each applicant who has applied for admission. Through review of this information, the Department can ensure that the nursing facility is operating in conformity to applicable laws that prohibit discrimination on the basis of race, color, national origin and disability.

#### *Need for the Proposed Rulemaking*

##### A. Background

In 1965, Congress authorized the Medicaid Program by adding Title XIX to the Social Security Act. See 42 U.S.C.A. §§ 1396—1396r. Medicaid is a grant-in-aid program in which the Federal government provides financial assistance to participating states that furnish various health care services to persons who are poor and needy. State participation in the Medicaid Program is voluntary. If a state chooses to participate in the Medicaid Program, it must comply with Title XIX and the implementing Federal regulation. In addition, the state must administer its Medicaid Program in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000d—2000d-7) which prohibits discrimination on the basis of race, color or national origin, section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794) and Title II of the Americans with Disabilities Act (ADA) (42 U.S.C.A. §§ 12131—12165), which prohibits discrimination on the basis of disability.

States that choose to participate in the Medicaid Program must designate a single state agency responsible for the administration of the state's Medicaid Program. The single state agency must prepare a State Plan for Medicaid (State Plan) and submit it to the Centers for Medicare and Medicaid Services (CMS) of the United States Department of Health and Human Services for approval. See section 1902 of the Social Security Act (42 U.S.C.A. § 1396a) regarding state plans for medical assistance. In

administering the state Medicaid Program, the state Medicaid agency enrolls qualified individuals, practitioners and medical facilities as providers in the state's Medicaid Program. These Medicaid providers render health care services to eligible Medicaid recipients. If the services are covered by the State Plan and the provider otherwise complies with applicable requirements, the provider may bill and receive payment for the services from the state Medicaid agency. The state Medicaid agency submits claims to the CMS for Federal financial participation in these payments.

In some instances, the conditions for provider participation in a state Medicaid Program are specified in Federal law and regulation. See section 1919 of the Social Security Act (42 U.S.C.A. § 1396r) and 42 CFR Part 483 (relating to requirements for long term care facilities). The state Medicaid agency may also impose its own additional requirements of participation for providers. See 42 CFR 431.51(c) (relating to free choice of providers). Medicaid providers must comply with civil rights requirements, including Title VI of the Civil Rights Act and the ADA (as applicable) as an ongoing condition of participation in the Medicaid Program.

In 1999, the United States Supreme Court issued its decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999) interpreting Title II of the ADA and its implementing Federal regulation. The Supreme Court held in *Olmstead* that the unjustified institutional isolation of persons with disabilities is a form of discrimination prohibited by the ADA. *Id.*, at 597. Following the Supreme Court's decision in *Olmstead*, the CMS sent a series of letters to the State Medicaid Directors discussing the implications of the Court's ruling. In a letter dated January 14, 2000,<sup>1</sup> the CMS suggested, among other things, that states should ensure that "individuals who may be eligible to receive services in more integrated community-based settings . . . are given the opportunity to make informed choices regarding whether—and how—their needs can best be met." The CMS also recommended that states consider "what information, education and referral systems would be useful to ensure that people with disabilities receive the information necessary to make informed choices."

The Commonwealth participates in the Title XIX Medicaid Program. The Department is the designated single State agency responsible for administration of the Commonwealth's Medicaid Program, which is known as the Medical Assistance (MA) Program. The MA Program provides coverage for a wide array of medical services, including nursing facility services, for needy residents of this Commonwealth. Currently, there are 643 licensed nursing facilities in this Commonwealth that are certified MA nursing facility providers.

##### B. Preadmission Assessments

The Department's case-mix regulation in § 1187.22(2) (relating to ongoing responsibilities of nursing facilities) requires MA nursing facility providers to "[a]ssure that every individual who receives MA, who is eligible for MA or who is applying for MA, is reviewed and assessed by the Department or [its] independent assessor and found to need nursing facility services prior to admission to the nursing facility, or in the case of a resident, before authorization for MA payment."

<sup>1</sup> The CMS' letter is available online at [www.cms.hhs.gov/states/letters/smd1140a.asp](http://www.cms.hhs.gov/states/letters/smd1140a.asp).

The assessments required by this regulation are made by the local area agencies on aging (AAA) through their OPTIONS programs. In making the assessments, an AAA not only determines whether an individual needs nursing facility services, but also whether the individual can be appropriately served in a noninstitutional setting with HCBS.<sup>2</sup> The AAA advises the individual of the available HCBS alternatives that are appropriate to the individual's needs and that will allow the individual to remain in his own home or community.

Consistent with the CMS' recommendation, the Department has examined whether additional information, education and referral systems would be useful to permit consumers to receive the information necessary to make informed choices. The Department has determined that both consumers and the MA Program could benefit by expanding the Department's current requirement for full preadmission OPTIONS assessment to a wider population; namely, individuals who are likely to use MA as a payer source within 12 months of admission. The Department is concerned that, because these individuals might not be aware of the wide variety of service options available to meet their long-term care needs, they might seek placement in an institutional setting without knowing that other alternatives exist. In some instances, these individuals may vacate their apartments, sell their homes or deplete their assets in anticipation of qualifying for MA or to meet their private-pay long-term care expenses in an institutional setting. As a result, after admission to a nursing home, their ability to transition back to the community would be more difficult.

Consumers have advised the Department that they want a broader array of services, the reallocation of public funds away from institutional (nursing facility) services and into HCBS, and that "nursing facilities should not be the primary or only option when long-term care and services are needed." See Pennsylvania Intra-Governmental Council on Long-Term Care, *Long-Term Care and Services, Discussion Session Findings*, Fall 1997, pp. 5.<sup>3</sup> The proposed rulemaking responds to these consumer wishes. By requiring more nursing facility applicants to be evaluated for the need for nursing facility services prior to admission to a facility, more consumers will be advised of other long-term care service options available in their service areas, particularly HCBS, and will have the opportunity to make better informed decisions on the course of action most desirable and appropriate to their particular long-term care needs.

When consumers are given the information necessary to make a truly informed choice, the Department expects that more consumers will choose to receive HCBS, thereby decreasing the MA Program reliance on the more expensive institutional services and effectively making available a greater share of public funds to home and community-based care. Since most people who are admitted to nursing facilities will eventually become eligible for MA nursing facility services, costs to the MA Program are higher than if even a few of those individuals could be diverted to less expensive HCBS.<sup>4</sup>

<sup>2</sup> The Department provides HCBS to individuals who would otherwise be clinically eligible for nursing facility services through programs like the PDA Waiver and the Bridge Program, which are jointly administered by the Department of Aging and the Department's Long Term Care Capitated Assistance Program.

<sup>3</sup> See, also Pennsylvania Intra-Governmental Council on Long-Term Care, *Assisted Living Long-Term Care and Services, Discussion Session Findings*, February 1999, pp. 17. Both reports are available at [www.longtermcare.state.pa.us/Index.asp?id=119&fs=2](http://www.longtermcare.state.pa.us/Index.asp?id=119&fs=2).

<sup>4</sup> Whether an individual will benefit from HCBS depends on the individual's unique facts and circumstances. While not every individual can be served at home or in a community setting, many can be and at significantly lower cost than that of institutional care. For example, the Statewide average cost for a consumer receiving services under the PDA Waiver is \$41-42 per day and the maximum per diem cost for

### C. Civil Rights Data

MA nursing facility providers must comply with both Federal and State laws that, among other things, prohibit discrimination on the basis of race, color, national origin and disability as a condition of participation in the MA Program. See § 107.3(d) (relating to requirements).

The Department is aware that discrimination can occur through subtle rather than overt means. In whatever form it takes, discrimination on the basis of race, color, national origin or disability is illegal and intolerable.

Current Departmental regulation in § 107.3(d) specifies that MA nursing facility providers "shall admit persons without regard to race, color, national origin or handicap and shall provide care and treatment without discrimination based upon these factors." The regulation, however, does not require nursing facilities to maintain any record of who has applied for admission and how the facilities have acted on those applications. This gap in recordkeeping requirements can result in adverse consequences to the public and to providers. For example, the alleged absence of applications to a nursing facility could be a facile excuse for a facility's homogeneous resident population. Alternatively, the demographics of a facility's resident population might subject a facility to an unfair charge of discrimination simply because the demographics are at variance with those of the community in which the facility is located.

The Department has determined that the maintenance of certain limited data on applicants would help both to deter discrimination as well as to rebut unsubstantiated charges of discrimination.

#### Requirements

##### § 1187.2. Definitions.

The Department is proposing to add the following definitions.

*Admission*—This definition is intended to identify the circumstances in which a facility's obligations under § 1187.22 and § 1187.31 (relating to admission or MA conversion requirements) arise. The definition follows the Federal Resident Assessment Instrument (RAI) Manual, which specifies when a facility must submit certain Minimum Data Set tracking forms. Under the RAI Manual, a nursing facility must submit certain assessment forms when an individual is admitted to, reenters or is discharged from the facility. Like the RAI Manual, the proposed definition considers an admission to be both the initial entry of an individual and the reentry of an individual who previously had been formally discharged. Like the RAI Manual, the definition also specifies that the reentry of an individual to a facility following a temporary discharge with the intent to return is not considered an admission. A reentry does not trigger requirements such as those in § 1187.31(2). An example of a situation in which a resident would be discharged with an anticipated return is when a resident is on therapeutic leave or in a hospital, but expected to return to the nursing facility. An example of a situation in which a resident would be discharged with no return anticipated is when a resident is discharged to a different nursing facility or to another setting where the individual's needs may be met.

services under the PDA Waiver is \$105.78. In contrast, the Statewide average MA nursing facility per diem rate is \$132.23, or three times greater than the average cost for HCBS.

*Clinical evaluation*—This definition is intended to identify the evaluation that is required under §§ 1187.22 and 1187.31. Currently, OPTIONS staffs of the local AAAs conduct clinical evaluations.

*MA applicant*—This definition is intended to identify an individual who is considered by the Department to be an MA applicant and must receive a preadmission clinical evaluation under § 1187.31(2). The definition specifies that an individual who has an application for MA nursing facility services pending before the Department or is likely to become an MA conversion resident within 12 months of the date of admission is an MA applicant. “MA conversion resident” is currently defined in § 1187.2.

*MA conversion date*—This definition identifies the point in time at which an individual becomes an MA conversion resident.

*MA recipient*—This definition incorporates the definition of “MA recipient” in § 1101.21 (relating to definitions), except that this definition deletes reference to “family” since it is inapplicable in the context of an MA resident of a nursing facility.

*Nursing facility applicant and nursing facility application*—These definitions identify the circumstances in which a facility has obligations under § 1187.22(1) and (18). The definitions make clear that both oral and written requests for admission, as defined in this proposed rulemaking, must be considered “applications” for civil rights data reporting requirements. The definitions also specify that a casual inquiry for information about a facility should not be considered an application.

*§ 1187.22. Ongoing responsibilities of nursing facilities.*

Section 1187.22 delineates conditions of participation for MA nursing facility providers in addition to those specified in Chapter 1101 (relating to general provisions). The proposed rulemaking makes three changes to this section. First, the Department is revising § 1187.22(1) to substitute “nursing facility applicant,” which is the new defined term, for “every individual applying for admission to the facility.” This amendment reaffirms the existing requirement that all nursing facility applicants must receive a preadmission screening in accordance with the Department’s preadmission screening program.

Second, the Department is revising § 1187.22(2). As originally promulgated, this section required that every individual who received MA, was eligible for MA or was applying for MA had to be assessed by the Department or an independent assessor prior to admission to a nursing facility. This section also required that a resident of a nursing facility be assessed before authorizing MA. The Department is revising this provision to use the defined terms “MA applicant,” “MA recipient,” “MA conversion resident” and “clinical evaluation” and to make clear that compliance with § 1187.31(2) and (4) is a condition of participation in the MA Program.

Third, the Department is adding § 1187.22(18), which imposes certain civil rights data collection and reporting requirements as an additional condition of participation for nursing facility providers. Under this paragraph, a nursing facility shall collect and maintain basic demographic and other data for each nursing facility applicant for a 4-year period. In addition to this data, this paragraph permits a nursing facility to request other information from each applicant as a condition of admission to the facility, unless otherwise precluded by law, so long as the facility uniformly requests the additional information from all applicants and the facility keeps written records of all requests and responses. Finally, the provision

requires nursing facilities to keep a copy of the application data for 4 years and to periodically report the data to the Department in a format and at intervals specified by the Department.

*§ 1187.31. Admission or MA conversion requirements.*

As originally promulgated, § 1187.31(2) sets forth the requirement for preadmission and MA conversion evaluation and determination. The Department is proposing to amend § 1187.31 by placing the preadmission and the MA conversion requirements in separate provisions and by clarifying the circumstances in which a nursing facility is required to ensure that nursing facility applicants and residents receive clinical evaluations.

*Preadmission requirements*

Section 1187.31(2)(i) requires that every MA applicant and MA recipient receive a clinical evaluation prior to admission, unless one or more of the exceptions in subparagraph (ii) apply. This provision also specifies that a nursing facility may not admit an MA applicant or MA recipient if a preadmission clinical evaluation finds that the applicant or recipient does not need nursing facility services. This provision serves two purposes. It ensures that MA applicants and MA recipients are given information about service alternatives prior to admission so they can make better informed choices about their service delivery and it ensures that the existing supply of MA certified nursing facility beds is efficiently and effectively utilized.

Section 1187.31(2)(ii) identifies the circumstances in which a facility may admit an MA applicant or MA recipient even though the individual has not received a clinical evaluation. These circumstances include instances when an individual’s health or safety is at risk because of the abuse, neglect or absence of a responsible caretaker; when the Department or its independent assessor fails to complete an assessment that has been requested in a timely manner; when it is unlikely that an individual will remain a resident of the facility for more than 30 days; when it is unlikely that a resident will use MA as a payment source within 12 months from the individual’s admission to a nursing facility; or when an individual is eligible for Medicare skilled nursing facility services when admitted to the nursing facility and the facility contacts the Department or its independent assessor to request an assessment by the close of the next business day.

Section 1187.31(2)(iii) sets forth civil money penalties for nursing facilities that fail to comply with the preadmission assessment requirements. The provision allows for graduated fines and penalties and is intended to motivate facilities to comply with the new preadmission requirements.

Section 1187.31(2)(iv) requires nursing facilities to keep a copy of each preadmission clinical evaluation for 4 years.

*MA conversion requirements*

Section 1187.31(4)(i) requires a nursing facility to ensure that a resident who submits an MA application after admission receives a clinical evaluation and is determined to be eligible to receive MA nursing facility services before the facility submits a claim for or receives MA payment for services provided to the resident. Section 1187.31(4)(ii) identifies the circumstances in which a new clinical evaluation for an MA conversion resident is not required.

*Affected Organizations*

This proposed rulemaking would affect nursing facilities enrolled in the MA Program and local AAAs in their role as the Department’s independent assessor.

*Accomplishments and Benefits*

By requiring preadmission assessments for nursing facility applicants who expect to use MA as a payment source within 12 months of admission, the proposed rulemaking will ensure that more consumers are advised of the long-term care service options available in their service areas, particularly HCBS. Knowing the service care options will enable consumers to make better decisions on the course of action most desirable and appropriate to their particular long-term care needs. When given the information necessary to make a truly informed choice, the Department expects that more consumers will choose to receive HCBS, thereby decreasing the MA Program reliance on the more expensive institutional services.

By requiring nursing facilities to maintain and report minimal civil rights information on individuals who have applied for admission, the proposed rulemaking will deter nursing facilities from illegally discriminating in making admissions and will assist facilities that comply with the law to rebut unsubstantiated charges of discrimination.

*Fiscal Impact**A. Public Sector**Commonwealth*

The Department of Aging will incur increased costs to conduct 11,000 preadmission assessments in the first year of implementation of this proposed rulemaking and 6,900 each year thereafter. The approximate cost in the first year is \$2.471 million (\$1.372 million in Federal funds and \$1.099 million in augmentations from the Intergovernmental Transfers). Out year funding is estimated at \$1.505 million (\$827,750 Federal and \$677,250 State Lottery Funds.)

The Department will experience savings in the MA—Long Term Care appropriation to the extent that individuals choose HCBS as opposed to placements in nursing facilities. The savings are estimated at \$1.3 million (\$718,674 Federal and \$594,000 State) in the first year of implementation and roughly \$6.3 million (\$3.4 Federal and \$2.9 million State) each year thereafter.

*Political Subdivisions*

No fiscal impact is anticipated. Although the proposed rulemaking would cause an initial temporary acceleration in the need for assessments, the vast majority of individuals who are admitted to nursing facilities eventually become eligible for MA nursing facility services, and thus, the total number of assessments that would have normally been conducted in a fiscal year would remain the same.

*B. Private Sector*

Additional costs may be incurred by nursing facilities. The amount of the costs will depend upon each individual facility's current practices and methods relating to the recording of civil rights data and financial assessments.

*C. General Public*

Consumers of long-term care services will experience no adverse fiscal impact. This proposed rulemaking will make it possible for consumers to avail themselves of the wide range of long-term care options to best meet their individual needs.

*Paperwork Requirements*

Nursing facilities will be required to maintain written records for all nursing facility applicants relating to the individual's clinical evaluation and civil rights data.

*Effective Date*

This proposed rulemaking shall take effect 60 days after final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

There is no sunset date for these regulations. The Department will review the effectiveness of these regulations on an ongoing basis and evaluate the need for further amendments.

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17105 within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 19, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

ESTELLE B. RICHMAN,

*Secretary*

**Fiscal Note:** 14-493. (1) Lottery Fund; (2) Implementing Year 2005-06 is \$1,099,000 (IGT Reserve); (3) 1st Succeeding Year 2006-07 is \$677,250; 2nd Succeeding Year 2007-08 is \$677,250; 3rd Succeeding Year 2008-09 is \$677,250; 4th Succeeding Year 2009-10 is \$677,250; 5th Succeeding Year 2010-11 is \$677,250; (4) 2003-04 Program—\$5,871,000; 2002-03 Program—\$5,691,000; 2001-02 Program—\$5,482,000; (7) Pre-Admission Assessment; (8) recommends adoption. Funds for 2005-06 are reflected in the proposed budget for the Department. There will be savings in the MA—Long Term Care appropriation of \$594,000 in FY 2005-06 and \$2,879,000 in FY 2006-07 from these changes.

**Annex A****TITLE 55. PUBLIC WELFARE****PART III. MEDICAL ASSISTANCE MANUAL****CHAPTER 1187. NURSING FACILITY SERVICES****Subchapter A. GENERAL PROVISIONS****§ 1187.2. Definitions.**

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

\* \* \* \* \*

**Admission**—The initial entry of an individual to a nursing facility as a resident of the facility, or the reentry of an individual to a nursing facility as a resident following a discharge when no return was anticipated. The reentry of an individual to a nursing facility as a resident following a discharge with an anticipated return is not an admission.

\* \* \* \* \*

**Clinical evaluation**—A comprehensive assessment by the Department or its independent assessor of an individual's need for nursing facility services and whether the individual's needs may be met in a setting other than a nursing facility.

\* \* \* \* \*

**MA applicant**—An individual who meets one of the following conditions:

- (i) Has submitted an application for MA nursing facility services which is pending before the Department.
- (ii) Based upon information provided by the individual or person making a nursing facility application on behalf of the individual, is likely to be an MA conversion resident within 12 months from the date of admission.

**MA conversion date**—The date specified on the Department's notice authorizing MA nursing facility services for an MA conversion resident.

\* \* \* \* \*

**MA recipient**—An individual who is eligible for MA benefits.

\* \* \* \* \*

**Nursing facility applicant**—An individual who makes a nursing facility application or on whose behalf a nursing facility application is made.

**Nursing facility application**—A request made orally or in writing, by or on behalf of an individual, to a nursing facility asking the facility to consider the individual for admission; or if the individual is hospitalized, asking the nursing facility to consider the individual for admission upon discharge from the hospital. The request must be made to the nursing facility's administrator, admissions officer or other person with real or apparent authority regarding admissions to the nursing facility to be considered an application. A casual inquiry or a request for information regarding a nursing facility, without expressing the intent to be considered for admission, is not an application.

\* \* \* \* \*

**Subchapter C. NURSING FACILITY PARTICIPATION**

**§ 1187.22. Ongoing responsibilities of nursing facilities.**

In addition to meeting the ongoing responsibilities established in Chapter 1101 (relating to general provisions), a nursing facility shall, as a condition of participation:

- (1) [ Assure ] Ensure that every [ individual applying for admission to the facility ] nursing facility applicant is prescreened by the Department as required by section 1919 of the Social Security Act (42 U.S.C.A.

§ 1396r(e)(7)) and 42 CFR Part 483, Subpart C (relating to preadmission screening and annual review of mentally ill and mentally retarded individuals).

(2) [ Assure ] Ensure that every [ individual who receives MA, who is eligible for MA or who is applying for MA, is reviewed and assessed by the Department or an independent assessor and found to need nursing facility services prior to admission to the nursing facility, or in the case of a resident, before authorization for MA payment. ] MA applicant, MA recipient and MA conversion resident receives a clinical evaluation and that every admission to the facility and MA conversion are made in accordance with § 1187.31(2) and (4) (relating to admission or MA conversion requirements).

\* \* \* \* \*

(18) Meet the following civil rights data collection and reporting requirements:

- (i) The nursing facility shall collect the following data for each nursing facility applicant:
  - (A) Name and address including zip code.
  - (B) The date of application.
  - (C) Age.
  - (D) Race or ethnicity.
  - (E) Gender.
  - (F) Primary and secondary diagnoses.
  - (G) Social Security number.
  - (H) Religion, if volunteered and used as a factor for admission.
  - (I) Whether the applicant is ventilator dependent.
  - (J) The date of disposition of the application.
  - (K) The disposition of the application.
  - (L) The reason for disposition.
  - (M) The nursing facility's occupancy rate on the date of disposition of the application.
- (ii) The nursing facility shall maintain the data required by subparagraph (i) for 4 years from the date of the applicant's nursing facility application.

(iii) Unless otherwise prohibited by law, nothing in this paragraph precludes the nursing facility from uniformly requesting a nursing facility applicant to provide information in addition to the data required by this paragraph to be considered for admission. If the nursing facility requires a nursing facility applicant to provide any additional information, the facility shall maintain a written record of the additional information requested and received from each nursing facility applicant for 4 years from the date of the applicant's nursing facility application.

(iv) The nursing facility shall submit reports to the Department on the data collected under this paragraph in a format and at intervals specified by the Department.

**Subchapter D. DATA REQUIREMENTS FOR  
NURSING FACILITY APPLICANTS AND  
RESIDENTS**

**§ 1187.31. Admission or MA conversion requirements.**

To receive payment for nursing facility services, a nursing facility shall meet the following admission or MA conversion requirements:

\* \* \* \* \*

**(2) Preadmission [ or MA conversion evaluation and determination ] requirements.**

(i) **Evaluation and determination.** The nursing facility shall ensure that [ before an MA applicant or recipient is admitted to a nursing facility, or before authorization for MA payment for nursing facility services in the case of a resident, the MA applicant, recipient or resident has been evaluated by the Department or an independent assessor and found to ] the MA applicant and MA recipient who has submitted a nursing facility application to the facility receives a clinical evaluation prior to admission unless one or more of the exceptions in subparagraph (ii) apply. The nursing facility may not admit an MA applicant or MA recipient whose preadmission clinical evaluation found that the individual does not need nursing facility services.

(ii) [ The nursing facility shall maintain a copy of the Department's or the independent assessor's notification of eligibility in the business office. ] **Exceptions.**

(A) The nursing facility may admit an MA applicant or MA recipient who did not receive a clinical evaluation prior to admission if any of the following apply:

(I) A physician certifies in writing that it is unlikely that the individual will remain a resident of the facility for more than 30 days and payment for the nursing facility services provided to the individual will be made by a payer other than the MA Program.

(II) There is reasonable cause to believe that the individual was abused or neglected as defined in the Older Adult Protective Services Law (35 P. S. §§ 10225.101—10225.5102); the individual's health or safety is at risk because of abuse, neglect or the absence of a responsible caretaker; the nursing facility immediately files a report regarding the individual with the local older adult protective services agency; and the local older adult protective services agency determines that the individual should be admitted to the nursing facility on an emergency basis.

(III) The nursing facility determines that the individual is eligible for Medicare skilled nursing facility services and contacts the Department or its independent assessor to request a clinical evaluation by the close of the next business day following the day on which the individual is admitted to the facility.

(B) The nursing facility may admit an MA applicant who did not receive a clinical evaluation prior to admission if the following conditions are met:

(I) The nursing facility refers the applicant for a clinical evaluation prior to admission.

(II) The applicant provides the Department or its independent assessor with the information necessary to conduct the evaluation.

(III) The Department or its independent assessor notifies the referring nursing facility that it received the information necessary to conduct the evaluation.

(IV) The Department or its independent assessor does not complete the evaluation after receipt of the information within the following time frames:

(-a-) Three working days if the individual is a patient in a hospital at the time the evaluation is requested

(-b-) Five working days if the individual is residing in a community setting, including a personal care home, at the time the evaluation is requested.

(-c-) Ten working days if the individual is a resident of a nursing facility, other than the admitting facility, at the time the evaluation is requested.

**(iii) Penalties.**

(A) In addition to any other remedies, penalties or sanctions authorized by law and regulation, including, but not limited to, those in Chapter 1101 (relating to general provisions), the Department may impose a civil money penalty if it determines that a nursing facility has admitted an MA applicant or MA recipient who did not receive a clinical evaluation prior to admission, or if it determines that a nursing facility admitted an MA applicant or MA recipient who received a clinical evaluation prior to admission which found that the individual did not need nursing facility services.

(B) A separate civil money penalty may be assessed for each individual admitted in violation of subparagraph (i). The civil money penalty may range from \$150—\$3,000 per day but the civil money penalty may not be less than the nursing facility's total aggregate charges to the individual for services rendered during the period of noncompliance. In determining the amount of the civil money penalty, the Department will consider the facility's history of compliance with subparagraph (i).

(C) The period of noncompliance begins on the date of the individual's admission to the facility and ends on the date the individual receives a clinical evaluation which finds that the individual needs nursing facility services, or the date the individual is discharged from the facility with no intent to return, whichever date is earlier.

(D) The Department will not assess civil money penalties if the nursing facility establishes that at the time the individual was admitted, one or more of the exceptions of subparagraph (ii) applied.

(iv) **Maintaining clinical evaluation reports.** The nursing facility shall maintain a copy of the report of each MA applicant's or MA recipient's clinical evaluation for 4 years from the date the clinical evaluation is received.

**(3) MA conversion requirements.**

**(i) The nursing facility shall ensure that a resident who submits an application for MA nursing facility services after admission to the facility, has received a clinical evaluation and has been determined by the Department to be clinically and financially eligible for MA nursing facility services before the facility submits a claim for or receives MA payment for nursing facility services provided to the individual.**

**(ii) A resident of a facility is not required to receive a new clinical evaluation as a result of the resident's application for MA nursing facility services if the following conditions are met:**

**(A) The resident received a clinical evaluation prior to admission and was determined to need nursing facility services.**

**(B) The clinical evaluation was conducted within 12 months of the resident's MA conversion date.**

**(C) The MA conversion date falls within the time period specified on the physician's original written certification determining the resident's need for nursing facility services.**

**[ (3) ] (4) \* \* \***

\* \* \* \* \*

**[ (4) ] (5) \* \* \***

[Pa.B. Doc. No. 05-1435. Filed for public inspection July 29, 2005, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title—4 ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of State

The Executive Board approved a reorganization of the Department of State effective July 11, 2005.

The organization chart at 35 Pa.B. 4199 (July 30, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

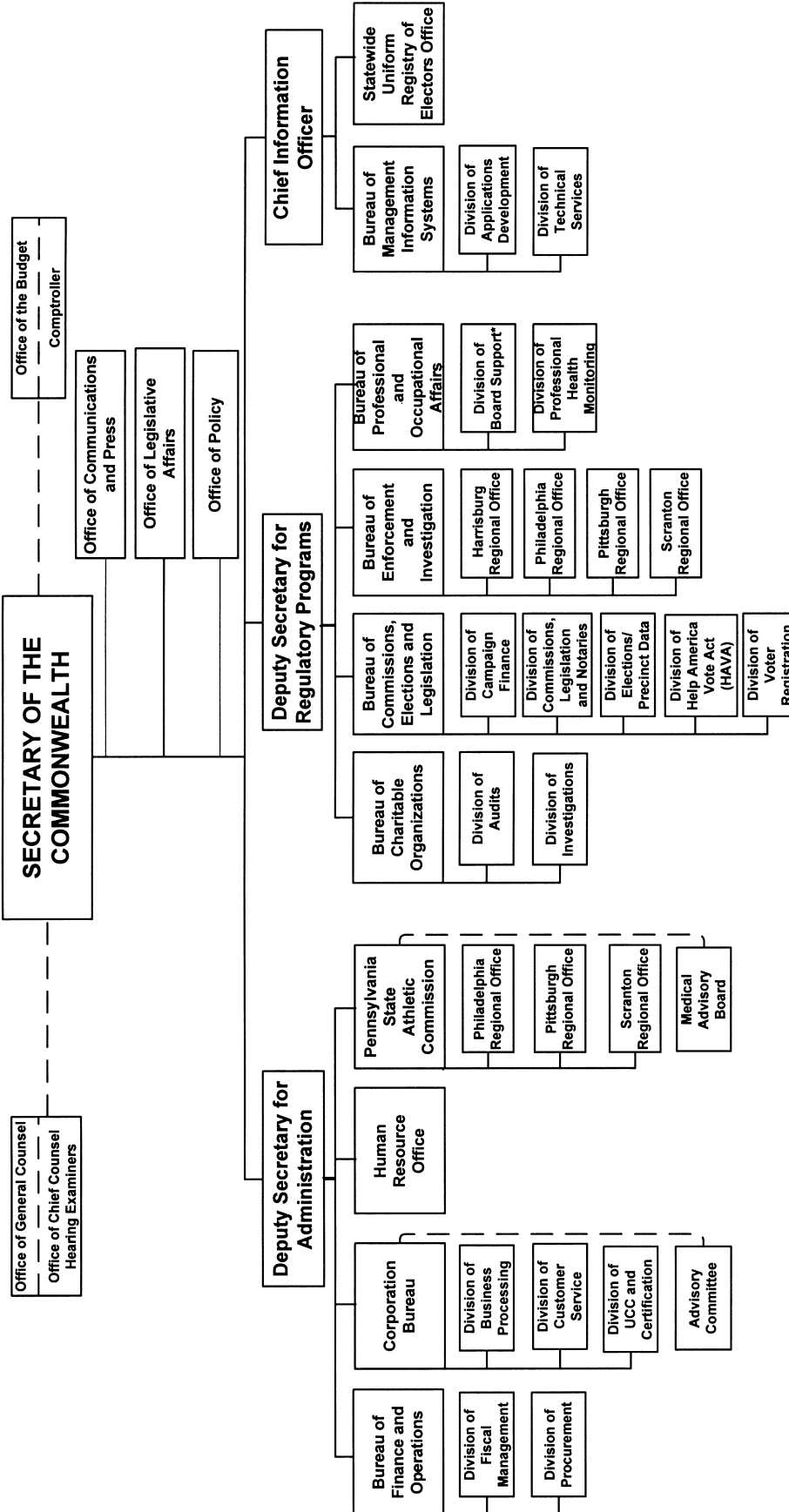
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 05-1436. Filed for public inspection July 29, 2005, 9:00 a.m.]

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DEPARTMENT OF STATE



**\*Board Support Division provides direct administrative support to the following Professional Licensing Boards and Commissions (27)**

|   |  |  |
|---|--|--|
| State Board of Accountancy                                      | Navigation Commission for the Delaware River and Its Navigable Tributaries | State Registration Board for Professional Engineers, Land Surveyors and Geologists         |
| State Architects Licensure Board                                | State Board of Nursing Administrators                                      | State Real Estate Commission   |
| State Board of Auctioneer Examiners                             | State Board of Examiners of Nursing Home Administrators                    | State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors |
| State Board of Barber Examiners                                 | State Board of Occupational Therapy, Education and Licensure               | State Board of Examiners in Speech-Language and Hearing                                    |
| State Board of Chiropractic                                     | State Board of Optometry   | State Board of Veterinary Medicine   |
| State Board of Cosmetology                                      | State Board of Osteopathic Medicine  | State Board of Certified Real Estate Appraisers  |
| State Board of Dentistry  | State Board of Pharmacy  |  |
| State Board of Funeral Directors                                | State Board of Physical Therapy  |  |
| State Board of Landscape Architects                             | State Board of Podiatry  |  |
| State Board of Medicine   |  |  |
| State Board of Vehicle Manufacturers, Dealers, and Salespersons |  |  |

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and 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 July 19, 2005.

### BANKING INSTITUTIONS

#### New Charter Applications

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i>   | <i>Action</i> |
|-------------|---|---|---------------|
| 7-12-05     | Royal Asian Bank<br>Philadelphia<br>Philadelphia County<br><br><i>Correspondent:</i><br>Jay W. Waldman, Esq.<br>Mette, Evans & Woodside<br>1105 Berkshire Boulevard<br>Wyomissing, PA 19610 | 6331 Castor Avenue<br>Philadelphia<br>Philadelphia County | Filed         |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 7-12-05     | Royal Asian Bank<br>(In organization)<br>Philadelphia<br>Philadelphia County<br><br>Purchase of assets/assumption of liabilities of four branch offices of Royal Bank America, Narberth, located at:<br><br>6526 Castor Avenue<br>Philadelphia<br>Philadelphia County<br><br>418 Oak Lane Road<br>Philadelphia<br>Philadelphia County                    | Philadelphia<br><br><br><br><br>7001 West Chester Pike<br>Upper Darby<br>Delaware County<br><br>1550 Lemoine Avenue<br>Fort Lee<br>Bergen County, NJ | Filed         |
| 7-19-05     | Enterprise Bank, Allison Park, and<br>Enterprise Interim Bank,<br>Allison Park<br>Surviving Institution—<br>Enterprise Bank, Allison Park<br><br>Merger will be effected solely to facilitate the acquisition of Enterprise Bank by Enterprise Financial Services Group, Inc., a bank holding company being formed in conjunction with this transaction. | Allison Park   | Approved      |

#### Branch Applications

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 7-13-05     | Allegiance Bank of North America<br>Bala Cynwyd<br>Montgomery County | 190-192 West DeKalb Pike<br>King of Prussia<br>Montgomery County                | Filed         |
| 7-13-05     | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | Giant Eagle<br>206 Seven Fields Boulevard<br>Seven Fields<br>Butler County      | Opened        |
| 7-19-05     | Northwest Savings Bank<br>Warren<br>Warren County                    | Commercial Center<br>Lot 6B<br>Route 228<br>Cranberry Township<br>Butler County | Approved      |

| <i>Date</i> | <i>Name of Bank</i>                                      | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 7-19-05     | Fulton Bank<br>Lancaster<br>Lancaster County             | 1201 West Chester Pike<br>West Chester<br>West Goshen Township<br>Chester County | Approved      |
| 7-19-05     | Abington Savings Bank<br>Jenkintown<br>Montgomery County | 329 North Main Street<br>Chalfont<br>Bucks County                                | Approved      |
| 7-19-05     | Abington Savings Bank<br>Jenkintown<br>Montgomery County | 800 Bethlehem Pike<br>Springhouse<br>Montgomery County                           | Approved      |

**Branch Relocations/Consolidations**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 7-13-05     | Keystone Nazareth Bank &<br>Trust Company<br>Bethlehem<br>Northampton County | <i>To:</i> 90 Highland Avenue<br>Bethlehem<br>Hanover Township<br>Northampton County<br>(Main Office)<br><br><i>From:</i> 4510 Bath Pike<br>(Route 512)<br>Hanover Township<br>Northampton County | Filed         |

**Articles of Amendment**

| <i>Date</i> | <i>Name of Bank</i>   | <i>Purpose</i>   | <i>Action</i>                |
|-------------|---|--|------------------------------|
| 7-14-05     | Pennsylvania Business Bank<br>Philadelphia<br>Philadelphia County | Amendment to Article Fifth of the Articles of Incorporation provides for an increase in the number of authorized shares of the bank's common capital stock from 2 million to 5 million at \$5 per value per share. | Approved<br>and<br>Effective |

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1437. Filed for public inspection July 29, 2005, 9:00 a.m.]

**DEPARTMENT OF  
EDUCATION****Application of Zachary Burwell for Reinstatement  
of Teaching Certificate; Doc. No. RE 05-01****Hearing**

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Zachary Burwell for reinstatement of his teaching certificate.

On or about December 19, 2004, Zachary Burwell filed an application for reinstatement of his teaching certificate under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education, on July 18, 2005, recommended to the Commission that the application be denied. In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administra-

tive Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed by 4 p.m. on the due date prescribed by this notice with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should

contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

FRANCIS V. BARNES, Ph.D.,  
Secretary

[Pa.B. Doc. No. 05-1438. Filed for public inspection July 29, 2005, 9:00 a.m.]

service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

FRANCIS V. BARNES, Ph.D.,  
Secretary

[Pa.B. Doc. No. 05-1439. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Application of Amy Sue Hesselgesser for Reinstatement of Teaching Certificate; Doc. No. RE 05-03

#### Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Amy Sue Hesselgesser for reinstatement of her teaching certificate.

On or about June 28, 2005, Amy Sue Hesselgesser filed an application for reinstatement of her teaching certificate under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education, on July 11, 2005, recommended to the Commission that the application be approved. In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed by 4 p.m. on the due date prescribed by this notice with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333. Persons with a disability who wish to attend the hearing and require an auxiliary aid,

### Application of Washington and Jefferson College for Approval of Amendment of its Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

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

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

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

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

FRANCIS V. BARNES, Ph.D.,  
Secretary

[Pa.B. Doc. No. 05-1440. Filed for public inspection July 29, 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.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                               | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0060569                   | Camelback Ski Corporation<br>P. O. Box 168<br>Tannersville, PA 18373 | Monroe County<br>Pocono Township     | Pocono Creek<br>1E<br>HW-CWF         | Y                           |

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

| <i>NPDES No.<br/>(Type)</i>     | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>  | <i>Stream Name<br/>(Watershed#)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|---------------------------------|---|---------------------------------------|-------------------------------------|-----------------------------|
| PA0014648<br>(Industrial Waste) | United Water<br>Pennsylvania—Hummelstown<br>4211 East Park Drive<br>Harrisburg, PA 17111        | Dauphin County<br>Hummelstown Borough | Swatara Creek/7D                    | Y                           |
| PA0082881<br>(Industrial Waste) | Alcoa, Inc.<br>201 Isabella Street<br>Pittsburgh, PA 15212                                      | Lancaster County<br>Lancaster City    | UNT Little Conestoga<br>Creek/7J    | Y                           |
| PA0082651<br>(Sewage)           | Landisburg Municipal Authority<br>202 East Main Street<br>P. O. Box 213<br>Landisburg, PA 17040 | Perry County<br>Tyrone Township       | Montour Creek/7A                    | Y                           |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                     | <i>County &amp;<br/>Municipality</i>         | <i>Stream Name<br/>(Watershed#)</i>    | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--|--|-----------------------------|
| PAR100461-R<br>(Stormwater) | Glenn D. Fite<br>5 Shady Lane<br>Quarryville, PA 17566                     | Lancaster County<br>East Drumore<br>Township | South Fork Big Beaver<br>Creek/WWF-WWF | Y                           |
| PA0031631<br>(Sewage)       | Twin Valley School District<br>4851 Twin Valley Road<br>Elverson, PA 19520 | Berks County<br>Caernarvon Township          | East Branch Conestoga<br>River/7J      | Y                           |

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

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

**WQM Permit No. 1504201**, Industrial Waste, **Rick's Mushroom Service**, P. O. Box 797, Avondale, PA 19311. This existing facility is located in New Garden Township, **Chester County**.

Description of Proposed Draft Permit: This draft Water Quality Management Part II Permit is for the authorization to operate an existing storage and disposal facility for spent mushroom substrate stormwater runoff. The permit authorizes the operation of a lagoon storage system and 4 acres of spray irrigation fields for disposal. The permit will authorize a maximum application of 500,000 gallons per acre for a total of 2 million gallons per year.

The proposed effluent limits for the spray system are as follows:

| <i>Parameter</i>        | <i>Limitation</i>  | <i>Sampling<br/>Frequency</i> | <i>Sample<br/>Type</i> |
|-------------------------|--------------------|-------------------------------|------------------------|
| Flow (mgy) <sup>^</sup> | 2.0                | Continuous                    | Measured               |
| BOD <sub>5</sub>        | Monitor and Report | Quarterly                     | Grab                   |
| TSS                     | Monitor and Report | Quarterly                     | Grab                   |
| * Total Nitrogen (mg/l) | Monitor and Report | Quarterly                     | Grab                   |
| pH                      | Monitor and Report | Quarterly                     | Grab                   |
| Calcium                 | Monitor and Report | Yearly                        | Grab                   |
| Sodium                  | Monitor and Report | Yearly                        | Grab                   |
| Magnesium               | Monitor and Report | Yearly                        | Grab                   |

<sup>^</sup>mgy = million gallons per year

\*Total Nitrogen = Total Kjeldahl Nitrogen + Nitrite (NO<sub>2</sub>) Nitrogen + Nitrate (NO<sub>3</sub>) Nitrogen.

Total Kjeldahl Nitrogen = NH<sub>3</sub> + Organic Nitrogen

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

1. Discharge Limitations and Monitoring Requirements.
2. Spray Irrigation Rates.
3. Spray Field Requirements.
4. Groundwater Monitoring.
5. Reporting Requirements.
6. Additional Testing.
7. Recording of Results.
8. Recordkeeping and Retention.
9. Laboratory Certification.
10. Permit Evaluation.
11. Permit Expiration/Renewal.

**PA0057720**, Industrial Waste, SIC 2033, **Sunny Dell Foods, Inc.**, 214 South Mill Road, Kennett Square, PA 19348. This facility is located in Kennett Township, **Chester County**.

Description of Proposed Activity: This is a second notice for an application that requests approval of a renewal NPDES permit. Revisions are included for a proposed increase in flow from 0.05 to 0.072 mgd for outfall 001, that discharges treated process wastewater from mushroom washing, blanching and cleanup. Outfall 002 continues the existing discharge flow of 0.09 mgd of cooling water from can cooling.

Waste Load Allocations (WLA) for CBOD<sub>5</sub>, ammonia, phosphorus, dissolved oxygen and total nitrogen for these discharges were included by the Environmental Protection Agency (EPA) in the Christina River Basin Low-Flow TMDL in 2001-2002. In response to the Department of Environmental Protection's recent request, the EPA had the TMDL water quality model rerun with a flow of 0.072 mgd for outfall 001 and the existing permit limit of 10 mg/l CBOD<sub>5</sub> for outfall 002, in place of an assumed value of 2 mg/l. The results of the model rerun revised the TMDL WLAs for Sunny Dell Foods and indicated that water quality criteria will be protected. The revised draft permit limits are consistent with the TMDL revisions.

The receiving stream, West Branch Red Clay Creek, is in the State Water Plan watershed 3I and is classified for TSF, aquatic life, water supply and recreation. No downstream public water supply intakes are in this Commonwealth. The State line is 3 miles downstream and a public water supply intake is located approximately 7 miles downstream from the State line in Delaware (Stanton Plant Delaware Waterworks).

The proposed effluent limits for Outfall 001 are, based on a discharge flow of 0.072 mgd, as follows:

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      |                                     |
|------------------------|------------------------|----------------------|-----------------------------|----------------------|-------------------------------------|
|                        | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD <sub>5</sub>      |                        |                      |                             |                      |                                     |
| (Years 1—3)            | 4.2                    | 8.4                  | 10                          | 20                   | 25                                  |
| (Years 4 and 5)        |                        |                      | 9.5                         | 19                   | 24                                  |
| Total Suspended Solids | 18.0                   | 27.0                 | 30                          | 45                   | 60                                  |
| Total Dissolved Solids | 600                    | 1,200                | 1,000                       | 2,000                | 2,500                               |
| NH <sub>3</sub> N      |                        |                      |                             |                      |                                     |
| (Years 1—3)            | 0.85                   | 1.70                 | 2.0                         | 4.0                  | 5.0                                 |
| (Years 4 and 5)        |                        |                      | 1.9                         | 3.8                  | 4.8                                 |
| Total Phosphorus       |                        |                      |                             |                      |                                     |
| (Years 1—3)            |                        |                      | M/R                         | M/R                  |                                     |
| (Years 4 and 5)        |                        |                      | 1.9                         | 3.8                  | 4.8                                 |
| Oil and Grease         |                        |                      | 15                          |                      | 30                                  |
| Dissolved Oxygen       |                        |                      | 5.0 (Instantaneous Minimum) |                      |                                     |
| Fecal Coliform         |                        |                      | 200/100 ml (Geo Mean)       |                      | 1,000/100                           |
| pH (Std Units)         |                        |                      | 6.0 (Instantaneous Minimum) | M/R                  | 9.0                                 |
| Total Nitrogen         |                        |                      | M/R                         |                      |                                     |

M/R = Monitor/Report

The proposed effluent limits for Outfall 002 are, based on a discharge flow of 0.09 mgd, as follows:

| <i>Parameters</i>       | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      |                                     |
|-------------------------|------------------------|----------------------|-----------------------------|----------------------|-------------------------------------|
|                         | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD <sub>5</sub>       |                        |                      |                             |                      |                                     |
| (Years 1—3)             | 7.5                    | 15.0                 | 10                          | 20                   | 25                                  |
| (Years 4 and 5)         |                        |                      | M/R                         | M/R                  |                                     |
| Total Suspended Solids  | 22.5                   | 33.8                 | 30                          | 45                   | 60                                  |
| NH <sub>3</sub> N       |                        |                      |                             |                      |                                     |
| (Years 1—3)             | 1.5                    | 3.0                  | 2.0                         | 4.0                  | 5.0                                 |
| (Years 4 and 5)         |                        |                      | M/R                         | M/R                  |                                     |
| Total Phosphorus        |                        |                      |                             |                      |                                     |
| (Years 1—3)             |                        |                      | M/R                         | M/R                  |                                     |
| (Years 4 and 5)         |                        |                      | M/R                         | M/R                  |                                     |
| Dissolved Oxygen        |                        |                      | 5.0 (Instantaneous Minimum) |                      |                                     |
| Fecal Coliform          |                        |                      | 200/100 ml (Geo Mean)       |                      | 1,000/100 ml                        |
| pH (Std Units)          |                        |                      | 6.0 (Instantaneous Minimum) |                      | 9.0                                 |
| Total Residual Chlorine |                        |                      | 0.5                         | M/R                  | 1.2                                 |
| Total Nitrogen          |                        |                      | M/R                         |                      |                                     |

*Temperature*

|                            | <i>Daily Avg °F</i> | <i>Instantaneous Maximum °F</i> |
|----------------------------|---------------------|---------------------------------|
| January 1 to January 31    | 87                  | 110                             |
| February 1 to February 29  | 83                  | 110                             |
| March 1 to May 31          | 110                 | 110                             |
| June 1 to June 15          | 92                  | 110                             |
| June 16 to June 30         | 108                 | 110                             |
| July 1 to July 31          | 78                  | 110                             |
| August 1 to October 15     | 110                 | 110                             |
| October 16 to October 31   | 98                  | 110                             |
| November 1 to November 15  | 110                 | 110                             |
| November 16 to November 30 | 73                  | 110                             |
| December 1 to December 31  | 77                  | 110                             |

M/R = Monitor/Report

The proposed mass limits for CBOD<sub>5</sub>, NH<sub>3</sub>N and Phosphorus are combined for Outfalls 001 and 002:

| <i>Parameters</i>   | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      | <i>Instantaneous Maximum (mg/l)</i> |
|---|------------------------|----------------------|-----------------------------|----------------------|-------------------------------------|
|   | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> |                                     |
| CBOD <sub>5</sub> (Years 4 and 5)<br>Outfall 001 + Outfall 002      | 13.3                   | 26.4                 |                             |                      |                                     |
| NH <sub>3</sub> N as N (Years 4 and 5)<br>Outfall 001 + Outfall 002 | 1.2                    | 2.4                  |                             |                      |                                     |
| Total Phosphorus<br>(Years 4 and 5)<br>Outfall 001 + Outfall 002    | 1.2                    | 2.4                  |                             |                      |                                     |

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

1. Notification of Designation of Operator.
2. Effective Disinfection.
3. Remedial Measures if Unsatisfactory Effluent.
4. Discharge to Small Stream.
5. BAT/ELG Reopener.
6. Thermal Requirements.
7. 2°F Temperature Change in 1-Hour.
8. No Chemical Additives.
9. Change in Ownership.
10. TRC Requirements.
11. Solids Handling.
12. TMDL/WLA Data.
13. I-Max.
14. Submit DMR Including No Discharge.

**PA0012629**, Industrial Waste, SIC 2911, **Sunoco, Inc. (R & M), Point Breeze Processing Area**, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299. This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: The facility is generally characterized as a petroleum refinery having the following Operations:

- Crude Oil Processing
- Fluid catalytic Cracking
- Hydrogen Desulfurization
- Catalytical Reforming

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for WWF and migratory fishery. There are no public water supply intake in this Commonwealth.

The proposed effluent limits for Outfalls 001, 003 and 004 solely consist of contaminated stormwater runoff are as follows:

| <i>Parameters</i>          | <i>Effluent Limitations<br/>Instantaneous Maximum (mg/l)</i> |
|----------------------------|--|
| Total Organic Carbon (TOC) | 110  |
| Oil and Grease             | 15   |
| pH                         | within limits of 6.0 to 9.0 STD units at all times           |

The proposed effluent limitations for Outfall 002 consist of 4.17 mgd treated industrial wastewater are as follows:

| <i>Parameters</i>                | <i>Mass (lb/day)</i>   |                      | <i>Concentration Limits (mg/l)</i> |                      |                              |
|----------------------------------|------------------------|----------------------|------------------------------------|----------------------|------------------------------|
|                                  | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Average Month</i>               | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| BOD <sub>5</sub>                 | 1,208                  | 2,174                | 35                                 | 62.5                 | 88                           |
| CBOD <sub>20</sub>               | 2,590                  |                      |                                    |                      |                              |
| BOD <sub>5</sub> percent removal | 89.25                  |                      |                                    |                      |                              |
| COD                              | 8,433                  | 16,251               | 242                                | 467                  | 605                          |
| Total Suspended Solids           | 966                    | 1,515                | 28                                 | 44                   | 70                           |
| Oil and Grease                   | 351                    | 659                  | 10                                 | 19                   | 25                           |
| Ammonia as N                     | 659                    | 1,449                | 19.0                               | 42.0                 | 48.0                         |
| Sulfide                          | 6.37                   | 14.27                | 0.18                               | 0.41                 | 0.45                         |
| Phenolic-Compounds               | 6.51                   | 16.25                | 0.19                               | 0.47                 | 0.48                         |
| Chromium, Total                  | 7.62                   | 21.93                | 0.22                               | 0.63                 | 0.063                        |
| Chromium, Hex                    | 0.625                  | 1.403                | 0.018                              | 0.040                | 0.045                        |
| Total Residual Oxidant           |                        |                      | Monitor and Report                 | 0.2                  | 0.5                          |
| Benzene                          |                        |                      | 0.001                              | 0.002                | 0.0025                       |



| <i>Parameters</i>      | <i>Mass (lb/day)</i>                               |                      | <i>Concentration Limits (mg/l)</i> |                      |                              |
|------------------------|--|----------------------|------------------------------------|----------------------|------------------------------|
|                        | <i>Average Monthly</i>                             | <i>Daily Maximum</i> | <i>Average Month</i>               | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Toluene                |  |                      | Monitor and Report                 | Monitor and Report   |                              |
| Xylenes, Total         |  |                      | Monitor and Report                 | Monitor and Report   |                              |
| Zinc, Total            |  |                      | 0.25                               | 0.50                 | 0.625                        |
| Ethylbenzene           |  |                      | Monitor and Report                 | Monitor and Report   |                              |
| BETX, Total            |  |                      | 0.1                                | 0.2                  | 0.25                         |
| Toxicity Chronic (TUc) |  |                      | Monitor and Report                 | Monitor and Report   |                              |
| PCBs                   |  |                      |                                    |                      |                              |
| pH                     | within limits of 6.0 to 9.0 STD units at all times |                      |                                    |                      |                              |

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

1. Remedial Measures if Creates Public Nuisance.
2. Applicable BAT/BCT.
3. BOD<sub>5</sub> Percentage Removal.
4. Thermal Impact Requirement.
5. Approved Chemical Additives.
6. Minimize use of Chemical Additives.
7. Approved EPA Test Methods.
8. WET Tests Requirements
9. Change in Ownership.
10. Proper Sludge Disposal.
11. TMDL/WLA Analysis.
12. WET Test for Next Permit Renewal.
13. Wet Test Protocol.
14. I-max Definitions.
15. Operation and Maintenance Plan Requirements.
16. Laboratory Certification.
17. PPC Plan Requirements.
18. Stormwater Runoff Calculations.
19. Intake Credit Calculations for Various Parameters.
20. Calculations of Net Credit.
21. CBOD<sub>20</sub> Allocations.
22. BOD<sub>5</sub> Percentage Removal.
23. Permit Modification Upon Modeling of Estuary.
24. Limitation of Contaminated Stormwater Runoff.
25. Bypass Provision.
26. No Discharge from S-19 Sump Pump.
27. TDS Limitations Requirements.
28. No Oil Sheen/Film in Discharge.
29. TRO Definition.
30. PCBs Monitoring and Minimization Plan.

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

**Application No. PA 0084026**, Sewage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This facility is located in Penn Township, **Lancaster County**.

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

The receiving stream, Chickies Creek, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.65 mgd are:

| <i>Parameter</i>       | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-------------------------------|------------------------------|-------------------------------------|
| CBOD <sub>5</sub>      | 25                            | 40                           | 50                                  |
| Total Suspended Solids | 30                            | 45                           | 60                                  |
| NH <sub>3</sub> -N     |                               |                              |                                     |
| (5-1 to 10-31)         | 4.5                           |                              | 9.0                                 |
| (11-1 to 4-30)         | 13.5                          |                              | 27                                  |

| <i>Parameter</i> | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i>    | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------|-----------------------------------|-------------------------------------|---|
| Total Phosphorus | 2                                 |                                     | 4                                       |
| Total Nitrogen   |                                   | Monitor                             |   |
| Dissolved Oxygen |                                   | minimum of 5.0 at all times         |   |
| pH               |                                   | from 6.0 to 9.0 inclusive           |   |
| Fecal Coliform   |                                   |                                     |   |
| (5-1 to 9-30)    |                                   | 200/100 ml as a geometric average   |   |
| (10-1 to 4-30)   |                                   | 3,200/100 ml as a geometric average |   |

Persons 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.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**Application No. PA 0247669**, Sewage, **John E. Groninger, Inc.**, P. O. Box 36, Mexico, PA 17056. This facility is located in Fermanagh Township, **Juniata County**.

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

The receiving stream, Horning Run, is in Watershed 12-A and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Authority located on the Juniata River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.040 mgd are:

| <i>Parameters</i>       | <i>Total Annual<br/>(lbs/year)</i> | <i>Average<br/>Monthly (mg/l)</i>    | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|------------------------------------|--------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       |                                    | 25                                   |                                  | 50                                      |
| Total Suspended Solids  |                                    | 30                                   |                                  | 60                                      |
| NH <sub>3</sub> -N      |                                    | Monitor and Report                   |                                  |   |
| TKN                     |                                    | Monitor and Report                   |                                  |   |
| NO <sub>2</sub> -N      |                                    | Monitor and Report                   |                                  |   |
| NO <sub>3</sub> -N      |                                    | Monitor and Report                   |                                  |   |
| Total Nitrogen          | 2,190                              | Monitor and Report                   |                                  |   |
| Total Phosphorus        | 365                                | Monitor and Report                   |                                  |   |
| Total Residual Chlorine |                                    | 1.5                                  |                                  | 2.5                                     |
| Fecal Coliform          |                                    |                                      |                                  |   |
| (5-1 to 9-30)           |                                    | 200/100 ml as a geometric average    |                                  |   |
| (10-1 to 4-30)          |                                    | 67,000/100 ml as a geometric average |                                  |   |

Persons 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.*

**PA0097624**, Industrial Waste, SIC 5171, **Glassmere Fuel Service**, 1967 Saxonburg Boulevard, Tarentum, PA 15084. This application is for renewal of an NPDES permit to discharge treated storm water from the Glassmere Fuel Service facility in West Deer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Little Deer Creek, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Oakmont Borough Municipal Authority, located at Oakmont, on the Allegheny River, over 11 river miles below the discharge point.

*Outfall 001: existing discharge, design flow of 2.4 gallons per day.*

| <i>Parameter</i> | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)       | Monitor and Report         |                          |                             |                          |                                  |
| Oil and Grease   |                            |                          | 15                          |                          | 30                               |

The EPA waiver is in effect.

**PA0097233**, Sewage, **South Versailles Township**, P. O. Box 66, Coulter, PA 15028. This application is for renewal of an NPDES permit to discharge treated sewage from South Versailles Township STP in South Versailles Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 0.03 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      | <i>Instantaneous Maximum</i> |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> |                              |
| CBOD <sub>5</sub>       | 25                                     |                       |                      | 50                           |
| Suspended Solids        | 30                                     |                       |                      | 60                           |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean       |                       |                      |                              |
| Total Residual Chlorine | 1.4                                    |                       |                      | 3.3                          |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0203998**, Sewage, **Rostraver Preferred Properties, Inc.**, 566 Donner Avenue, Monessen, PA 15062. This application is for renewal of an NPDES permit to discharge treated sewage from Todd Manor Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

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

*Outfall 001:* existing discharge, design flow of 0.035 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      | <i>Instantaneous Maximum</i> |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> |                              |
| CBOD <sub>5</sub>       | 25                                     |                       |                      | 50                           |
| Suspended Solids        | 30                                     |                       |                      | 60                           |
| Ammonia Nitrogen        |  |                       |                      |                              |
| (5-1 to 10-31)          | 2.0                                    |                       |                      | 4.0                          |
| (11-1 to 4-30)          | 5.5                                    |                       |                      | 11.0                         |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean       |                       |                      |                              |
| Total Residual Chlorine | 0.16                                   |                       |                      | 0.37                         |
| Dissolved Oxygen        | not less than 6 mg/l                   |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.07 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      | <i>Instantaneous Maximum</i> |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> |                              |
| CBOD <sub>5</sub>       | 25                                     |                       |                      | 50                           |
| Suspended Solids        | 30                                     |                       |                      | 60                           |
| Ammonia Nitrogen        |  |                       |                      |                              |
| (5-1 to 10-31)          | 2.0                                    |                       |                      | 4.0                          |
| (11-1 to 4-30)          | 4.5                                    |                       |                      | 9.0                          |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean       |                       |                      |                              |
| Total Residual Chlorine | 0.15                                   |                       |                      | 0.2                          |
| Dissolved Oxygen        | not less than 6 mg/l                   |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0216879**, Sewage, **Calandrella's, Inc.**, R. D. 2, Box 320, Avonmore, PA 15618. This application is for renewal of an NPDES permit to discharge treated sewage from Calandrella's Restaurant Sewage Treatment Plant in Bell Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Wolford Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.0048 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     |                       |                      | 50                           |
| Suspended Solids        | 30                                     |                       |                      | 60                           |
| Ammonia Nitrogen        |  |                       |                      |                              |
| (5-1 to 10-31)          | 3.5                                    |                       |                      | 7.0                          |
| (11-1 to 4-30)          | 10.5                                   |                       |                      | 21.0                         |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean       |                       |                      |                              |
| Total Residual Chlorine | 0.5                                    |                       |                      | 1.2                          |
| Dissolved Oxygen        | not less than 3 mg/l                   |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0218561**, Sewage, **Cambria County Commissioners**, Courthouse, 200 South Center Street, Ebensburg, PA 15931. This application is for renewal of an NPDES permit to discharge treated sewage from Duman Lake Park Sewage Treatment Plant in Barr Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Crooked Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.00315 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     |                       |                      | 50                           |
| Suspended Solids        | 30                                     |                       |                      | 60                           |
| Ammonia Nitrogen        |  |                       |                      |                              |
| (5-1 to 10-31)          | 3.4                                    |                       |                      | 6.8                          |
| (11-1 to 4-30)          | 10.2                                   |                       |                      | 20.4                         |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean       |                       |                      |                              |
| Total Residual Chlorine | 0.33                                   |                       |                      | 0.78                         |
| Dissolved Oxygen        | not less than 6.0 mg/l                 |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0252999**, Sewage, **Unity Township Municipal Authority**, 1106 Beatty County Road, Latrobe, PA 15650. This application is for issuance of an NPDES permit to discharge treated sewage from Fourteen Mile Run STP in Unity Township, **Westmoreland County**.

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

*Outfall 001:* new discharge, design flow of 0.95 mgd.

| <i>Parameter</i>  | <i>Concentration (mg/l)</i> |                       |                      |                              |
|-------------------|-----------------------------|-----------------------|----------------------|------------------------------|
|                   | <i>Average Monthly</i>      | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub> |                             |                       |                      |                              |
| (5-1 to 10-31)    | 20                          | 30                    |                      | 40                           |
| (11-1 to 4-30)    | 25                          | 38                    |                      | 50                           |
| Suspended Solids  | 30                          | 45                    |                      | 60                           |
| Ammonia Nitrogen  |                             |                       |                      |                              |
| (5-1 to 10-31)    | 2.4                         | 3.6                   |                      | 4.8                          |
| (11-1 to 4-30)    | 7.2                         | 10.8                  |                      | 14.4                         |

| Parameter                       | Concentration (mg/l)                   |                |               |                       |
|---------------------------------|--|----------------|---------------|-----------------------|
|                                 | Average Monthly                        | Average Weekly | Maximum Daily | Instantaneous Maximum |
| Fecal Coliform<br>(5-1 to 9-30) | 200/100 ml as a geometric mean         |                |               |                       |
| (10-1 to 4-30)                  | 2,000/100 ml as a geometric mean       |                |               |                       |
| Dissolved Oxygen                | not less than 5.0 mg/l                 |                |               |                       |
| pH                              | not less than 6.0 nor greater than 9.0 |                |               |                       |

The EPA waiver is in effect.

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

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

**PA No. 0031364**, Sewerage, **Wallenpaupack Area School District**, HC6, Box 6075, Hawley, PA 18428. This proposed facility is located in Palmyra Township, **Pike County**.

The receiving stream, Lake Wallenpaupack, is in the State Water Plan watershed No. 1C and is classified for HQ-CWF. The nearest downstream public water supply intake is a proposed intake for Stroudsburg and East Stroudsburg Authority on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.040 mgd.

| Parameter               | Average Monthly (mg/l)                 | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------------|--|-----------------------|------------------------------|
| CBOD <sub>5</sub>       | 10.0                                   |                       | 20.0                         |
| Total Suspended Solids  | 30.0                                   |                       | 60.0                         |
| NH <sub>3</sub> -N      |  |                       |                              |
| (5-1 to 10-31)          | 3.0                                    |                       | 6.0                          |
| (11-1 to 4-30)          | 9.0                                    |                       | 18.0                         |
| Phosphorus as "P"       | 0.5                                    |                       | 1.0                          |
| Dissolved Oxygen        | a minimum of 7 mg/l at all times.      |                       |                              |
| 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       |                       |                              |
| pH                      | 6.0 to 9.0 standard units at all times |                       |                              |
| Total Residual Chlorine | 1.2                                    |                       | 2.8                          |

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

**WQM Permit No. 0605410**, Sewerage, **Muhlenberg Township Authority**, 2840 Kutztown Road, Reading, PA 19605. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of the Riverale Pump Station to serve the River Crest Subdivision.

**WQM Permit No. 6705405**, Sewerage, **Jackson Township Sewer Authority**, 439 Roths Church Road, Spring Grove, PA 17362. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of the Jackson Heights Pump Station and Sewer Extension to serve the Jackson Heights Subdivision.

**WQM Permit No. 0105403**, Sewerage, **Oxford Township Board of Supervisors**, 180 Hanover Street, P. O. Box 86, New Oxford, PA 17350. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of the Simme Valley Estates to Pump Station and Sewer Extension to serve Phases 3 and 4.

**WQM Permit No. 3605405**, Sewerage, **Suburban Lancaster Sewer Authority**, P. O. Box 458, Lancaster, PA 17608-0458. This proposed facility is located in Lancaster Township, **Lancaster County**.

Description of Proposed Action/Activity: Replacement project at the Hawthorne Ridge Sewers, project involves removal of the existing 8" sanitary sewer line and the installation of approximately 1,870 linear feet of 12" pipe, 11 manholes and one flow metering manhole.

**WQM Permit No. 6705405**, Sewerage, **Fypon, Ltd., (Fypons Seven Valleys)** 960 West Barre Road, Archbold, OH 43502. This proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of a wastewater treatment plant to serve the form Fypon Seven Valleys Manufacturing Facility.

**WQM Permit No. 4473404**, Amendment 05-1, Sewerage, **Borough of Lewistown**, 2 East Third Street, Lewistown, PA 17044-1799. This proposed facility is located in Lewistown Borough, **Mifflin County**.

Description of Proposed Action/Activity: Construction/Operation of Anaerobic Digestion Process Additions and Alterations.

**WQM Permit No. 0605411**, Sewerage, **Amity Township**, P. O. Box 215, 2004 Weavertown Road, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Application for facility rerate, capacity increase from 1.6 mgd to 2.2 mgd.

**WQM Permit No. 2805403**, Sewerage, **White Rock, Inc.**, 3720 Clubhouse Drive, Fayetteville, PA 17222-9683. This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a northern extension of the Quincy Sewer Authority to serve White Rock, Inc. land development and existing residences.

**WQM Permit No. 3805201**, CAFO, **Kreider Farms—Ron Kreider**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Installation of Single HDPE Liner will be installed in the existing earthen egg washwater storage lagoon. Secondary containment will consist of a clay liner at at least 10<sup>-6</sup> cm/sec permeability. The lagoon will be 30 feet smaller by moving the north berm to the south 30 feet to move away from a repaired sinkhole.

**WQM Permit No. 3691201**, Amendment 05-1, Industrial Waste, **Valley Proteins, Inc.—Terre Hill Division**, 151 ValPro Drive, P. O. Box 3588, Winchester, VA 22604-2586. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Upgrade their existing wastewater treatment system by converting an existing 0.18 mg volume aerated sludge storage tank into an activated sludge reactor basin which will be operated in series with two existing activated sludge storage tank reactor basins. The existing 0.637 mg volume activated sludge basin will be operated as a first stage combination Flow Equalization Basin and Activated Sludge Reactor (FEB Reactor No. 1). The existing 0.18 mg volume basin will be modified by installation of a floating surface aerator and be operated as second stage complete mix activated sludge Reactor No. 2. The existing 0.56 mg volume Oxidation Ditch activated sludge basin, which is presently used as the second stage activated sludge reactor, will be operated as a third stage activated sludge reactor.

**WQM Permit No. 0605201**, Industrial Waste, **Giorgio Foods, Inc.**, P. O. Box 96, 1161 Park Road, Temple, PA 19560. This proposed facility is located in Maiden creek Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of a Cooling Tower.

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

**WQM Permit No. 1105401**, Sewerage, **AMFIRE Mining Co., LLC.**, One Energy Place, Suite 2800, Latrobe, PA 15650. This proposed facility is located in Jackson/East Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant to serve a deep mine, office and bathhouse.

**WQM Permit No. 0405402**, Sewerage, **Calaco, Inc.**, 307 4th Avenue, Pittsburgh, PA 15222. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station and wastewater collection system to serve 61 proposed townhouses.

**WQM Permit No. 3005402**, Sewerage, **Dana Mining Co. of PA, Inc.**, P. O. Box 1209, Morgantown, WV 26507. This proposed facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Application for construction and operation of a sewage treatment plant to serve 50 employees.

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>      | <i>Receiving Water/Use</i>               |
|-------------------------|---|---------------|--------------------------|--|
| PAI012305002            | County of Delaware<br>Delaware County Bridge No. 209<br>201 West Front Street<br>Media, PA 19063-2788 | Delaware      | Middletown Township      | Chester Creek Watershed<br>(HQ, MF, CWF) |
| PAI011505047            | Jean V. Lawrie-Parker<br>1961 New Danville Pike<br>Lancaster, PA 17603                                | Chester       | East Nottingham Township | Little Elk Creek<br>(HQ-TSF-MF)          |

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>        |
|-------------------------|--|---------------|-------------------------|-----------------------------------|
| PAI011505048            | Beth Chaim Reform Congregation<br>P. O. Box 3093<br>West Chester, PA 19380 | Chester       | East Whiteland Township | UNT Valley Creek (EV)             |
| PAI011505049            | David Semerjian Builders<br>346 Oakwood Lane<br>Devon, PA 19333            | Chester       | Easttown Township       | Crum Creek (HQ, CWF)              |
| PAI011505050            | SBCM, Inc<br>P. O. Box 3085<br>West Chester, PA 19381                      | Chester       | West Chester Borough    | UNT Blackhorse Run (TSF, MF)      |
| PAI011505051            | ROJANNHH & M, LLC<br>2213 Concord Pike<br>Wilmington, DE 19803             | Chester       | London Grove Township   | East Branch White Clay Creek (EV) |
| PAI011505052            | Peter Zimmerman<br>2363 Chester Springs Road<br>Chester Springs, PA 19425  | Chester       | West Vincent Township   | Pickering Creek (HW, TSF)         |

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

*Susquehanna County Conservation District: County Office Bldg., 31 Public Ave., Montrose, PA 18801, (570) 278-4600.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>                      | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--|----------------------------|
| PAI025805002            | Lackawanna River Basin Sewer Authority<br>P. O. Box 9068<br>Dickson City, PA 18519 | Susquehanna   | Forest City Borough and Clinton Township | Lackawanna River CWF-HQ    |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>    | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|------------------------|----------------------------|
| PAI023905021            | Indian Mill Creek, LP<br>Robert Johnson<br>1390 Ridgeview Dr.<br>Allentown, PA 18104 | Lehigh        | Upper Milford Township | Little Lehigh Creek HQ-CWF |

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

*Elk Conservation District: P. O. Box 448, 300 Center Street, Ridgway, PA 15853.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI062405003            | BioMost, Inc.<br>Tim Danehy, Project Manager<br>3016 Unionville Road<br>Cranberry Township, PA<br>16066-3408 | Elk           | Benezette Township  | Porcupine Hollow HQ-CWF    |
| PAI062405004            | Fox Township<br>Michael Keller<br>P. O. Box 184<br>116 Irishtown Road<br>Kersey, PA 15846                    | Elk           | Fox Township        | Beaver Run CWF             |

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

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

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

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

|  |   |
|--|---|
| <b>Permit No. 4416535</b> , Public Water Supply. |   |
| Applicant  | <b>Country Squire Mobile Home Park</b>  |
| Township or Borough                              | Woodward Township   |
| County   | <b>Lycoming</b>   |
| Responsible Official                             | Pete G. Rummings, Owner<br>290 Tochter Street<br>Jersey Shore, PA 17740   |
| Type of Facility                                 | Public Water<br>Supply-Construction   |
| Consulting Engineer                              | Daniel A. Vassallo<br>Vassallo<br>Engineering & Surveying, Inc.<br>1918 West Third Street<br>Williamsport, PA 17701 |
| Application Received Date                        | July 12, 2005   |
| Description of Action                            | Bulk water hauling. Source is Jersey Shore Area Joint Water Authority.  |

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

|  |  |
|--|--|
| <b>Permit No. 0205502</b> , Public Water Supply. |  |
| Applicant  | <b>Borough of Sewickley Water Authority</b><br>P. O. Box 190<br>Sewickley, PA 15143                          |
| Township or Borough                              | Sewickley Borough  |
| Responsible Official                             | Ray Wolfgang, Superintendent<br>Borough of Sewickley Water Authority<br>P. O. Box 190<br>Sewickley, PA 15143 |

|                           |   |
|---------------------------|---|
| Type of Facility          | Water treatment plant   |
| Consulting Engineer       | KLH Engineers, Inc.<br>5173 Campbells Run Road<br>Pittsburgh, PA 15205  |
| Application Received Date | July 11, 2005   |
| Description of Action     | Replacement, relocation and capacity upgrade of high service finished water pumps; construction of 2 mgd water storage tank and construction of a new booster pump station. |

|  |  |
|--|--|
| <b>Permit No. 5604504</b> , Public Water Supply. |  |
| Applicant  | <b>Milford Township Municipal Authority</b><br>695 Greenhouse Road<br>Rockwood, PA 15557                           |
| Township or Borough                              | Milford Township   |
| Responsible Official                             | Joseph Zimmerman, Chairperson<br>Milford Township Municipal Authority<br>695 Greenhouse Road<br>Rockwood, PA 15557 |

|                           |  |
|---------------------------|--|
| Type of Facility          | Community water system   |
| Consulting Engineer       | Musser Engineering, Inc.<br>7785 Lincoln Highway<br>Central City PA 15926                                      |
| Application Received Date | December 15, 2004  |
| Description of Action     | Consecutive system that purchases bulk water from Rockwood Borough and distributes it to a 45 lot subdivision. |

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup



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

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

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

**Buxmont Acad.**, Ridley Township, **Delaware County**. Grover H. Emrich, Emrich & Assoc., 449 Sharon Dr., Wayne, PA 19087 on behalf of Judy Happ, Buxmont Acad., P. O. 283, Pipersville, PA 18947 has submitted a Notice of Intent to Remediate. Groundwater at the site was impacted with unleaded gasoline. A summary of the Notice of Intent to Remediate was reported to have been published in the *News of Delaware County* on June 8, 2005.

**Georgia Pacific/Philadelphia Container Fac.**, Lower Merion Township, **Montgomery County**. Jeffrey Goudsward, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Richard Heany, Righters Ferry Assoc., LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with unleaded gasoline, other organics and inorganics.

**Greif, Inc.**, Upper Chichester Township, **Delaware County**. Richard J. Sichler, Spotts, Stevens & McCoy, Inc., 1047 N. Park Rd., Reading, PA 19610 on behalf of Thomas D. Coon, Greif, Inc., 425 Winter Rd., Delaware, OH 43015 has submitted a Notice of Intent to Remediate. Groundwater at the site was impacted with diesel fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on June 16, 2005.

**719-725, North 24th St. Site**, City of Philadelphia, **Philadelphia County**. Greg Hill, Hill Env. Group, Inc.,

19 Brookside Ave., Pennington, NJ 08534 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil.

**Morrell Plaza**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Assoc. Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of Robert Gassel, Robert Gassel Co., P. O. Box 174, Wynnewood, PA 19096 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with MTBE.

**Glasgow Prop.**, Montgomery Township, **Montgomery County**. Clorece K. Kulp, DelVal Soil & Env. Consultants, Inc., Sky Run II, 4050 Skyron Dr., Suite A1, Doylestown, PA 18901 on behalf of Glasgow, Inc., Willow Grove Ave. and Limekline Pike, Glenside, PA 19038 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with PCB and inorganics. A summary of the Notice of Intent to Remediate was reported to have been published in the *North Penn Life* on May 27, 2005.

**Nat'l Linens Prop.**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by PAH and chlorinated solvents.

**2331 Emerald St. Site**, City of Philadelphia, **Philadelphia County**. Justin Lauterbach, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Tom McColgan, McColgan Enterprises, 2910 Tyson Ave., Philadelphia, PA 19149. Soil at the site was impacted with leaded gasoline.

**2471 Paxon Park Res.**, West Chester Borough, **Chester County**. Richard J. Meadows, SBCM, Inc., 121 W. Miner St., Suite 1w, West Chester, PA 19381 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with lead, arsenic, other organics and PAH. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on July 7, 2005.

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

**Former Aumiller's Cameron Street Body Shop, Inc.**, City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Ruth Ann Krug, 1400 Montfort Drive, Harrisburg, PA 17110 and Howard Henry, Howard Tire Company, Inc., 3103 Walnut Street, Harrisburg, PA 17109, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be utilized as an automotive tire shop, and the applicants will remediate the site to a combination of the Statewide Health and Site-specific Standards. Groundwater will be addressed in a separate report.

**Crompton Colors**, Reading City, **Berks County**. Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Crompton Manufacturing Company, Inc., 199 Benson Road, Middlebury, CT 06749, submitted a Notice of Intent to Remediate site soils contaminated with fuel oils Nos. 2, 5 and 6. The proposed use of the site is undetermined, and the applicants will remediate the site to a residential Statewide Health Standard.

**Bon Ton Department Store No. 32**, Lower Paxton Township, **Dauphin County**. ARM Group Inc, 1129 West Governor Road, Hershey, PA 17033, on behalf of Catalina Partners, LP, Route 22 and Colonial Road, Harrisburg, PA 17109 and Bon-Ton Department Stores, Inc., P. O. Box 2821, York, PA 17405, submitted a Notice of Intent to

Remediate site soils, groundwater and surface water contaminated with fuel oil. The site will continue to be used for retail and commercial sales and the applicants propose to remediate the site to a Statewide Health Standard.

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

**McGahan Property**, 111 Gregg Street, Spring Mills, PA 16875, Gregg Township, **Centre County**. Chambers Environmental, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 has submitted a Notice of Intent to Remediate soil contaminated with unleaded gas. This site is being remediated to meet a Statewide Health Standard, Residential.

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

**Titusville Wax Plant, Titusville Borough, Crawford County**. Dayne M. Crowley, MACTEC, 700 N. Bell Ave., Suite 200, Carnegie PA 15106 on behalf of Stacey Logue, Owner, International Waxes, Inc., 1100 East Main Street, Titusville PA 16354 has submitted a Notice of Intent to Remediate. This facility was used for various petroleum refining and wax production. Soil sampling detected concentrations of arsenic, lead, VOCs, semivolatile organic compounds and polychlorinated biphenyls; groundwater sampling detected aluminum, arsenic, iron, manganese, lead, nickel antimony, benzene, cis-1,2-dichloroethene, trichloroethene, tetrachloroethene, vinyl chloride, chrysene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene and benzo(ghi)perylene.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM035. Robert T. Winzinger, Inc.**, 1704 Marne Highway, Hainesport, NJ 08036.

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for General Permit Number WMGM035. The application is for the processing of: (1) used asphalt, reclaimed asphalt pavement; (2) unpainted brick, block, concrete; and (3) unprocessed wood waste (that is, trees, tree stumps, stump grinding, roots and grubbing material), at Winzinger Philadelphia Port Richmond facility, for beneficial use as a construction and mulch material. The Department determined the application to be administratively complete on July 15, 2005.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. 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.

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

**Closure plan received, under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. 301071. MAX Environmental Technologies, Inc., Yukon Facility**, South Huntingdon Township, **Westmoreland County**. MAX submitted a revised closure plan to Department of Environmental Protection on May 24, 2005, for Yukon Impoundments 1—3 proposing to rebuild the intermediate covers with residual waste then cap the structures. A public meeting to discuss this plan will be held at the Yukon Fire Hall at 7 p.m. on July 27, 2005. Comments on the closure plan will be accepted until August 26, 2005.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

### PLAN APPROVALS

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

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

**06-03124: James Hardie Building Products, Inc.** (Excelsior Industrial Park, 318 June Avenue, Blandon, PA 19510) to install a surface coating (painting) line in their Maiden creek Township, **Berks County** facility.

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

**36-05136A: Granger Energy of Honeybrook, LLC** (481 South Churchtown Road, Narvon, PA 17555) for construction of an internal combustion engine/generator set at the landfill gas treatment plant at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The facility is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

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

**37-051E: Remacor, Inc.** (Route 168, PA 16160) for modification and construction of magnesium grinding lines at their West Pittsburg Plant in the Township of Taylor, **Lawrence County**.

**61-185C: Heath Oil Co.** (SR 8, Barkeyville, PA 16038) for postconstruction approval of the bulk storage terminal, tank wagon loading rack and vapor balancing and burn off system in Barkeyville Borough, **Venango County**. This is a State-only facility.

**24-123E: Onyx Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846) for installation of an additional enclosed ground flare (6,000 cfm) similar in design to the existing flares in Fox Township, **Elk County**. This is a Title V facility.

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

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

**15-0060C: Southeastern Chester County Refuse Authority** (P. O. Box 221, Kennett Square, PA 19342) for installation of an LFGTE System comprising of an IC Engine/Generator to control landfill gas generated from the North and South Cells of the SECCRA Landfill, London Grove Township, **Chester County**. The facility is a minor facility. The IC Engine is rated at 1,188 BHP. It will replace an open flare currently operated at the landfill. The open flare would be kept onsite as a back-up flare. The allowed fugitive emission of VOC from the landfill is 3.38 TPY as a 12-month rolling sum. Allowable emissions from the IC Engine are: 0.5 g/BHP-hr and 5.72 TPY of VOC, 0.7 g/BHP-hr and 8.01 TPY of NO<sub>x</sub>, 3.4 g/BHP-hr 38.92 TPY of CO. The proposed Plan Approval also requires the company to perform stack tests for the emission rate of NO<sub>x</sub>, CO, VOC and the destruction efficiency for VOC. The company shall keep records of landfill gas flow and emissions of VOC, NO<sub>x</sub> and CO on a monthly basis

**09-0185: Bucks County Roses, Inc.** (1235 Buck Road, Holland, PA 18966-2609) for a 16.74 mmBtu/hr boiler at an existing facility that operates on waste oil, Nos. 4—6 fuel oil. The facility has proposed placing a limit of 24.9 tons per 12-month rolling period on emissions of NO<sub>x</sub>. There are limits on the sulfur content of each of the commercial fuel oils used, and there are limits to the amount of arsenic, cadmium, chromium, lead and total halides content of the waste oil. Testing, monitoring and recordkeeping requirements were applied to demonstrate compliance with the applicable limits for this source. The facility is in Northampton Township, **Bucks County**.

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

**36-03155: L and S Sweeteners** (388 East Main Street, Leola, PA 17540) for use of treated landfill gas in two facility boilers in West Earl Township, **Lancaster County**. The plant is a non-Title V State-only facility. The use of treated landfill gas in the facility's two boilers is not expected to increase the facility's overall emissions. The plan approval and permit will include emission restrictions, monitoring, testing, work practice, recordkeeping and reporting requirements designed to keep the plant 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.*

**18-0009C: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748) for modification of a municipal waste landfill and construction of a landfill gas flare in Wayne Township, **Clinton County**.

A Title V operating permit (No. 18-00009) has been issued for this facility.

The proposed modification is an increase in the average daily waste volume the landfill is permitted to receive from 725 tons per day to 1,200 tons per day. To accommodate the expected increase in the rate of landfill gas generation associated with the proposed modification, the Clinton County Solid Waste Authority proposes to either construct an additional landfill gas flare to supplement the flare currently existing onsite or replace the currently-existing flare with a larger flare.

Assuming worst-case conditions (a year-round daily average daily waste volume of 1,200 tons per day), the air contaminant emission increases associated with the proposed landfill modification and flare construction are not expected to exceed 1.1 tons of nonmethane organic compounds, 6.92 tons of NO<sub>x</sub>, 37.65 tons of CO, 1.05 tons of SO<sub>x</sub>, .52 ton of hydrogen chloride, .46 ton of volatile hazardous air pollutants, 80.51 tons of particulate matter and 18.51 tons of PM<sub>10</sub>. Most of the particulate matter and PM<sub>10</sub> emission increases are attributed to the increased truck traffic and increased need for daily landfill cover which will be associated with the increase in average daily waste volume.

The Department of Environmental Protection's (Department) review of the information submitted by the Clinton County Solid Waste Authority indicates that the proposed landfill modification and proposed flare should comply with applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2, the malodorous air contaminant emission requirement of 25 Pa. Code § 123.31 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the proposed modification of the landfill and the proposed construction of the flare.

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

1. Conditions contained in Title V Operating Permit 18-00009 remain in effect unless amended or superseded by a condition contained herein. If there is a conflict between a condition contained in Title V Operating Permit 18-00009 and a condition contained in this notice, the permittee shall comply with the condition contained herein rather than with the conflicting condition contained in Title V Operating Permit 18-00009.

2. The total amount of waste disposed of shall not exceed 438,000 tons in any 12-consecutive month period.

3. At no time shall more than 2,000 standard cubic feet of landfill gas per minute be burned in the flare currently existing at this site.

4. At a time as the landfill gas collection rate reaches a sustained rate of 1,800 standard cubic feet per minute, the permittee shall, within 6 months thereafter, either replace the existing landfill gas flare with a new flare with a capacity of at least 2,850 standard cubic feet of landfill gas per minute or construct an additional flare with a capacity of at least 850 standard cubic feet of landfill gas per minute to supplement the existing flare. For the purpose of complying with this requirement, the sustained rate is the arithmetic average of all existing flare inlet landfill gas volumetric flow rate measurements taken over a 24-hour period.

If, however, the construction of a flare is not commenced within 18 months of the date of issuance of this plan approval, the authorization to construct a flare granted by this plan approval, as well as the best available technology determination reflected in the conditions of this plan approval (as they pertain to the flare), are null and void. In that case, the permittee shall immediately submit a new application for plan approval to construct a flare.

5. Any flare, the construction of which is commenced within 18 months of the issuance of this plan approval, shall incorporate the following design features and/or meet the following criteria:

- The flare shall be equipped with a natural gas enrichment system to allow natural gas to be bled into the landfill gas to enhance its heat content.

- The flare shall be equipped with a continuous pilot ignition source using natural gas as fuel.

- The flare shall be equipped with instrumentation which shall measure and record the landfill gas flow rate to the flare every 15 minutes.

- The flare shall be equipped with a low fire burner assembly to fire landfill gas at flow rates as low as 50 standard cubic feet per minute.

- A sufficient flow of natural gas shall be fed to the flare during startup or restart so that a flame is supported and unburned landfill gas is not emitted to the atmosphere.

- There shall be no visible flame from the exhaust of the flare.

- There shall be no visible air contaminant emissions from the flare except during periods not to exceed a total of 5 minutes in any 2-consecutive hour period and the emissions during those periods shall not exceed 10% opacity.

- The flare shall, at all times landfill gas is being ducted to it, either achieve a nonmethane organic compound destruction efficiency of at least 98%, by weight, or a nonmethane organic compound outlet concentration (expressed as hexane) of no greater than 20 parts per million, dry volume basis, corrected to 3% oxygen.

- The flare shall maintain a temperature of at least 1,500°F at any time landfill gas is ducted to the flare and the landfill gas shall be held at this temperature within the flare for at least .89 second by the time the gas temperature is monitored.

- The flare shall be equipped with a continuous temperature monitoring and recording system having an accuracy of plus or minus 1°F which shall log the temperature of the effluent gas from the flare at all times it is in use. The temperature sensor incorporated in this system shall be positioned at a location within the flare such that the landfill gas being burned will have been in the flare for at least .89 second by the time the gas temperature is monitored.

- The flare shall be equipped with an ultraviolet (heat-sensing) flame scanner.

- If the ultraviolet (heat-sensing) flame scanner does not detect a flame or the flare is not operating at a temperature equal to or in excess of 1,500°F, an automatic shutoff device shall immediately stop the flow of landfill gas to the flare and the flare shall be automatically shut down while sounding or signaling an alarm.

- The flare (in combination with the currently-existing flare, if applicable) shall at any point in time be capable of accommodating the maximum landfill gas collection rate which will exist at that respective point in time.

- The emission of NO<sub>x</sub> from the flare shall not exceed .068 pound per million Btu of heat input.

- The emission of CO from the flare shall not exceed .37 pound per million Btu of heat input.

The permittee shall not, however, commence the construction of any flare until specifications for the specific flare the permittee intends to construct have first been submitted to the Department and the Department has subsequently informed the permittee that it has determined that the respective flare is capable of complying with requirements specified in this notice.

6. The permittee shall notify the Department within 1 week of achieving a sustained landfill gas collection rate of 1,800 standard cubic feet per minute.

7. The permittee shall notify the Department within 15 days of selecting any specific flare intended for construction at this site and shall provide detailed specifications for the respective flare at the same time.

8. The permittee shall conduct stack testing for NO<sub>x</sub>, CO, SO<sub>x</sub>, hydrogen chloride and particulate matter on any flare installed under this plan approval within 180 days of commencement of flare use.

9. The area of exposed waste at the active working face of the landfill shall be kept to a minimum at all times.

10. The Department reserves the right to require the permittee to make any or all of the following modifications or improvements to the landfill gas collection system and/or practices in use at this site should the Department determine that the modifications or improvements are needed for the landfill to comply with the malodorous air contaminant emission requirement of 25 Pa. Code § 123.31 or the requirements specified in any other applicable rule or regulation of the Department or any applicable requirement specified in, or established under, Subpart Cc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.30c—60.36c:

- The use of a cementitious material identified as "Posi-Shell" (or an alternate material determined by the Department of Environmental Protection to be equivalent to "Posi-Shell") for alternate daily cover.
- The use of a temporary geomembrane cover over the intermediate cover.
- The use of temporary landfill gas collection lines beneath the temporary geomembrane cover.
- The construction of horizontal and vertical landfill gas extraction wells beyond those currently required by Title V Operating Permit 18-00009.
- The use of leachate recirculation lines as landfill gas collection lines.

The permittee may voluntarily make any of the previously listed modifications or improvements at any time without obtaining plan approval from the Department.

11. An operable water truck equipped with a pressurized spray bar and pressurized hose or nozzle connection shall be maintained onsite at all times and shall be used as needed to control fugitive dust from plant roadways and landfill activities.

12. A truck wash station shall be maintained onsite at all times and shall be used, as needed, to remove dirt and debris from truck wheels and undercarriages.

13. Trucks entering or exiting the facility by means of a public roadway shall be completely tarped or otherwise covered unless empty. This requirement shall be posted in readily visible locations throughout the site.

14. The speed limit onsite roadways shall be no greater than 10 miles per hour. This limit shall be posted in readily visible locations throughout the site.

15. The emission of hydrogen chloride from any flare constructed under this plan approval shall not exceed .005 pound per million Btu of heat input.

16. The total combined VOC emissions from this facility shall not at any time equal or exceed 50 tons in any 12-consecutive month period, the total combined NO<sub>x</sub> emissions shall not equal or exceed 100 tons in any 12-consecutive month period, the total combined SO emissions shall not equal or exceed 100 tons in any 12-consecutive month period, the total combined carbon monoxide emissions shall not equal or exceed 100 tons in any 12-consecutive month period, the total combined emission of PM<sub>10</sub> shall not equal or exceed 100 tons in any 12-consecutive month period, the total combined amount of any single hazardous air pollutant shall not equal or exceed 10 tons in any 12-consecutive month period and the total combined amount of all hazardous air pollutants shall not equal or exceed 25 tons in any 12-consecutive month period.

17. The permittee shall maintain accurate and comprehensive records of the number of tons of waste disposed of each month. Records, as well as temperature records generated by the continuous flare temperature monitoring and recording system and all landfill gas flow rate records generated by the flare inlet landfill gas flow rate monitoring and recording system, shall be retained for at least 5 years and shall be shown to the Department upon request.

18. This plan approval does not authorize the construction, installation, reactivation or operation of any gasoline, natural gas, propane, diesel or landfill gas-fired stationary engines, generators or engine-generator sets.

#### 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.

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

**23-00011: Sunoco Partners Marketing and Terminals, LP** (Calcon Hook Road and Hook Road, Darby, PA 19036) for renewal of a Title V facility in Darby Township, **Delaware County**. The facility's sources include 23 external floating roof tanks, one fixed roof tank and a wastewater separator. The permittee does have the potential to emit 24.9 tons/year for VOC and NO<sub>x</sub> and is therefore characterized as a Title V, Major Facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**36-05001: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for operation of their ceiling tiles plant in East Donegal Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit issued in 2000. This facility is a Title V facility due to its emissions of VOC's from its finishing operations. The Title V operating permit contains restrictions, monitoring, testing, work practice standards, recordkeeping and reporting conditions designed to keep the facility operating within applicable air quality requirements.

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

**26-00413: Texas Eastern Transmission** (P. O. Box 1642, Houston, TX 77251) for operation of Uniontown Station 21-A in North Union Township, **Fayette County**. This is a Title IV renewal.

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

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

**35-00052: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for an asphalt plant and associated air pollution control devices in Dunmore Borough, **Lackawanna County**.

**39-00073: Fairview Crematory** (855 Lehigh Street, Allentown, PA 18103) for a human crematory in the City of Allentown, **Lehigh County**.

**39-00078: Gateway Industrial Services** (805 Harrison Street, Allentown, PA 18103) for two paint spray booths in the City of Allentown, **Lehigh County**.

**39-00080: Muhlenberg College** (2400 Chew Street, Allentown, PA 18104-5586) for two boilers and miscellaneous small combustion units in the City of Allentown, **Lehigh County**.

**40-00084: Lacey Memorial** (R 1000 S. Church Street, Hazleton, PA 18201) for a human crematory in the City of Hazleton, **Luzerne County**.

**40-00093: Fabri-Kal Corp.** (150 Lions Drive, Hazleton, PA 18201) for nine plastic forming line and associated air pollution control devices in Hazle Township, **Luzerne County**.

**40-00094: Weir Hazleton, Inc.** (225 North Cedar Street, Hazleton, PA 18201) for a sand blasting operation and associated air pollution control device in Hazle Township, **Luzerne County**.

**40-00095: Polyglass USA, Inc.** (555 Oakridge Drive, Hazleton, PA 18201-5586) for rolled roofing manufacturing processes and associated air pollution control devices in Hazle Township, **Luzerne County**.

**48-00070: Lamson and Sessions** (25701 Science Park Drive, Cleveland, OH 44122) for processes and associated air pollution control devices in Upper Nazareth Township, **Northampton County**.

**48-00075: Binney and Smith, Inc.** (P. O. Box 431, Easton, PA 18044-0431) for manufacturing processes and associated air pollution control device in Bethlehem Township, **Northampton County**.

**54-00078: World Resources Co.** (170 Walnut Lane, Pottsville, PA 17901) for processes and associated air pollution control devices in Norwegian Township, **Schuylkill County**.

**54-00080: U.S.S. Achey, Inc.** (355 East Second Mountain Road, Schuylkill Haven, PA 17972) for an automobile shredder and associated air pollution control devices in North Manheim Township, **Schuylkill County**.

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

**07-03017: Juniata Packing Co.** (P. O. Box 276, Tyrone, PA 16686) for operation of a meat processing plant at their facility in Snyder Township, **Blair County**. The State-only operating permit shall contain additional

testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within applicable air quality requirements.

**67-03126: Yorkshire Animal Hospital** (3434 East Market Street York, PA 17402) for operation of an animal crematory at their facility in Springettsbury Township, **York County**. The State-only operating permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within applicable air quality requirements.

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

**43-00305: Champion Carrier Corp.** (2755 Kirila Boulevard, Hermitage, PA 16148) Natural Minor operating permit for surface coating of truck subframes and truck bodies in the City of Hermitage, **Mercer County**.

**16-00141: Kahles Kitchens, Inc.** (7488 Route 36 Leeper, PA 16233) for a Natural Minor Permit for wooden cabinetry manufacturing and surface coating operations in Farmington Township, **Clarion County**.

**10-00168: Suburban Heating Oil Partners LLC** (601 Hansen Avenue, Butler, PA 16001) Natural Minor operating permit for concrete batching and delivery in the City of Butler, **Butler County**.

**20-00295: Baillie Lumber Co.** (45529 Route 27E, Titusville, PA 16354) for a Natural Minor Operating Permit for a wood-fired boiler and lumber processing operations in Oil Creek Township, **Crawford County**.

**37-00266: Shenango Area School District** (2501 Old Pittsburgh Rd., New Castle, PA 16101) intends to issue a State-only operating permit for the operation of a high school located in Shenango Township, **Lawrence County**. The air pollution sources at the school include two 16 mmBtu/hr trifuel boilers and natural gas fired hot water heaters.

**37-00145: Ellwood City Area School District** (501 Crescent Ave., Ellwood City, PA 16117) located in Ellwood City, **Lawrence County** for a State-only operating permit to continue to operate two natural gas fired boilers, several small miscellaneous gas fired water heaters and a back up emergency generator.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water

Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code

Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

*Coal Applications Received*

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

| <i>Parameter</i>                 | <i>30-Day Average</i> | <i>Daily Maximum</i>            | <i>Instantaneous Maximum</i> |
|----------------------------------|-----------------------|---------------------------------|------------------------------|
| Iron (total)                     | 3.0 mg/l              | 6.0 mg/l                        | 7.0 mg/l                     |
| Manganese (total)                | 2.0 mg/l              | 4.0 mg/l                        | 5.0 mg/l                     |
| Suspended solids                 | 35 mg/l               | 70 mg/l                         | 90 mg/l                      |
| pH*                              |                       | greater than 6.0; less than 9.0 |                              |
| Alkalinity greater than acidity* |                       |                                 |                              |

\* The parameter is applicable at all times.

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

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

**30841316. 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** and West Finley Township, **Washington County**, ACOE Pittsburgh District. (Wind Ridge, PA, N: 14.9 inches; W: 12.8 inches to N: 15.5 inches; W: 13.4 inches and N: 15.6 inches; W: 12.5 inches to N: 15.7 inches; W: 12.9 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 stream restoration in two portions of Enlow Fork of Wheeling Creek within State Game Land No. 302.

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 of Environmental Protection within 30 days of the date of this notice to the District Mining Office previously identi-

fied. 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 address listed previously.

Application received May 9, 2005.

**32011302. NPDES Permit No. PA0235521, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Gillhouser Run Mine in Buffington and Brush Valley Townships, **Indiana County** to add surface acreage for new site access road and coal storage area. Surface Acres Proposed 18.6. No additional discharges. Application received May 18, 2005.

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

**32050106 and NPDES No. PA0249823. Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, commencement, operation and restoration of a bituminous surface mine in Glen Campbell Borough, **Indiana County**, affecting 62.0 acres. Receiving streams: Brady Run and UNTs to Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2005.



**Permit No 11000101 and NPDES No. PA0235261. Bell Resources, Inc.**, permit renewal for reclamation only of a bituminous surface auger mine in Reade Township, **Cambria County**, affecting 44.4 acres. Receiving streams: UNTs to Muddy Run, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2005.

**Permit No 32950105 and NPDES No. PA0213128. KMP Associates, Inc.**, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 25.2 acres. Receiving streams: UNTs to Blacklegs Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2005.

**32000101 and NPDES No. PA0235253. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001-1368, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Rayne Township, **Indiana County**, affecting 159.5 acres. Receiving streams: UNT to Crooked Creek, Crooked Creek to Allegheny River classified for the following uses: CWF; CWF and WWFN. There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2005.

**Permit No. 56823033 and NPDES Permit No. PA0607541. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, permit revision—land use change on Leon and Dorothy Paul and John H. and Gwen T. Hartman property from forestland to cropland in Brothersvalley Township, **Somerset County**, affecting 2.1 acres. Receiving streams: UNTs to and Blue Lick Creek and UNTs to and Swamp Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on July 11, 2005.

**Permit No. 56960110 and NPDES Permit No. PA0234281. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit revision—two land use changes on John H. and Gwen T. Hartman property from forestland and pasture to cropland; cropland and pastureland to forestland in Brothersvalley Township, **Somerset County**, affecting 25.4 acres. Receiving streams: UNTs to and Blue Lick creek, classified for the following uses: CWF. There

are no potable water supply intakes within 10 miles downstream. Application received on July 12, 2005.

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

**63050102 and NPDES Permit No. PA0250767. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit application for commencement, operation and reclamation of a bituminous surface mine, located in Smith Township, **Washington County**, affecting 143.9 acres. Receiving streams: UNTs to Raccoon Run and Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 11, 2005.

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

**24900105 and NPDES Permit No. PA0208108. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip and beneficial use of co-product, shale and sandstone removal operation in Horton Township, Elk County affecting 30.0 acres. Receiving streams: UNT to Johnson Run to Johnson Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: July 11, 2005.

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

**17050105 and NPDES Permit No. PA0256226. Lee Coal Contracting, Inc.** (147 Loop Road, West Decatur, PA 16878), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 33.4 acres. Receiving streams: UNTs to Moshannon Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none within 10 miles of site. Application received July 7, 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> |                       | 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.

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

**4873SM5C2 and NPDES Permit No. PA0009695 O-N Minerals (PenRoc) Co., LP**, (P. O. Box 1967, York, PA 17404), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West

Manchester Township, **York County**, receiving stream: UNT to Codorus Creek, classified for the following use: WWF. Application received July 7, 2005.

**28002802. C. Yohn Excavating & Hauling** (P. O. Box 34, Spring Run, PA 17262), Stage I and II bond release for a quarry operation in Fannett Township, **Franklin County** affecting 2.0 acres on land owned by Ben and Israil Beiler. Application received July 7, 2005.

**58020845. Peter S. Watrous** (R. R. 2 Box 2521, Hallstead, PA 18822) Stage I and II bond release for a quarry operation in Franklin Township, **Susquehanna County** affecting 3.0 acres on property owned by Peter S. Watrous. Application received July 8, 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 should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E51-213. Philadelphia Authority for Industrial Development**, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102, City and **County of Philadelphia**, ACOE Philadelphia District.

To reconstruct, stabilize and maintain the existing deteriorated seawall at the former Philadelphia Naval Shipyard at three locations: approximately 6,476 linear feet along the Delaware River and the Admiral Perry Way, approximately 2,597 linear feet between South Broad Street and Pier 7, and approximately 3,879 linear feet between Pier 7 to its end. The site is located near the intersection of Broad Street and Pier No. 1 (Philadelphia, PA, USGS Map; N: 2.4 inches; W: 4.0 inches).

**E23-035. ConocoPhillips Company, Trainer Refinery**, 4101 Post Road, Trainer, PA 19061, Markus Hook

and Trainer Boroughs, **Delaware County**, ACOE Philadelphia District. Major Amendment E23-035.

To modify, operate and maintain the following activities associated with the existing ConocoPhillips Trainer Refinery:

1. To remove the existing Docks 1 and 2 and appurtenances.
2. To construct and maintain the proposed Dock 1 and appurtenances.
3. To establish and maintain the proposed mooring area associated with Dock 1.
4. To maintain the existing bulkheads and associated fill which supports the refinery facilities.
5. To maintain the existing barge dock, appurtenances and associated mooring area.

These facilities will occupy approximately 27.10 acres of submerged lands and are located on both sides of Marcus Hook Creek and along approximately 1,400 linear feet of the Delaware Estuary (WWF, MF) in (Marcus Hook, PA Quadrangle N: 11.4 inches; W: 4.6 inches).

**E23-453. Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451, Aston, Brookhaven Townships, Chester City, **Delaware County**, ACOE Philadelphia District.

To install and maintain approximately 11.0 miles of new 30-inch diameter pipeline and related appurtenances associated with the proposed Texas Eastern Logan Lateral Gas Pipeline Project. The proposed pipeline will start from the proposed Crown Landing LNG (liquefied natural gas) Facility in Gloucester County, NJ travel beneath the Delaware River into the City of Chester, **Delaware County** (Marcus Hook, PA-NJ-DE. Quadrangle N: 13.9 inches W: 1.0 inch), and ultimately end at the existing Texas Eastern Chester Junction Facility in Brookhaven Borough, Delaware County (Marcus Hook, PA-NJ-DE. Quadrangle N: 22.3 inches W: 1.0 inch).

Within this Commonwealth the proposed pipeline will cross several streams and impact several wetlands in four municipalities for a total 4.92 miles. The municipalities include Brookhaven Borough, Chester Township, Aston Township and the City of Chester.

Authorized work activities will include the following activities:

1. To install approximately 4,570 linear feet of new 30-inch gas pipeline beneath this Commonwealth's portion of the Delaware River (WWF, MF) by Horizontal Directional Drill (HDD).
2. To install approximately 107 linear feet of new 30-inch gas pipeline beneath Chester Creek (WWF, MF) by Horizontal Directional Drill (HDD) or Open Trenching Method.
3. To install approximately 40 linear feet of new 30-inch gas pipeline beneath Baldwin Run (WWF, MF) by Horizontal Directional Drill (HDD).
4. To install a new 30-inch gas pipeline beneath a UNT to Chester Creek (WWF, MF) by Open Trenching Method.

This proposed pipeline project will also include several temporary wetland crossings totaling 2.13 acres, including 0.58 acre of forested wetlands being permanently converted to emergent wetlands.

**E23-454. Ridley Township Municipal Marina Authority**, 100 E. MacDade Boulevard, Folsom, PA 19033, Ridley Township, **Delaware County**, ACOE Philadelphia District.

To maintain an existing situated in and along the Darby Creek (WWF, MF) and the 100-year floodway. Work will include:

1. Install and maintain a sewage pump station.
2. To rehabilitate and maintain an existing boat launching ramp with new piers and floating docks.

The site is located approximately 0.5 mile south of the intersection of Chester Pike and Swarthmore Avenue (Bridgeport; NJ-PA Quadrangle; N: 22.00 inches; W: 8.9 inches).

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

**E18-394. Clinton County Commissioners**, 232 East Main Street, Lock Haven, PA 17745. Dry hydrant construction, in **Clinton County**, ACOE Baltimore District.

To construct and maintain dry hydrants in the West Branch Susquehanna River Watershed at the following locations:

| <i>Site Name</i>            | <i>Township</i> | <i>Location</i>                  | <i>Stream</i>           | <i>Chapter 93</i> | <i>Wild (W) or Stocked (S)</i> |
|-----------------------------|-----------------|----------------------------------|-------------------------|-------------------|--------------------------------|
| Hyner Fish and Boat Access  | Chapman         | 41° 19' 23"<br>77° 38' 9.65"     | West Branch Susquehanna | WWF               | No                             |
| Hyner Run SR 120 Bridge     | Chapman         | 41° 19' 50.59"<br>77° 38' 49.47" | Hyner Run               | HQ-CWF            | W and S                        |
| Gleasantown Bridge          | Chapman         | 41° 21' 15.09"<br>77° 42' 15.91" | Young Womans Creek      | HQ-CWF            | W and S                        |
| Red Row Access              | Chapman         | 41° 21' 5.28"<br>77° 42' 4.69"   | Young Womans Creek      | HQ-CWF            | W and S                        |
| Paddy Run Sportsman's Hotel | Renovo Boro     | 41° 19' 51.32"<br>77° 43' 43.03" | Paddy Run               | EV                | W                              |
| 12th Street River Access    | Renovo Boro     | 41° 19' 34.36"<br>77° 44' 47.77" | West Branch Susquehanna | WWF               | No                             |
| Shintown Run                | Noyes           | 41° 18' 25.76"<br>77° 48' 16.12" | Shintown Run            | HQ-CWF            | W                              |
| Road Hollow Bridge          | Leidy           | 41° 20' 14.41"<br>77° 47' 9.78"  | Drury Run               | CWF               | S                              |
| Macks Lane                  | Leidy           | 41° 27' 43.23"<br>77° 51' 47.64" | Kettle Creek            | EV                | S                              |
| Leidy Bridge                | Leidy           | 41° 24' 18.69"<br>77° 55' 18.41" | Kettle Creek            | EV                | S                              |
| Farrandsville Bridge        | Colebrook       | 41° 10' 22"<br>77° 30' 53.99"    | Lick Run                | HQ-CWF            | W                              |
| Game Commission Bridge      | Colebrook       | 41° 11' 7.19"<br>77° 30' 42.06"  | Lick Run                | HQ-CWF            | W                              |

The project will not impact wetlands while impacting about 100 feet of waterways and less than 0.02 acre of earth disturbance.

**E47-081. PPL Montour Reserve**, 700 Preserve Road, Danville PA 17821. Chillisquaque Creek Restoration Project, in Anthony Township, **Montour County**, ACOE Baltimore District (Washingtonville, PA Quadrangle N: 17 inches; W: 5.5 inches).

The applicant is proposing to restore 2,300 linear of Chillisquaque Creek (WWF) by means of natural channel design techniques. The restoration project intends to reduce the slope of the existing embankments, incorporate instream rock and log structures to direct high velocities away from the stream banks, narrow the bank-full channel to improve sediment transport and improve the pool-rifle sequence. The completed project is intended to improve stream stability, reduce near-bank velocities, reduce sediment supply and provide improved instream and riparian habitat.

## ACTIONS

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

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

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

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

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

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

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

### **I. NPDES Renewal Permit Actions**

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                      | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0087955<br>(Sewage)       | Cassville Water and Sewer<br>Company<br>P. O. Box 48<br>Cassville, PA 16623 | Huntingdon County<br>Cass Township   | UNT Little Trough<br>Creek/11-D      | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>      | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|---|---|--------------------------------------|---------------------------|
| PA0094846<br>Sewage         | United Mobile Homes, Inc.<br>3499 Rt. 9 North, Suite 3C<br>Freehold, NJ 07728   | Somerset County<br>Somerset Township      | East Branch Coxes<br>Creek           | Y                         |
| PA0096873<br>Sewage         | Lenhart Mobile Home Park STP<br>R. R. 4, Honeysuckle Lane<br>Ligonier, PA 15658-9804  | Westmoreland County<br>Cook Township      | Keffer Run                           | Y                         |
| PA0203734<br>Sewage         | Lance Catterall & Charles<br>Simkovich<br>27 Grove Avenue<br>Pittsburgh, PA 15202   | Allegheny County<br>Franklin Park Borough | UNT of Rippling Run                  | Y                         |
| PA0204498<br>Sewage         | Marion Center Area School<br>District<br>Rayne Township Elementary<br>School<br>Box 156, Rt. 403<br>Marion Center, PA 15799 | Indiana County<br>Rayne Township          | Swale to UNT of<br>Crooked Creek     | Y                         |

| <i>NPDES No.<br/>(Type)</i>   | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>  | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i>   |
|---|--|---------------------------------------|--------------------------------------|-----------------------------|
| PA0218359<br>Sewage   | Green Township Municipal<br>Authority<br>Box 129<br>Commodore, PA 15729                              | Indiana County<br>Greene Township     | North Branch of Two<br>Lick Creek    | Y                           |
| <i>Northwest Region: Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.</i> |  |                                       |                                      |                             |
| <i>NPDES No.<br/>(Type)</i>   | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>  | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
| PA0101702   | Castle Haven, Inc.<br>Rocky Ridge Village Mobile<br>Home Park<br>P. O. Box 870<br>Franklin, PA 16323 | Sandycreek Township<br>Venango County | UNT to Ditzenberger<br>Run<br>16-G   | Y                           |
| PA0100111   | Lake Lucy Trailer Court<br>R. R. 1, Box 121<br>Tionesta, PA 16353-9801                               | Washington Township<br>Clarion County | UNT to Hemlock Creek<br>16-e         | Y                           |
| PA0223069   | Cool Spring-Jackson—Lake<br>Latonka Joint Authority<br>365 North Cottage Road<br>Mercer, PA 16137    | Coolspring Township<br>Mercer County  | Cool Spring Creek<br>20-A            | Y                           |
| PA0222518   | Lazar SFTF<br>10368 Dutch Road<br>Waterford, PA 16441  | Greene Township<br>Erie County        | East Branch LeBoeuf<br>Creek<br>16-A | Y                           |

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

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

**NPDES Permit No. PA0011096, Amendment No. 1**, Industrial Waste, **Sunoco, Inc. (R & M)**, P. O. Box 426, Marcus Hook, PA 19061-0426. This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for to amend existing permit to discharge from Marcus Hook Refinery into Middle Creek in Watershed 3F.

**NPDES Permit No. PA0058556, Amendment No. 1**, Industrial Waste, **Downingtown Municipal Water Authority**, 100 Water Plant Way, Downingtown, PA 19335. This proposed facility is located in Downingtown Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the modification to discharge treated wastewater at an estimated average flow of 50,000 gpd into an UNT to Beaver Creek in Watersheds 3H.

**NPDES Permit No. PA0057967**, Industrial Waste, **Hershey Foods Corporation**, 1025 Reese Avenue, P. O. Box 805, Hershey, PA 17033. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Macoby Creek Branch in Watershed 3E-Perkiomen.

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

**NPDES Permit No. PAS802221**, Industrial Stormwater, **United Parcel Service**, 1821 South 19th Street, Harrisburg, PA 17104. This proposed facility is located in Rush Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of NPDES Industrial Stormwater Permit.

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

**NPDES Permit No. PA0247359**, Industrial Waste, **Key Plastics, LLC**, 12367 Mt. Olivet Road, Felton, PA 17322-8449. This proposed facility is located in Winterstown Borough, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT East Branch Codorus Creek in Watershed 7H.

**NPDES Permit No. PA0247138**, CAFO, **Jim Hall**, Hillendale Gettysburg, LP, Hillendale Site 4, 270 Spicer Road, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 3,575-AEU poultry operation named Pine Tree Farm with discharge to 7F.

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

**NPDES Permit No. PA0239526**, Industrial Waste, **PA Industrial Heat Treaters, Inc.**, P. O. Box 348, Access Road, St. Marys, PA 15857-0348. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a UNT to West Creek in Watershed 8-A.

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


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

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

Description of Proposed Action/Activity: Construction/Operation of pump station and collection system to serve 92 single family homes located in the Hilltop Subdivision.

**WQM Permit No. 0605406**, Sewerage, **Township of Amity**, 2004 Weavertown Road, P. O. Box 215, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Replacement of the 10" diameter force main from pump station No. 3 with a 12" diameter force main and the replacement of the 20" diameter interceptor sewer from manhole 176 to the wastewater treatment plant with a 30" diameter interceptor.

**WQM Permit No. 3805403**, Sewerage, **Joseph Horning, Horning's Farm Market**, 901 South College Street, Myerstown, PA 17067. This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of a recirculating sand filter followed by subsurface gravel wetland for denitrification with subsurface disposal.

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

**WQG Permit No. 016111**, Sewerage, **Ponderosa Golflands Corporation**, 2726 Route 168, Hookstown, PA 15050. This proposed facility is located in Hanover Township, **Beaver County**.

Description of Proposed Action/Activity: Construction and operation of a small flow sewage treatment plant to serve three proposed three-room residential dwellings.

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

**WQM Permit No. WQG018391**, Sewerage, **Richard Faller**, 153 Leonard Street, Pittsburgh, PA 15223. This proposed facility is located in Mineral Township, **Venango County**.

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

**WQM Permit No. WQG018387**, Sewerage, **Ronda L. Skinner**, P. O. Box 378, Columbus, PA 16405. This proposed facility is located in Columbus Township, **Warren County**.

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

**WQM Permit No. 6203418**, Sewerage Amendment No. 1, **Sugar Grove Area Sewage Authority**, R. D. 4, Box 205, Sugar Grove, PA 16350. This proposed facility is located in Sugar Grove Borough and Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for sanitary sewer lines, force main sewer lines, low pressure sewer lines, two duplex pump stations, a premanufactured extended aeration wastewater treatment plant and an outfall sewer line.

**WQM Permit No. 3305401**, Sewerage, **Reynoldsville Sewage Authority**, 440 North Fifth Street, Reynoldsville, PA 15851. This proposed facility is located in Reynoldsville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the reconstruction of an existing force main from the Fifth Street Pump Station to the Reynoldsville Sewage Treatment Plant.

**WQM Permit No. 3305403**, Sewerage, **Brookville Municipal Authority**, 30 Darrah Street, Brookville, PA 15825. This proposed facility is located in Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the proposed expansion of an existing siphon system adding an additional 258 foot, 8 inch siphon giving a total capacity of 0.825 mgd.

**WQM Permit No. 3305402**, Sewerage, **Rose Township Municipal Authority**, R. D. 3, Box 321, Brookville, PA 15825. This proposed facility is located in Rose and Knox Townships and Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the construction of two pump stations and sewer extensions to serve portions of Rose and Knox Townships and Brookville Borough.

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


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


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*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>          |
|--|---------------|----------------------|-------------------------------------|
| New Milford Township<br>P. O. Box 276<br>New Milford, PA 18834 | Susquehanna   | New Milford Township | Salt Lick Creek and<br>Beaver Creek |

| <i>Applicant Name &amp; Address</i>                         | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|---|---------------|---------------------|----------------------------|
| Jeddo Borough<br>R. R. 1, Box 1269<br>Freeland, PA 18224    | Luzerne       | Jeddo Borough       | Black Creek<br>CWF         |
| Great Bend Borough<br>P. O. Box 745<br>Great Bend, PA 18821 | Susquehanna   | Great Bend Borough  | Susquehanna River WWF      |

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


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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>    | <i>Receiving Water/Use</i>      |
|-------------------------|---|---------------|------------------------|---------------------------------|
| PAI010905010            | Jeff Markley<br>Jeff Markley Subdivision<br>100 Haflers Road<br>Sellersville, PA 18960                                  | Bucks         | West Rockhill Township | Ridge Valley Creek<br>(HQ)      |
| PAI011503039            | Phoenixville Area School<br>District<br>Schuylkill Elementary School<br>1120 South Gay Street<br>Phoenixville, PA 19460 | Chester       | Schuylkill Township    | Pickering Creek<br>(HQ-TSF)     |
| PAI011505017            | Chrome Road, LTD<br>245 Commerce Road Subdivision<br>157 West Locust Street<br>Oxford, PA 19363                         | Chester       | Oxford Borough         | Little Elk Creek<br>(HQ-TSF-MF) |

*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>  |
|-------------------------|---|---------------|--|---|
| PAI056505004            | Dominion Transmission, Inc.<br>445 West Main Street<br>Clarksburg, PA 26301 | Westmoreland  | Hempfield, Penn and<br>Salem Townships | Beaver Run<br>(HQ-CWF)<br>Brush Creek<br>(TSF)<br>Little Sewickley Creek<br>(TSF) |

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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)  |

## NOTICES

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PAG-12 CAFOs  
 PAG-13 Stormwater Discharges from MS4

*General Permit Type—PAG-2*

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>                         | <i>Contact Office &amp; Phone No.</i>  |
|---|-------------------|--|--|--|
| Newtown Township<br>Bucks County            | PAG2000904189     | Blacksmith 161, LLC<br>1669 Edgewood Road<br>Yardley, PA 19067   | UNT Core Creek<br>(CWF, MF)                        | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Newtown Township<br>Bucks County            | PAG2000905035     | Penns Terrace, LLC<br>Penns Terrace Office Park<br>1667 Edgewood Road<br>Yardley, PA 19067   | Core Creek<br>(CWF, MF)                            | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Doylestown<br>Township<br>Bucks County      | PAG2000905033     | Doylestown Country Club<br>P. O. Box 417<br>401 Pebble Hill Road<br>Doylestown, PA 18901   | Neshaminy Creek<br>(WWF, MF)                       | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Bensalem Township<br>Bucks County           | PAG2000905064     | John R. Bik<br>1619 Virginia Avenue<br>Bensalem, PA 19020-4221   | UNT Mill Creek and<br>Neshaminy Creek<br>(WWF, MF) | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Bensalem Township<br>Bucks County           | PAG2000905044     | Diversified Specialty Institute,<br>Inc.<br>Bucks County Hospital MOB<br>511 Union Street, Suite 1800<br>Nashville, TN 37219         | Poquessing Creek<br>Delaware River Basin<br>(WWF)  | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Falls Township<br>Bucks County              | PAG2000905017     | Falls Township<br>Yatsko Field Improvements<br>188 Lincoln Highway, Suite 100<br>Fairless Hills, PA 19030                            | Martins Creek<br>(WWF)                             | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Falls Township<br>Bucks County              | PAG2000905062     | Oxford Valley Road Assoc., LP<br>BJ Wholesale Retail Fueling<br>Fac.<br>350 Sentry Parkway Bldg.<br>Suite 300<br>Blue Bell, PA 19422 | Delaware River<br>(WWF, MF)                        | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Wrightstown<br>Township<br>Bucks County     | PAG2000904100     | The Gathering Group<br>Lot 1, Penns Park Road<br>P. O. Box 367<br>Penns Park, PA 18943   | UNT<br>Neshaminy Creek<br>(TSF, MF)                | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| West Goshen<br>Township<br>Chester County   | PAG2001505041     | Myer Realty Associates, LP<br>Beemer Precision<br>230 New York Dr.<br>P. O. Box 3080<br>Fort Washington, PA 19034                    | East Branch Chester<br>Creek<br>(TSF)              | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Highland Township<br>Chester County         | PAG2001505042     | Eastern Shore Natural Gas Co.<br>417 Bank Lane<br>Dover, DE 19904  | Valley Creek and<br>Knight Run<br>(TSF, MF)        | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Avondale Borough<br>Chester County          | PAG2001505054     | Chester County Conservation<br>Dist.<br>601 Westtown Road, Suite 240<br>West Chester, PA 19380-0990                                  | Trout Run/Tributary<br>White Clay Creek<br>(CWF)   | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |

| <i>Facility Location &amp; Municipality</i>    | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>              | <i>Contact Office &amp; Phone No.</i>  |
|--|-------------------|---|---|--|
| Radnor Township<br>Delaware County             | PAG2002304070     | Paul Itondros<br>Five Tower Bridge<br>300 Bank Drive<br>Conshohocken, PA 19428  | Darby Creek<br>(CWF, MF)                | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Aston Township<br>Delaware County              | PAG2002305033     | Advanced Engineering, Inc.<br>5561 Pennell Road<br>Aston, PA 19014  | Chester Creek<br>(TSF)                  | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Chester<br>Delaware County             | PAG2002305039     | Widener University<br>One University Place<br>Chester, PA 19013   | Ridley Creek<br>(WWF, MF)               | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Springfield<br>Township<br>Delaware County     | PAG2002305041     | One Media Place Associates, LP<br>900 West Sproul Road<br>Suite 301<br>Springfield, PA 19064                          | Crum Creek<br>(WWF)                     | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Abington Township<br>Montgomery County         | PAG2004605069     | Dratax Montgomery, Inc.<br>The Sanctuary<br>1150 Old York Road<br>Abington, PA 19001                                  | Robinhood Brook<br>(WWF, MF)            | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Perkiomen<br>Township<br>Montgomery County     | PAG2004603207-1   | Perkiomen Valley School<br>District<br>Perkiomen Valley HS Additions<br>3 Iron Bridge Drive<br>Collegeville, PA 19426 | Lodal Creek<br>(TSF)                    | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Franconia Township<br>Montgomery County        | PAG2004604209     | Silver Maple Estates<br>579 Fourth Street<br>Telford, PA 18960  | East Branch<br>Perkiomen Creek<br>(TSF) | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Skippack Township<br>Montgomery County         | PAG2004605005     | Perna Septic, Inc.<br>60 Schoolhouse Road<br>Souderton, PA 18964  | Skippack Creek<br>(TSF)                 | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAG2015105006     | The Mann Center for<br>Performing Arts<br>123 South Broad Street<br>Suite 1930<br>Philadelphia, PA 19109-1026         | Schuylkill River<br>(WWF)               | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAG2015105019     | Drexel University<br>3141 Chestnut Street<br>Philadelphia, PA 19104-2875  | Cobbs Creek<br>(WWF, MF)                | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Palmer Township<br>Northampton<br>County       | PAG2004805007     | Palmer Township Municipal<br>Sewer Authority<br>3 Weller Place<br>P. O. Box 3039<br>Palmer, PA 18043                  | Shoeneck Creek<br>WWF                   | Northampton Co.<br>Cons. Dist.<br>(610) 746-1971   |
| Hazle Township<br>Luzerne County               | PAR10R225(2)      | CANDO, Inc.<br>1 South Church St.<br>Hazleton, PA 18201   | Cranberry Creek<br>CWF                  | Luzerne Co.<br>Cons. Dist.<br>(570) 674-7991   |
| Jessup Borough<br>Lackawanna<br>County         | PAG2003505015     | John Meehan<br>46 Public Square<br>Suite 600<br>Wilkes-Barre, PA 18701  | Sterry Creek<br>CWF                     | Lackawanna Co.<br>Cons. Dist.<br>(570) 281-9495  |



## NOTICES

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| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i> | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|---|----------------------------|---|
| North Whitehall Township<br>Lehigh County   | PAG2003905005     | R. Bruce and Beverly A. Griffith<br>5065 Oakland Rd.<br>Slatington, PA 18080                                  | Coplay Creek<br>CWF        | Lehigh Co.<br>Cons. Dist.<br>(610) 391-9583   |
| Slatington Borough<br>Lehigh County         | PAG2003905017     | Donald Lerch<br>Department of Transportation<br>Dist. 5-0<br>1713 Lehigh St.<br>Allentown, PA 18103           | Trout Creek<br>CWF         | Lehigh Co.<br>Cons. Dist.<br>(610) 391-9583   |
| Newberry Township<br>York County            | PAG2006705047     | Lowell Reeser<br>Reeser Estates, Inc.<br>905 Pleasant Grove Rd.<br>York Haven, PA 17370                       | Susquehanna<br>River/WWF   | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Dillsburg Borough<br>York County            | PAG2006705074     | Pheasant Ridge<br>Homer Forbes<br>410 Harrisburg Street<br>East Berlin, PA 17316                              | Kreutz Creek/WWF           | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Conewago Township<br>York County            | PAR10Y469R        | Dennis Mead<br>ES3, LLC<br>7 Corporate Drive<br>Keene, NH 03431   | Codorus Creek/CWF          | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Fairview Township<br>York County            | PAG2006705042     | DDSP Facilities Engineering<br>Division<br>2001 Mission Drive<br>Bldg 1-3<br>New Cumberland, PA<br>17070-5001 | Marsh Run/WWF              | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Dover Township<br>York County               | PAG2006705038     | Laurel Manor<br>Michael Barshinger<br>355 Owen Road<br>York, PA 17403   | Fox Run/TSF                | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Dover Township<br>York County               | PAG2006705051     | Fountain Rock<br>Fox Run Creek Estates LP<br>1250 E. Hallandale Beach Blvd.<br>Hallandale, FL 33009           | Fox Run/TSF                | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Dillsburg Borough<br>York County            | PAG2006705011     | Winfield<br>Vernon Sealover<br>145 Big Oak Road<br>Dillsburg, PA 17019  | UNT to Stony<br>Run/CWF    | York County<br>Conservation District<br>118 Pleasant Acres<br>Road<br>York, PA 17402<br>(717) 840-7430  |
| Penn Township<br>Berks County               | PAG2000605050     | Brian Kobularcik<br>Metropolitan Development<br>Group, Inc.<br>438 Walnut Street<br>Reading, PA 19601         | UNT to Irish<br>Creek/WWF  | Berks County<br>Conservation District<br>1238 County Welfare<br>Road<br>P. O. Box 520<br>Leesport, PA<br>19533-0520<br>(610) 372-4657<br>Ext. 201 |

| <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>  |
|---|-------------------|---|---|--|
| Muhlenberg Township<br>Berks County         | PAG2000605058     | Mike Longwill<br>R & B Realty Co.<br>230 North DuPont Hwy.<br>New Castle, DE 19720      | Schuylkill River/WWF                          | Berks County<br>Conservation District<br>1238 County Welfare Road<br>P. O. Box 520<br>Leesport, PA<br>19533-0520<br>(610) 372-4657<br>Ext. 201 |
| Tulpehocken Township<br>Berks County        | PAG2000605002     | Ronald Whitmoyer<br>Tulpehocken Township<br>P. O. Box 272<br>Rehrrsburg, PA 19550       | UNT Little Swatara Creek/CWF                  | Berks County<br>Conservation District<br>1238 County Welfare Road, P. O. Box 520<br>Leesport, PA<br>19533-0520<br>(610) 372-4657<br>Ext. 201   |
| Tulpehocken Township<br>Berks County        | PAG2000605003     | Ronald Whitmoyer<br>Tulpehocken Township<br>P. O. Box 272<br>Rehrrsburg, PA 19550       | UNT Little Swatara Creek/CWF                  | Berks County<br>Conservation District<br>1238 County Welfare Road<br>P. O. Box 520<br>Leesport, PA<br>19533-0520<br>(610) 372-4657<br>Ext. 201 |
| Halifax Township,<br>Dauphin County         | PAG2002205006     | Halifax Plaza Assoc. LP<br>44 S. Bayles Ave.<br>Suite 305<br>Port Washington, NY 11050  | Armstrong Creek/TSF and Susquehanna River/WWF | Dauphin County<br>Conservation District<br>1451 Peters Mountain Rd.<br>Dauphin, PA 17018<br>(717) 921-8100                                     |
| Swatara Township<br>Dauphin County          | PAG2002205043     | Department of Transportation<br>Dist. 8-0<br>2140 Herr St.<br>Harrisburg, PA 17103-1699 | Spring Creek/WWF/CWF                          | Dauphin County<br>Conservation District<br>1451 Peters Mountain Rd.<br>Dauphin, PA 17018<br>(717) 921-8100                                     |
| Mount Joy Township<br>Lancaster County      | PAG2003604123     | Steve Degeorge<br>125 Seitz Rd.<br>Columbia, PA 17512                                   | UNT Donegal Creek/CWF                         | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                       |
| Strasburg Township<br>Lancaster County      | PAG2003605081     | Keith R. Martin<br>613 Sandstone Rd.<br>Strasburg, PA 17579                             | UNT Big Beaver Creek/TSF                      | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                       |
| Mountville Borough<br>Lancaster County      | PAG2003605083     | Halfway Envirment Alcoholics Recov<br>649 E. Main St.<br>Lititz, PA 17543               | Strickler Run/WWF                             | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                       |
| Manheim Township<br>Lancaster County        | PAG2003605090     | Blackford Development<br>120 N. Pointe Blvd.<br>Suite 300<br>Lancaster, PA 17601        | UNT Little Conestoga Creek/TSF                | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                       |

## NOTICES

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| <i>Facility Location &amp; Municipality</i>               | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>     | <i>Contact Office &amp; Phone No.</i>  |
|---|-------------------|--|--------------------------------|--|
| East Earl Township<br>Lancaster County                    | PAG2003605091     | Lewis W. Zimmerman<br>321 Ranck Church Rd.<br>New Holland, PA 17557                                      | UNT Mill Creek/CWF             | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                               |
| Manheim Township<br>Lancaster County                      | PAG2003605092     | Brethren Village<br>3001 Lititz Pike<br>Lancaster, PA 17606  | Bachman Run/Kurtz<br>Creek/WWF | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                               |
| Strasburg Township<br>Lancaster County                    | PAG2003605093     | Gary Weaver<br>842 Stively Rd.<br>Strasburg, PA 17579  | UNT Big Beaver<br>Creek/TSF    | Lancaster County<br>Conservation District<br>1383 Arcadia Rd.<br>Room 6<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5                               |
| Delaware Township<br>Juniata County                       | PAG2033405004     | Delaware Township Supervisors<br>John Auker<br>R. R. 1, Box 410<br>Thompsontown, PA 17094                | Delaware Creek                 | Juniata County<br>Conservation District<br>R. R. 5 Box 35<br>Mifflintown, PA 17059<br>(717) 436-8953, Ext. 5   |
| Bradford County<br>Standing Stone<br>Township             | PAG2000805006     | Department of Transportation<br>P. O. Box 218<br>Montousville, PA 17754                                  | Vought Creek<br>WWF            | Bradford County<br>Conservation District<br>R. R. 5, Box 5030C<br>Stoll Natural Resource<br>Center<br>Towsanda, PA 18848<br>(570) 265-5539<br>Ext. 205 |
| Centre County<br>College Township                         | PAG2001405006     | Janos Koltay<br>Westbrier Inc.<br>1836 Waddle Rd.<br>State College, PA 16803                             | UNT Spring Creek<br>CWF        | Centre County<br>Conservation District<br>414 Holmes Ave. Suite<br>4<br>Bellefonte, PA 16823<br>(814) 355-6817   |
| Centre County<br>Gregg Township                           | PAG2001405007     | Patrick Leary<br>Penns Valley Emergency<br>Medical Services, Inc.<br>P. O. Box 650<br>Millheim, PA 16854 | UNT Sinking Creek<br>CWF       | Centre County<br>Conservation District<br>414 Holmes Ave.<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817   |
| Clearfield County<br>Mahaffey Borough                     | PAG2001705006     | Mahffey Alliance Church<br>409 E. Main St.<br>Mahaffey, PA 15757   | UNT Chest Creek<br>CWF         | Clearfield County<br>Conservation District<br>650 Leonard St.<br>Clearfield, PA 16830<br>(814) 765-2629  |
| Clearfield County<br>Bigler Township<br>and Ramey Borough | PAG2001705009     | Houtzdale Municipal Authority<br>561 Kirk St.<br>Houtzdale, PA 16651                                     | Little Muddy Run<br>CWF        | Clearfield County<br>Conservation District<br>650 Leonard St.<br>Clearfield, PA 16830<br>(814) 765-2629  |
| Clearfield County<br>City of DuBois                       | PAG2001705010     | Hopkins Helteel Law Firm<br>900 Beaver Dr.<br>Dubois, PA 15801   | Sandy Lick Creek<br>CWF        | Clearfield County<br>Conservation District<br>650 Leonard St.<br>Clearfield, PA 16830<br>(814) 765-2629  |

| <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>  |
|--|-------------------|--|---|--|
| Columbia County<br>Hemlock Township                        | PAG2001905003     | Mariano Enterprises<br>Martin Mariano<br>1123 Old Berwick Road<br>Bloomsburg, PA 17815                       | Hemlock Creek<br>CWF                                    | Columbia County<br>Conservation District<br>702 Sawmill Road<br>Suite 204<br>Bloomsburg, A 17815<br>(570) 784-1310               |
| Columbia County<br>Franklin Township                       | PAG2001905011     | Frankline Group Co.<br>Frank Tangredi<br>1658 Rt. 300<br>Newburgh, NY 12550                                  | Roaring Creek<br>TSF<br>UNT Susquehanna<br>River<br>CWF | Columbia County<br>Conservation District<br>702 Sawmill Road<br>Suite 204<br>Bloomsburg, A 17815<br>(570) 784-1310               |
| Lycoming County<br>Gamble and Lewis<br>Townships           | PAG2004105007     | T & T Realty Requisitions<br>Assoc., LP<br>Anthony Mike<br>390 Swartz Rd.<br>Lewisburg, PA 17837             | Mill Creek<br>TSF                                       | Lycoming County<br>Conservation District<br>542 County Farm<br>Road<br>Suite 202<br>Montoursville, PA<br>17754<br>(570) 433-3003 |
| Snyder County<br>Selinsgrove<br>Borough                    | PAG200550503      | Department of General Services<br>Department of Transportation<br>18th and Herr Sts.<br>Harrisburg, PA 17120 | Penns Creek<br>WWF                                      | Snyder County<br>Conservation District<br>403 W. Market St.<br>Middleburg, PA 17842<br>(570) 837-0007<br>Ext. 112                |
| Tioga County<br>Liberty Township<br>and Liberty<br>Borough | PAG2005905003     | Liberty Area Municipal<br>Authority<br>P. O. Box 73<br>Liberty, PA 16930                                     | Blockhouse Creek<br>CWF                                 | Tioga County<br>Conservation District<br>50 Plaza Lane<br>Wellsboro, PA 16901<br>(570) 724-1801<br>Ext. 101                      |
| Tioga County<br>Hamilton Township                          | PAG2005905004     | David R. Thomas<br>P. O. Box 205<br>Morris Run, PA 16939   | Tioga River<br>CWF                                      | Tioga County<br>Conservation District<br>50 Plaza Lane<br>Wellsboro, PA 16901<br>(570) 724-1801<br>Ext. 101                      |
| Union County<br>East Buffalo<br>Township                   | PAG2006005006     | Vito Mazzamuto<br>2593 Old Turnpike Rd.<br>Lewisburg, PA 17837   | Limestone Run<br>WWF                                    | Union County<br>Conservation District<br>88 Bull Run Crossing<br>Suite 5<br>Lewisburg, PA 17837<br>(570) 523-8782                |
| Cambria County<br>Richland Township                        | PAG2001105015     | Rex W. McQuaide<br>Develoco LP<br>334 Bloomfield Street<br>Johnstown, PA 15904                               | UNT to Little Paint<br>Creek<br>(CWF)                   | Cambria County CD<br>(814) 472-2120  |
| Fayette County<br>City of Connellsville                    | PAG2002605012     | Brakes, Inc.<br>P. O. Box 802<br>Connellsville, PA 15425   | Mounts Creell<br>(WWF)                                  | Fayette County CD<br>(724) 438-4497  |
| Washington County<br>Union Township                        | PAG2006305027     | William G. Tomko<br>2559 Route 88<br>Finleyville, PA 15332   | UNT to Peters Creek<br>(TSF)                            | Washington County<br>CD<br>(724) 228-6774  |

*General Permit Type—PAG-3**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<br>Luzerne County             | PAR122216         | GRUMA Corporation d/b/a<br>Mission Foods<br>15 Elmwood Road<br>Mountaintop, PA 18707          | Bow Creek<br>CWF   | DEP—NERO<br>Water Mgmt. Program<br>2 Public Square<br>Wilkes-Barre, PA<br>18711-2511<br>(570) 826-2511   |
| York County<br>Spring Garden<br>Township      | PAR603518         | Larami Metal Co., Inc.<br>P. O. Box 12<br>York, PA 17405                                      | UNT to Codorus<br>Creek<br>7-H                                       | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Adams County<br>Conewago Township             | PAR233501         | Miller Chemical & Fertilizer<br>Corp.<br>P. O. Box 333<br>120 Radio Road<br>Hanover, PA 17331 | UNT to South Branch<br>Conewago Creek<br>7-F                         | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Hampton Township<br>Allegheny County          | PAR156101         | PPG Industries, Inc.<br>One PPG Place<br>Pittsburgh, PA 15272                                 | Gourdhead and<br>McCaslin Run to Pine<br>Creek to Allegheny<br>River | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000 |
| North Fayette<br>Township<br>Allegheny County | PAR216154-A1      | Rinker Materials<br>1501 Bevedere Road<br>West Palm Beach, FL 33406                           | Robinson Run   | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000 |
| Monroeville<br>Borough<br>Allegheny County    | PAR506108-A1      | Chambers Development Co.,<br>Inc.<br>600 Thomas Street<br>Monroeville, PA 15146               | UNT of Turtle Creek  | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000 |

*General Permit Type—PAG-4**Facility Location*

| <i>County &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>  |
|--|-------------------|---|---|--|
| Beaver County<br>Hanover Township                | PAG046306         | Ponderosa Golflands<br>Corporation<br>2726 Route 168<br>Hookstown, PA 15050 | Tributary to Aunt<br>Claras Fork Kings<br>Creek | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000 |
| Cambridge Springs<br>Township<br>Crawford County | PAG048350         | Ronald J. Riley<br>22389 Walters Road<br>Venango, PA 16440                  | UNT to French Creek                             | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942   |

| <i>Facility Location<br/>County &amp;<br/>Municipality</i>  | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>                         | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|--|--|
| Mineral Township<br>Venango County                          | PAG049183         | Richard Faller<br>153 Leonard Street<br>Pittsburgh, PA 15223   | South Sandy Creek                                      | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942   |
| Ridgway Township<br>Elk County                              | PAG048357         | Ronald A. Mitchell<br>42 Silver Lane<br>Ridgway, PA 15853  | Mason Creek  | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942   |
| Columbus Township<br>Warren County                          | PAG049179         | Ronda L. Skinner<br>P. O. Box 378<br>Columbus, PA 16405  | UNT to Coffee Creek                                    | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942   |
| <i>General Permit Type—PAG-5</i>                            |                   |  |  |  |
| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>                         | <i>Contact Office &amp;<br/>Phone No.</i>  |
| Lower Providence<br>Township<br>Montgomery County           | PAG050068         | Trimpi Associates, Inc.<br>1635 Old Plains Road<br>Pennsburg, PA 18073                                       | UNT to Perkiomen<br>Creek<br>3E-Perkiomen<br>Watershed | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401   |
| Skippack Township<br>Montgomery County                      | PAG050069         | Trimpi Associates, Inc.<br>1635 Old Plains Road<br>Pennsburg, PA 18073                                       | UNT to Skippack<br>Creek<br>3E Perkiomen<br>Watershed  | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA 19401   |
| Cumberland County<br>Mechanicsburg<br>Borough               | PAG053539         | Atlantic Richfield Company<br>A BP affiliated company (BP)<br>9 Research Drive, Suite 3<br>Amherst, MA 01002 | Trindle Spring<br>Run/CWF                              | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| State College<br>Borough<br>Centre County                   | PAG054835         | Robert M. Shaviss<br>Sunoco, Inc. (R & M)<br>5733 Butler Street<br>Pittsburgh, PA 15201                      | Slab Cabin Run<br>CWF                                  | Northcentral Regional<br>Office:<br>Environmental<br>Program Manager<br>208 West Third Street<br>Suite 101<br>Williamsport, PA<br>17701-6448<br>(570) 321-6525 |
| City of<br>Monongahela<br>Washington County                 | PAG056207         | Sheetz, Inc.<br>5700 Sixth Avenue<br>Altoona, PA 16602   | Monongahela River                                      | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000                 |
| City of Jeannette<br>Westmoreland<br>County                 | PAG056153         | Dreistadts Service<br>Ninth St. and Magee Ave.<br>Jeannette, PA 15644  | UNT of Brush Run                                       | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000                 |

*General Permit Type—PAG-7*

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Site Name &amp; Location</i>  | <i>Contact Office &amp; Phone No.</i> |
|---|-------------------|--|--|---------------------------------------|
| Columbus<br>New Jersey                      | PAG07-9904        | Burlington County Board of Chosen Freeholders<br>49 Rancocas Road<br>Mount Holly, NJ | Burlington County Co-Composting Facility<br>800 Co-Co Lane<br>Columbus, NJ | BWSWM<br>(717) 787-8184               |

*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>   |
|---|-------------------|---|---|---|
| Lancaster County<br>West Hempfield Township         | PAG080009         | Kline's Services, Inc.<br>5 Holland Street<br>Salunga, PA 17538 | Amos Conley Farm<br>West Hempfield Township<br>Lancaster County | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |

*General Permit Type—PAG-9 (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>   |
|---|-------------------|--|---|---|
| Mifflin County<br>Derry Township                    | PAG093545         | Brannon & Royer Septic Pumping Service<br>1922 Back Maitland Road<br>Lewistown, PA 17044 | David Mitchell Farm<br>Derry Township<br>Mifflin County | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |
| Blair County<br>Frankstown Township                 | PAG093546         | Ken Wertz Hauling & Septic Service, Inc.<br>R. R. 3, Box 365D<br>Hollidaysburg, PA 16648 | Ken Wertz Farm<br>Frankstown Township<br>Blair County   | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2305501**, Public Water Supply.

|                            |   |
|----------------------------|---|
| Applicant                  | <b>Chester Water Authority</b><br>415 Welsh Street<br>Chester, PA 19016 |
| Township                   | Little Britain  |
| County                     | <b>Lancaster</b>  |
| Type of Facility           | PWS   |
| Consulting Engineer        | CET Engineer Services<br>1240 N. Mountain Road<br>Harrisburg, PA 17112  |
| Permit to Construct Issued | July 7, 2005  |

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

**Operations Permit** issued to: **The Caernarvon Township Authority**, 3060052, Caernarvon Township,

**Berks County** on 7/13/2005 for the operation of facilities approved under Construction Permit No. 0605501 MA.

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

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

Applicant **Renovo Borough**  
 Township or Borough Renovo Borough  
 County **Clinton**  
 Responsible Official Judith Kelley  
 Renovo Borough  
 128 Fifth Street  
 Renovo, PA 17764

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Eric Lundy, P. E.  
 Nittany Engineering and  
 Associates, LLC  
 P. O. Box 700  
 Millheim, PA 16854-0700

Permit Issued Date 7/15/05  
 Description of Action Construction of a 4-inch turbo  
 meter.

**Temporary Permit No. 1400502—Standard Operation Public Water Supply.**

Applicant **Aaronsburg Water Pipes, Inc.**  
 Township or Borough Haines Township  
 County **Centre**  
 Responsible Official Paul Grassel  
 Aaronsburg Water Pipes, Inc.  
 P. O. Box 254  
 Aaronsburg, PA 16820

Type of Facility Public Water Supply—Operation

Consulting Engineer Jason Wert, P. E.  
 Herbert, Rowland and Grubic,  
 Inc.  
 474 Windmere Drive, Suite 100  
 State College, PA 16801

Permit Issued Date 7/18/05  
 Description of Action Standard operation of the  
 ClorTec on-site sodium  
 hypochlorite generation system.

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

Applicant **Muncy Borough Authority**  
 Township or Borough Muncy Creek Township  
 County **Lycoming**  
 Responsible Official Edward A. Coup  
 Muncy Borough Authority  
 14 North Washington Street  
 Muncy, PA 17756-1111

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Daniel Guss, P. E.  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Permit Issued Date 7/18/05  
 Description of Action Construction of the finished  
 cover for the reservoir.

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

Applicant **Pike Township Municipal Authority**  
 Township or Borough Pike Township  
 County **Clearfield**  
 Responsible Official Michael F. Smeal, Manager  
 Pike Township Municipal  
 Authority  
 P. O. Box 27, Hixon Road  
 Curwensville, PA 16833

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer David Peck, P. E.  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Permit Issued Date 7/18/05  
 Description of Action Construction of a 122,000 gallon  
 finished water storage tank for  
 the residents of Olanta area.

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

**Operations Permit** issued to: **Jackson Township Water Authority**, 2949 William Penn Avenue, Johnstown, PA 15909, (PWSID #4110021) Jackson Township, **Cambria County** on July 11, 2005, for the operation of facilities approved under Construction Permit No. 1104504.

**Operations Permit** issued to: **Bruderhof Communities in Pa.**, 101 New Meadow Run Drive, Farmington, PA 15437, (PWSID #5260042) Wharton Township, **Fayette County** on July 13, 2005, for the operation of facilities approved under Construction Permit No. 2604501.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

| Borough or Township | Borough or Township Address             | County |
|---------------------|---|--------|
| Millcreek Township  | 3608 West 26th Street<br>Erie, PA 16506 | Erie   |

*Plan Description:* The approved Special Study provides for an increase in the size of the proposed storage tank at the Kearsarge Pump Station from .5 to 2.3 million gallons. The storage pumping capacity will also increase from 2,340 gpm to 4,500 gpm. Any required 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> |
|----------------------------|--|---------------|
| West Earl Township         | 157 W. Metzler Rd.<br>Brownstown, PA 17508 | Lancaster     |

*Plan Description:* The approved plan provides for extension of sewer service to a subdivision of 138 residential lots, generating 27,600 gpd in sewage flows to the Leola Sewer Authority collection system, the Lancaster Area Sewer Authority conveyance system, and the City of Lancaster WWTP. There will also be one recreational lot, a stormwater lot and a residue lot. A new pump Station is proposed along with the decommissioning of the North Hershey Ave. pump Station. 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. The Department code number for this project is A3-36959-155-3 and the APS number is 543370. The plan is called Anglesea or the Wenger Tract.

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|------------------------------------|---------------|
| Hopewell Township          | P. O. Box 414<br>Newburg, PA 17240 | Cumberland    |

*Plan Description:* The approved plan provides for a Small Flow Treatment Facility of 400 gpd to serve the new Hopewell Township Municipal Building at 414 Three Square Hollow Rd. The proposed SFTF will discharge to a UNT of Peebles Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site

investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Andress Res.,** Downingtown Borough, **Chester County.** John Founds, Eldredge, Inc., 898 Fern Hill Rd., West Chester, PA 19380 on behalf of Muriel Andress, 23 Downing Ave., Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**Hygrade Foods Fac.,** City of Philadelphia, **Philadelphia County.** Joshua A. Orris, Delta Env. Consultants, Inc., 14000 Commerce Pkwy., Suite A, Mt. Laurel, NJ 08054 on behalf of Stacey Robinson, City of Philadelphia has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel and No. 6, fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**433 Washington St. Prop.,** Conshohocken Borough, **Montgomery County.** Michael Gonshor, P. G., Roux Assoc., Inc., 1222 Forest Pkwy, Suite 190, West Deptford, NJ 08066 on behalf of Scott Backer, Washington St. Assoc., III, LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with lead and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Phoenix Steel Prop.,** Phoenixville Borough, **Chester County.** Paul Ledebur, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Sam Dixon, S & S Dev., 1155 Lancaster Ave., Berwyn, PA 19312 has submitted a Final Report concerning remediation of site soil contaminated with lead and inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Marcus Foster Memorial Stadium,** City of Philadelphia, **Philadelphia County.** Mark Warchol, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooven, School Dist. of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with PAH and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Atlantic Metals Corp. Prop.,** City of Philadelphia, **Philadelphia County.** Donald A. Coleman, P. G., Penn

E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of James Thackray, Orthodox St. Prop., LLC d/b/a Thackray Crane Rental, Inc., 2071 Byberry Blvd., Philadelphia, PA 19118 has submitted a Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with lead, selenium, metal and semivolatiles. The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

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

**Tamarack Mobile Home Park**, Providence Township, **Lancaster County**. Liberty Environmental, Inc., 10 North 5th Street, Suite 800, Reading, PA 19601 on behalf of Fred Steudler, 7335 River Road, Conestoga, PA 17516, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health standard.

**PPL Carlisle Manufactured Gas Plant**, Carlisle Borough, **Cumberland County**. Langan Engineering & Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, on behalf of PPL Corporation, GENA2-4, Two North Ninth Street, Allentown, PA 18101-1179 and UGI Utilities, 100 Kachel Boulevard, Reading, PA 19612, submitted a Risk Assessment Report/Cleanup Plan concerning remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The reports are intended to document remediation of the site to the Site Specific Standard.

**Crompton Colors**, Reading City, **Berks County**. Roux Associates, 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Crompton Manufacturing Company, Inc., 199 Benson Road, Middlebury, CT 06749, submitted a Final Report concerning remediation of site soils contaminated with fuel oils Nos. 2, 5 and 6. The report is intended to document remediation of the site to the residential Statewide Health standard.

**Bon Ton Department Store No. 32**, Lower Paxton Township, **Dauphin County**. ARM Group Inc, 1129 West Governor Road, Hershey, PA 17033, on behalf of Catalina Partners, LP Route 22 and Colonial Road, Harrisburg, PA 17109 and Bon-Ton Department Stores, Inc., P. O. Box 2821, York, PA 17405, submitted a Final Report concerning remediation of site soils, surface water and groundwater contaminated with fuel oil. The report is intended to document remediation of the site to the Statewide Health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release

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

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

The Department has received the following plans and reports:

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

**WCR Realty/American Appliance**, Upper Darby Township, **Delaware County**. Craig Joss, Applied Geosciences, Inc., 401 E. Fourth St., Bldg. 12B, Bridgeport, PA 19405 on behalf of Wm. Rowland, WCR Realty Estate Mgmt., 601 N. Blackhorse Pike, Runnemede, NJ 08070 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 26, 2005.

**Riess-Vision Kennels**, Highland Township, **Chester County**. David M. Socks, Response Env., Inc., 912 Spring Cir., Mechanicsburg, PA 17055 on behalf of MaryAnn Riess, 3232 Limestone Rd., Cochranville, PA 19330 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 6, 2005.

**Litman Res.**, Lower Merion Township, **Montgomery County**. Ethan Prout, American Resource Consultants, Inc., 1000 W. Broad St., Quakertown, PA 18951 on behalf of Ruth and Ronald Litman, 748 S. Latches Ln., Merion, PA 19066 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 6, 2005.

**Marcus Foster Memorial Stadium**, City of Philadelphia, **Philadelphia County**. Mark Warchol, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooven, School Dist. of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Remedial Investigation and Risk Assessment Reports concerning the remediation of site soil contaminated with PAH and lead. The Remedial Investigation and Risk Assessment Reports was approved by the Department on April 21, 2005.

**SmithKline Beecham Pharm. dba Glaxosmithkline**, Upper Merion Township, **Montgomery County**. Michael Gonshor, P. G., Roux Assoc., Inc., 1222 Forest Pkwy., West Deptford, NJ 08066 on behalf of Stephen Wasserleben, Env. Mgr., GlaxoSmithKline, 709 Swedeland Rd., King of Prussia, PA 19406-0939 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents and other organics and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The Final Report demonstrated attainment of the Statewide Health Standard and Background Standard and was approved by the Department on April 6, 2005.

**Ford Est.**, Honey Brook Township, **Chester County**. Mindy Wagaman, Hafer Env. Svc., Inc., P. O. Box 4418, Reading, PA 19606 on behalf of Dallas Ford, Ford Est., 2056 Horseshoe Pike, Honey Brook, PA 19344 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 6, 2005.

**South Poplar St. Prop.**, West Chester Township, **Chester County**. David Side, GHR Consulting Svc., Inc., 300 Welsh Rd., Bldg. Three, Horsham, PA 19044 on behalf of Boyd David, MH Davis Es., 614 E. Barnard St., West Chester, PA 19380 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 8, 2005.

**Phoenix Steel Prop.**, Phoenixville Borough, **Chester County**. Paul Ledebur, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Sam Dixon, S & S Dev., 1155 Lancaster Ave., Berwyn, PA 19312 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics and lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 13, 2005.

**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 19132 has submitted a Final Report concerning the remediation of site groundwater contaminated with MTBE. The Final report demonstrated attainment of the Background Standard and was approved by the Department on July 11, 2005.

**PWD, NE Water Pollution Control Plant**, City of Philadelphia, **Philadelphia County**. Thomas Maher, Jr., P. G., RETTEW, 3020 Columbia Ave., Lancaster, PA 17603 on behalf of Roy Romano and Dennis Blair, PWD, 1101 Market St., Philadelphia, PA 19107-2994 has submitted a Remedial Investigation and Risk Assessment Reports concerning the remediation of site groundwater contaminated with chlorinated solvents, inorganics, lead other organics, PAH, PCB and pesticides. The Remedial Investigation and Risk Assessment Reports was approved by the Department on July 11, 2005.

**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, Risk Assessment Reports and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated organics. The Remedial Investigation, Risk Assessment Reports and Cleanup Plan were approved by the Department on July 12, 2005.

**Comcast**, West Rockhill Township, **Bucks County**. Mark DeGregory, LFR, 35 Columbia Rd., Branchburg, NJ 08878 on behalf of Ken Flechler, Comcast of SE PA, Inc., 1500 Market St., Philadelphia, PA 19102 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil and leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 13, 2005.

**Trans Materials**, West Goshen Township, **Chester County**. Justin R. Lauterbach, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Senya Isayeff, Keystone Comm. Alliance/West Goshen (CIRR), 550 E. Union St., The Good will Bus. Park, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics and PAH. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 13, 2005.

**Barry Bridge Park Proj.**, City of Chester, **Delaware County**. Gary R. Brown, P. E., RT Env. Svc., Inc. on behalf of Steve Burke, Delaware River Port Auth., One Port Ctr., 2 Riverside Dr., Camden, NJ 08101 has submitted a Final Report concerning the remediation of site soil contaminated with PAH. The Final Report demonstrated attainment of the Site-Specific and was approved by the Department on July 15, 2005.

**Philadelphia Gas Works 9th & Diamond**, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 West Montgomery Avenue, Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia has submitted a Final Report concerning the remediation of site groundwater contaminated with VOC and semi-VOC. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 12, 2005.

**Philadelphia Gas Works Passyunk**, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 West Montgomery Avenue, Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia has submitted a Final Report concerning the remediation of site soil contaminated with VOC and metals and groundwater contaminated with VOC and semi-VOC. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 15, 2005.

**Philadelphia Gas Works Belfield**, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 West Montgomery Avenue, Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOC and semi-VOC. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 12, 2005.

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

**Scott Madinger Property**, 427 Woodward Road, Penfield, PA 15849, Huston Township, **Clearfield County**. Blazosky & Associates, Inc. has submitted a Final Report for the William Hilgar Residence, 220 East Flat Rock Road, Port Matilda, PA 16870, concerning soil contaminated with fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, Residential and was approved by the Department on July 12, 2005.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM026. Allegheny County Sanitary Authority (ALCOSAN)**, 3300 Preble Avenue, Pittsburgh, PA 15233.

General Permit No. WMGM026 is for the beneficial use of sewage sludge incinerator ash, generated by ALCOSAN, as an ingredient or a component in the production of a high quality topsoil or compost material. The general permit was issued by Central Office on July 15, 2005.

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

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**Registration Under General Permit No. WMGR090R045. Somerset Township**, 2209 N. Center Avenue, Somerset, PA 15501-7443.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on July 19, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM019D004. B. R. Kreider & Son, Inc.**, 63 Kreider Lane, Manheim, PA 17545.

General Permit No. WMGM019D004 is for the processing of concrete and asphalt waste, leaf and yard waste, wood waste and soil for beneficial use as: (1) construction material; and (2) topsoil and mulch for commercial purposes generated at the crushing facility, located in **Lancaster County**. The general permit was issued by Central Office on July 15, 2005.

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

#### HAZARDOUS WASTE TREATMENT STORAGE AND DISPOSAL FACILITIES

**Permit modification approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and regulations to operate hazardous waste treatment storage or disposal facility.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. PAD003043353. Merck & Co Inc.**, P. O. Box 600, Danville, PA 17821-0600, located in Riverside Borough, **Northumberland County**. The Class II Hazardous Waste permit modification for the waste streams from the Trityl Losartan production process to be integrated into the existing onsite RCRA treatment process and minor narrative changes to the permit to reflect the transition from the preconstruction phase to the operating phase of the fluidized bed combustor project was approved by the Williamsport Regional Office on July 11, 2005.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Bond Release 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.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 101102. Waste Management of Pennsylvania, Inc.** for Strawser Transfer Station, P. O. Box 613, Lewisburg, PA 17837-0613, located in Union Township, **Union County**. Final closure and bond release were granted by the Williamsport Regional Office on July 6, 2005.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

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

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

**09-310-067GP: Tamco Construction, Inc.** (539 East Dark Hollow Road, Pipersville, PA 18947) on July 15, 2005, to operate a mineral processing plant in Falls Township, **Bucks County**.

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

**GP3-01-03002: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on July 14, 2005, for Portable Nonmetallic Mineral Processing Plants under GP3 in Oxford Township, **Adams County**.

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

**GP-25-893: Norse Pipeline LLC—Waterford Compressor Station** (5700 Stone Quarry Road, Union City, PA 16438) on July 14, 2005, to operate a natural gas fired compressor engine in LeBeouf Township, **Erie 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.*

**09-0124F: Fairless Energy LLC** (50 Sinter Rd., Fairless Hills, PA 19030) on July 13, 2005, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County**.

**15-0085B: Lincoln University** (1570 Baltimore Pike, Lincoln University, PA 19352) on July 19, 2005, to operate replacing boilers Nos. 1—3 in Lower Oxford Township, **Chester County**.

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

**67-05069E: Oldcastle Retail, Inc.** (550 South Biesecker Road, Thomasville, PA 17364) on July 11, 2005, to install stand-alone screening and storage silos at their Thomasville Facility in Jackson Township, **York 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.*

**09-0075A: Dunmore Corp.** (145 Wharton Road, Bristol, PA 19007) on July 6, 2005, to operate two coaters and mixing equipment in Bristol Township, **Bucks County**.

**23-0030: Swarthmore College** (500 College Avenue, Swarthmore, PA 19081) on July 12, 2005, to operate a gas engine driven chiller in Swarthmore Borough, **Delaware County**.

**15-0054A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on July 18, 2005, to operate a dryer burner in East Whiteland Township, **Chester County**.

**46-0069B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on July 18, 2005, to operate a dryer burner in Whitmarsh Township, **Montgomery County**.

**46-0220: Micro Coax Inc.** (206 Jones Boulevard, Pottstown, PA 19464) on July 18, 2005, to operate two horizontal Jennings extruders in Limerick Township, **Montgomery County**.

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

**36-05136: Granger Energy of Honey Brook, LLC** (481 South Churchtown Road, Narvon, PA 17555) on June 14, 2005, to construct a landfill gas treatment plant at their Chester County Solid Waste Management Authority's Lanchester Landfill in Caernarvon Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. This plan approval was extended.

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

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

**31-05001: Department of Corrections—Huntingdon State Correctional Institution** (1100 Pike Street, Huntingdon, PA 16654-1112) on July 12, 2005, to operate the State correctional facility in Smithfield Township, **Huntingdon County**. This is a renewal of the Title V Operating Permit.

**36-05013: Lancaster County Solid Waste Management Authority** (1911 River Road, Bainbridge, PA 17502-9360) on July 5, 2005, to operate three municipal waste combustors in Conoy Township, **Lancaster County**. This is a renewal of the Title V Operating Permit.

**67-05042: Hanover Foods Corp.** (P. O. Box 334, 1550 York Street, Hanover, PA 17331) on July 18, 2005, to operate a vegetable canning facility in Penn and Heidelberg Townships, **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.*

**62-00012: Reliant Energy Mid-Atlantic** (2325 Pennsylvania Avenue, Warren, PA 16365) on July 8, 2005, to operate the electric generating station in Conewango Township, **Warren County**. The initial permit was originally issued on May 4, 2000. Reliant Energy Mid-Atlantic own Combustion Turbine. As a result of potential emissions of NO<sub>x</sub>, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. No sources at the facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Thomas Huynh, Chief, (215) 685-7584.*

**V04-007: Smurfit-Stone Container Corp.** (5000 Flat Rock Road, Philadelphia, PA 19127) on July 12, 2005, to operate a paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include two <250 mmBtu/hr boilers with the capability of burning coal, No. 6 oil, and natural gas, lime and ash handling processes, and two paper making and coating machines. One boiler has flue gas desulfurization and a baghouse as controls while burning coal. The other boiler has an electrostatic precipitator and a baghouse as controls while burning coal.

**V04-004: Sunoco Partners Marketing and Terminals LP—Belmont Terminal** (2700 Passyunk Avenue, Philadelphia, PA 19145) on July 12, 2005, for operation of a gasoline loading terminal in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include a gasoline and distillate truck loading and fugitive emissions from pumps, valves, and flanges. The gasoline loading is controlled by two vapor combustion units.

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**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.**

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

**09-00121: Conte Luna Foods** (40 Jacksonville Road, Warminster, PA 18974) on July 15, 2005, to operate a Natural Minor Operating Permit for two boilers in Warminster Township, **Bucks County**.

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

**07-05039: Chicago Rivet and Machine Co.** (Industrial Park, Tyrone, PA 16686) on July 18, 2005, to operate their manufacturing facility in Tyrone Borough, **Blair County**.

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

**03-00224: McVile Mining Co.** (301 Market Street, Kittanning, PA 16201) on July 14, 2005, for their Clementine Mine 1 coal processing plant in South Buffalo Township, **Armstrong County**.

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

**25-00974: Hi-Tech Plating Co., Inc.** (1015 West 18th Street, Erie, PA 16502) on July 14, 2005, to perform hard chromium electroplating operations in the City of Erie, **Erie County**.

**20-00291: Taylor-Ramsey Corp.** (631 West Central Avenue, Titusville, PA 16354) on July 14, 2005, Permit to operate a wood-fired boiler at their lumber processing facility in the City of Titusville, **Crawford County**.

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**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.**

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

**46-0154: Eye Designs LLC** (220 West Fifth Avenue, Collegeville, PA 19426) on July 13, 2005, to amend the operating permit and to incorporate the plan approval No. PA-46-0154A requirements in Trappe Borough, **Montgomery County**.

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

**61-00198: Handsome Lake Energy, LLC** (173 Cornplanter Lane, Kennerdell, PA 16374) on July 14, 2005, the Department administratively amended Title V Operating Permit Number: 61-00198, in Rockland Township, **Venango County**. The amendment was to incorporate the Phase II Acid Rain Permit and Phase II Permit Application that were to have been attached to the Title V Permit originally issued August 19, 2002. The requirements of the Phase II Acid Rain Permit were contained in Plan Approval Number PA-61-0198A. The public comment period requirements for the Acid Rain Permit were handled during the review of the Plan Approval for the facility. No other changes are being made to the Title V Permit.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### *Coal Permits Actions*

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

**30841302 and NPDES Permit No. PA0213918, Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Humphrey Mine No. 7 in Perry Township, **Greene County** to change the postmining land use for 8.4 surface activity site acres at Bowers Portal from unmanaged natural habitat to industrial/commercial. No additional discharges. Permit issued July 11, 2005.

**32743710. NPDES Permit No. PA0214884, Helvetia Coal Company** (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774), to renew the permit the Refuse Disposal Area No. 1 in Center Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Permit issued July 11, 2005.

**30950701. NPDES Permit No. PA0215619, Consolidation Coal Company** (1 Bridge Street, Monongah, WV 26554), to renew the permit for the Hughes Hollow Slurry Impoundment in Wayne and Greene Townships, **Greene County** and related NPDES permit. No additional discharges. Permit issued July 13, 2005.

**30841319. NPDES Permit No. PA0043559, Consolidation Coal Company** (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 1 in Wayne and Jackson Townships, **Greene County** to inject coal bed methane well water into the mine pool. No additional discharges. Permit issued July 15, 2005.

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

**56890115 and NPDES Permit No. PA0598666. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface-auger mine and limestone/sandstone removal in Brothersvalley Township, **Somerset County**, affecting 346.0 acres. Receiving streams: UNTs to Blue Lick Creek and Blue Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 22, 2005. Permit issued: July 8, 2005.

**56663112 and NPDES Permit No. PA0606472. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from Reimer, Inc., P. O. Box 260, Friedens, PA 15541, located in Stonycreek Township, **Somerset County**, affecting 431.3 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005. Permit issued July 8, 2005.

**56840107 and NPDES Permit No. PA0606286. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from NSM Coals, Inc., P. O. Box 260, Friedens, PA 15541, located in Stonycreek Township, **Somerset County**, affecting 407.4 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005. Permit issued July 8, 2005.

**56813006 and NPDES Permit No. PA0125466. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from NSM Coals, Inc., P. O. Box 260, Friedens, PA 15541, located in Stonycreek Township, **Somerset County**, affecting 929.7 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005. Permit issued July 8, 2005.

**56813006 and NPDES Permit No. PA0125466 (currently NSM Coals, Inc.)**, P. O. Box 260, Friedens, PA 15541, being transferred to PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to add permit acreage that is currently included in the following permits: PBS Coals, Inc., SMP# 56920112 and NPDES PA0212270; NSM Coals, Inc., SMP# 56840107 and NPDES PA0606286; Reimer, Inc., SMP# 56663112 and NPDES PA0606472 in Stonycreek Township, **Somerset County**. The purpose of this transaction is to consolidate four permits, valid for reclamation and water treatment only, into one permit, which will be known as 56813006. Areas of the four permits not needed to continued water treatment will be removed from the permitted area. The area included in the four permits presently totals 1,844.7 acres; the area included in the consolidated permit will total 285.9 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005. Permit issued July 8, 2005.

**32940109 and NPDES Permit No. PA0212954. KMP Associates, Inc.**, 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Young Township, **Indiana County**, affecting 133.1 acres. Receiving streams: UNTs to Whiskey Run, Whiskey Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005. Permit issued July 11, 2005.

**11813040 and NPDES Permit No. PA0125423. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, renewal for the continued operation and restoration of a bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 750 acres. Receiving streams: UNTs to South Fork Little Conemaugh River, South Fork Little Conemaugh River, UNTs to



Sulfur Creek and Sulfur Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received February 23, 2005. Permit issued July 13, 2005.

**11813039 and NPDES Permit No. PA0125474, Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 1,353.0 acres. Receiving streams: UNT to/and Paint Creek; UNT to/and Sulphur Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 23, 2005. Permit issued July 13, 2005.

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

**02-04-04 and NPDES Permit No. PA0250678. Newgate Development Corporation** (2201 Quicksilver Road, McDonald, PA 15057). Government Financed Construction Contract issued for reclamation of approximately 11.5 acres of abandoned mine lands located in Findlay Township, **Allegheny County**. Receiving streams: Potato Garden Run and UNT to Potato Garden Run. Application received March 8, 2005. Contract issued: July 12, 2005.

**63743212. Washington Energy Processing, Inc.** (P. O. Box 528, Lawrence, PA 15055). Permit renewed for reclamation only of a coal refuse reprocessing surface mine located in Robinson Township, **Washington County**, affecting 4.3 acres. Receiving streams: none. Application received: May 20, 2005. Reclamation only renewal issued: July 11, 2005.

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

**17990118 and NPDES Permit No. PA0242730. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 121.4 acres. Receiving streams: UNTs to Moose Creek to Moose Creek, to the West Branch of the Susquehanna River. Application received: January 26, 2005. Permit issued: April 14, 2005.

**17010106 and NPDES Permit No. PA0243086. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), revision to add 12.3 acres for coal removal and support to the permit. Total permit area is 299.0 acres in Woodward Township, **Clearfield County**. Receiving streams: UNTs to Upper Morgan Run, an UNT to the North Branch of Upper Morgan Run and an UNT to Goss Run. Application received: November 10, 2004. Permit issued: May 17, 2005.

**17950106 and NPDES Permit No. PA0220060. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine permit in Greenwood Township, **Clearfield County** affecting 111.2 acres. Receiving streams: unnamed stream, tributary to Watts Creek, Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received: March 9, 2005. Permit issued: May 24, 2005.

**17814033 and NPDES Permit No. PA0609501. Philip Reese Coal Co., Inc.** (P. O. Box 67, 3515 Main Street, Karthaus, PA 16845-0067). Renewal of an existing bituminous surface mine in Karthaus Township, **Clearfield County** affecting 412.8 acres. Receiving

streams: two UNTs to a UNT of Salt Lick Run and Salt Lick Run's; UNT of Salt Lick to Salt Lick Run; Salt Lick Run to West Branch of the Susquehanna River to Susquehanna River. Application received June 17, 2004. Permit issued: May 24, 2005.

**17040107 and NPDES Permit No. PA0243817. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-auger permit application from Moravian Run Reclamation Company, Inc. The site is located in Girard Township, **Clearfield County** and affects 147.5 acres. Receiving streams: UNTs to Deer Creek and Deer Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is none. Application received: November 19, 2004. Permit issued: June 2, 2005.

**17020902 and NPDES Permit No. N/A. Johnson Brothers Coal Company** (1390 Lee Run Road, Mahaffey, PA 15757), commencement and operation of a Incidental Coal Extraction Application in Lawrence Township, **Clearfield County** affecting 16.9 acres. Receiving streams: Laurel Run to Little Clearfield Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is none. Application received August 27, 2005. Permit issued: June 13, 2005.

*Coal Permits Withdrawn*

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

**17860122 and NPDES Permit No. PA0115410. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), revision to an existing bituminous surface mine-auger permit for a road variance to conduct mining and support activities within 100 feet of the following Townships Roads: T-571, T-567 and T-563. The permit is located in Lawrence Township, **Clearfield County** and affects 490.5 acres. Receiving streams: UNTs to Wallace Run and Wallace Run and UNTs to Mitchell Run. Application received: March 14 2005. Permit Withdrawn: June 29, 2005.

*Government Financed Construction Contracts*

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

**17-05-02. Hilltop Coal Co.** (12 Dutchtown Road, Houtzdale, PA 16651). The Moshannon District Mining Office has received an application for a Government Financed Construction Contract for the Vanish Operation located in Bigler Township, **Clearfield County**. Application received: June 6, 2005.

*Noncoal Permits Actions*

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

**3372SM25A and NPDES Permit No. PA0591963. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDS renewal issued for continued operation and reclamation of a noncoal surface mining site located in Bullsken Township, **Fayette County**, affecting 328.16 acres. Receiving streams: UNTs to Polecat Hollow Run and Breakneck Run. Application received: February 3, 2005. NPDES renewal issued: July 11, 2005

**03920301 and NPDES Permit No. PA0097250. Continental Clay Company** (260 Oak Avenue, Kittanning, PA 16201). Permit renewal issued for continued reclamation only of a noncoal surface mining site located in



Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: UNTs to Allegheny River. Application received: February 22, 2005. NPDES renewal issued: July 12, 2005.

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

**16050801. Martin N. McGuire** (410 Hamilton Street, New Bethlehem, PA 16242) Commencement, operation and restoration of a small noncoal sandstone operation in Redbank Township, **Clarion County** affecting 7.0 acres. Receiving streams: Two UNTs to Town Run. Application received: January 18, 2005. Permit Issued: July 5, 2005.

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

**08040812. Lyle R. Fenton** (R. R. 1, Box 66, Sugar Run, PA 18846), commencement, operation and restoration of a small industrial minerals (shale) surface mine permit in Wilmot Township, **Bradford County** affecting 5.0 acres. Receiving streams: UNT to Panther Lick Creek. Application received June 1, 2004. Permit issued: April 14, 2005.

**59042802. Dale Alan Aumick** (R. D. 2, Box 76C, Tioga, PA 16946). Commencement, operation and restoration of a small industrial minerals (shale and gravel) surface mine permit in Tioga Township, **Tioga County** affecting 5.0 acres. Receiving streams: Mill Creek. Application received: June 10, 2004. Permit issued: May 11, 2005.

**18040802. Robert A. and Jeffery C. Maguire** (P. O. Box 400, McElhattan, PA 17748). Commencement, operation and restoration of a small industrial minerals (shale) surface mine permit in Dunnstable Township, **Clinton County** affecting 4.0 acres. Receiving streams: Big Plum Run. Application received June 29, 2004. Permit issued: May 31, 2005.

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

**7474SM1A1C8 and NPDES Permit No. PA0119253. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Nazareth Township, **Northampton County**, receiving stream: UNT to Schoeneck Creek. Application received May 12, 2005. Renewal issued July 12, 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 Franklin and Beaver Townships, **Snyder County**, receiving stream: UNT to Middle Creek. Application received May 23, 2005. Renewal issued July 12, 2005.

**58040870. Chad H. Hollenbeck** (R. R. 2 Box 151B, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 2.5 acres, receiving stream: none. Application received December 3, 2004. Permit issued July 13, 2005.

**45042801. Gerald Gay** (R. R. 5 Box 5138A, Stroudsburg, PA 18360), commencement, operation and restoration of a quarry operation in Smithfield Township, **Monroe County** affecting 5.0 acres, receiving stream: none. Application received August 5, 2004. Permit issued July 14, 2005.

#### *Noncoal Permits Withdrawn*

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

**08050802. Steven C. Tewell** (R. R. 1, Box 102D, Sugar Run, PA 18846). Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Wilmot Township, **Bradford County** affecting 5 acres. Receiving streams: UNT, tributary to Panther Creek. Application received February 10, 2005. Permit withdrawn: April 19, 2005.

#### **Approval of Registration/Applications Under General Permit for Short-Term Construction Project BMR-GP-103**

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

**18051001. Clinton County Solid Waste Authority** (P. O. Box 209, McElhattan, PA 17748-0209), authorization to extract noncoal (industrial minerals) in Wayne Township, **Clinton County** to supply fill material for Warehouse Building, receiving stream West Branch Susquehanna River. Authorization approved May 31, 2005.

**14051001. HRI, Inc.** (1750 West College Avenue, State College, PA 16801-2719), authorization to extract noncoal (industrial minerals) in Snow Shoe Township, **Centre County** to supply fill material for FEDEX Customer Center, receiving stream UNT to North Fork. Authorization approved July 6, 2005.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**32054002. Precision Blasting, Inc.**, 2415 Caroline Road, Flatwoods, KY 41139. Homer City Generation LP, 1750 Power Plant Road, Homer City, PA 15748. Deslag of Boiler Tubes, Center Township, **Indiana County**. Permit expires June 30, 2006.

**11054001. Laurel Highlands Landfill**, 260 Laurel Ridge Road, Johnstown, PA 15909. Landfill Cell Development, Jackson Township, **Cambria County**. Permit expires June 30, 2006.

**32054003. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664. Highway construction SR 022 Sec. 491-05-69. Burrell and West Wheatfield Townships, **Indiana County**. Duration 1,000 days. Permit issued July 14, 2005.

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

**08054002. Great Lakes Geophysical, Inc.** (P. O. Box 127, Williamsburg, MI 49690), seismic survey, shot-hole blasting in Wells Township, **Bradford County**. Permit issued July 12, 2005. Permit expiration date is January 12, 2006.

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

**21054139. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for a pool in Carlisle Borough, **Cumberland County** with an expiration date of June 30, 2006. Permit issued July 11, 2005.

**21054141. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Monroe School Ball Field in Monroe Township, **Cumberland County** with an expiration date of September 30, 2005. Permit issued July 11, 2005.

**22054107. 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 July 11, 2005.

**28054134. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Mill Creek Acres in Chambersburg Borough and Guilford Township, **Franklin County** with an expiration date of December 31, 2005. Permit issued July 11, 2005.

**38054115. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Village at Springbrook Farms in South Londonderry Township, **Lebanon County** with an expiration date of July 30, 2006. Permit issued July 11, 2005.

**67054116. Fitz & Smith, Inc.** (P. O. Box 178, Dallastown, PA 17313), construction blasting for Conductive Technologies, Inc. in the City of York, **York County** with an expiration date of July 9, 2006. Permit issued July 11, 2005.

**67054117. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Old Forge Development in Fairview Township, **York County** with an expiration date of July 30, 2006. Permit issued July 11, 2005.

**67054118. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Chestnut Valley in East Manchester Township, **York County** with an expiration date of July 30, 2006. Permit issued July 11, 2005.

**67054120. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a pool at 11 Junction Road, Dillsburg in Carroll Township, **York County** with an expiration date of August 30, 2005. Permit issued July 11, 2005.

**67054029. ABEL Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Locust Run Residential Townhouses in Conewago Township, **York County** with an expiration date of July 1, 2006. Permit issued July 12, 2005.

**67054030. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at High Point Subdivision in Penn and West Manheim Townships, **York County** with an expiration date of July 4, 2006. Permit issued July 12, 2005.

**67054032. Explosives Experts, Inc.** (P. O. Box 879, Sparks, MD 21152), construction blasting at Jackson Heights Development in Jackson Township, **York County** with an expiration date of January 31, 2006. Permit issued July 12, 2005.

**21054142. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Courtyards of Carlisle in Carlisle Borough, **Cumberland County** with an expiration date of June 30, 2006. Permit issued July 12, 2005.

**21054143. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Meadowbrook Farms Development in Middlesex Township, **Cumberland County** with an expiration date of October 31, 2005. Permit issued July 12, 2005.

**67054121. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for a home on Granite Quarry Road in Fairview Township, **York County** with an expiration date of September 30, 2005. Permit issued July 12, 2005.

**15054004. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Honeycroft Village in Londonderry Township, **Chester County** with an expiration date of December 31, 2005. Permit issued July 13, 2005.

**36054020. ABEL Construction Company, Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Newport Square Phase B in Warwick Township, **Lancaster County** with an expiration date of July 31, 2006. Permit issued July 13, 2005.

**36054021. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for a New Office Complex in Upper Leacock Township, **Lancaster County** with an expiration date of June 30, 2006. Permit issued July 13, 2005.

**06054113. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Willow Glen in Ontelaunee Township, **Berks County** with an expiration date of June 14, 2006. Permit issued June 14, 2005.

**21054144. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Oakwood Place 4C in West Pennsboro Township, **Cumberland County** with an expiration date of July 12, 2006. Permit issued July 14, 2005.

**21054145. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in North Newton Township, **Cumberland County** with an expiration date of July 16, 2006. Permit issued July 14, 2005.

**21054146. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for a home in Penn Township, **Cumberland County** with an expiration date of July 30, 2006. Permit issued July 14, 2005.

**28054135. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Cold Spring Estates in Waynesboro Borough, **Franklin County** with an expiration date of July 11, 2006. Permit issued July 14, 2005.

**67054119. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Brownstone Manor in Dover Township, **York County** with an expiration date of December 31, 2005. Permit issued July 14, 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.*

**E06-590: Greenbriar Founders, LLC**, 56 Ledgerock Rd., Mohnton, PA 19540 in Cumru Township, **Berks County**, ACOE Philadelphia District.

Construct and maintain: 1) a timber deck bridge with a 90-foot span and 12" by 12" pilings; and 2) a timber deck bridge with a 30-foot span over UNTs to Angelica Creek (HQ-CWF, Wild Trout) for vehicular access into the proposed Ledgerock Golf Course, located at a point north of SR 625 (Reading, PA Quadrangle N: 1.1 inches; W: 12.6 inches) in Cumru Township, Berks County. A de minimis impact will occur to Exceptional Value wetlands from the deck bridge pilings (< 0.01 acre). The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E07-395: Greenfield Township**, R. D. 1, Box 948, Claysburg, PA 16625 in Greenfield Township, **Blair County**, ACOE Baltimore District.

To place fill in 0.04 acre of Exceptional Value PEM wetlands and less than 0.01 acre of other PEM wetlands for the purpose of widening the intersection of SR 3013,

realigning a segment of SR 3006, and reconstructing T-308 to accommodate the anticipated increase in truck traffic to the Walter Business Park at a site (Latitude: 40° 16' 25"; Longitude: 78° 27' 48") in Greenfield Township, Blair County. The acreage of wetland impact is considered de minimis and wetland replacement is not required.

**E67-756: Cornerstone at Hunter's Creek LLP**, 300 Bailey Drive, Suite 106, Stewartstown, PA 17363 in Conewago Township, **York County**, ACOE Baltimore District.

To maintain a 154-foot, 60-inch twin pipe culvert then to construct and maintain: 1) 42" by 73' culvert; 2) 42" by 76' culvert; 3) 36" by 96' culvert; 4) 24" by 101' culvert; 5) 24" by 82' culvert; 6) 36" by 58' culvert; 7) six 8-inch water line crossings; 8) five 8-inch sanitary sewer line crossings all in UNTs to the Little Conewago Creek (TSF) where the drainage area is less than 100 acres. The project will also impact 0.97 acre of palustrine emergent wetlands. These impacts result from both direct and indirect impacts. The permittee is required to create a minimum of 0.97 acre of replacement wetlands onsite. The project is located west of the Susquehanna Trail (Dover, PA Quadrangle N: 10.45 inches; W: 2.95 inches) in Conewago Township, York County.

**E34-114: Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830 in Delaware Township, **Juniata County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge of 68.45 feet on a 75° skew with an underclearance of 9.3 feet across Cocolamus Creek (TSF) and associated improvements on SR 2010, Section A01 to improve the traffic safety condition of the road located about 1 mile south of the Village of Cocolamus (Beaver Springs, PA Quadrangle N: 1.4 inches; W: 11.2 inches) in Delaware Township, Juniata County.

**E34-113: Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830 in Delaware Township, **Juniata County**, ACOE Baltimore District.

To remove the existing three-span bridge and then to construct and maintain a three-span concrete bridge with a total span of 195 feet on an average skew of 36.82°, with a minimum underclearance of 10.6 feet across Tuscarora Creek (CWF) on SR 3025, Section A01, Segment 0010, Offset 2538, and related improvements in order to realign and improve the traffic safety condition located about 0.6 mile north of the Village of Waterloo (Blairs Mills, PA Quadrangle N: 8.45 inches; W: 10.1 inches) in Lack Township, Juniata County.

**E05-311: James S. Claycomb**, 1532 Gordon Hall Road, Osterburg, PA 16667 in West Saint Clair Township, **Bedford County**, ACOE Baltimore District

To construct and maintain a 14-foot by 55-foot steel I-beam bridge with a wooden deck across the channel of Georges Creek (WWF), a perennial stream, at a point (Alum Bank, PA Quadrangle N: 12.2 inches; W: 12.5 inches) approximately 2,200 feet upstream of the SR 96 bridge in West Saint Clair Township, Bedford County.

**E07-393: Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Antis Township, **Blair County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge of 81 feet on a 63° skew with a minimum underclearance of 5.8 feet across Bells Gap Run (TSF) and associated improvements on SR 4015, Section 001 to improve the traffic safety condition of the road located in the Village of Roots (Bellwood, PA Quadrangle N: 19.9 inches; W: 15.8 inches) in Antis Township, Blair County.

**E22-493: Marlene Fuhrman**, 941 Stoney Creek Rd., Dauphin, PA 17018 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To remove the existing and then construct and maintain concrete columns to support and to rebuild a home which was damaged by fire located within the 100-year floodway and floodplain of Stoney Creek (CWF), with an address of 941 Stoney Creek Road (Halifax, PA Quadrangle N: 1.0 inch; W: 3.5 inches) in Middle Paxton Township, Dauphin County.

**E50-225: Perry County Board of Commissioners**, P. O. Box 37, 25 West Main Street, New Bloomfield, PA 17068 in Wheatfield Township, **Perry County**, ACOE Baltimore District.

To construct and maintain a two-span bridge with a total span of 190 feet with an underclearance of 15 feet across Sherman Creek (WWF) on T-456 (Pine Hill Road) and associated improvements in order to improve the traffic safety condition located in Dellville Village (Wertzville, PA Quadrangle N: 20.63 inches; W: 16.3 inches) in Wheatfield Township, Perry County.

**E50-231: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Saville Township, **Perry County**, ACOE Baltimore District.

To rehabilitate and maintain the Saville Covered Bridge over Buffalo Creek (HQ-CWF) on SR 4001, Section 007, Segment 0020, Offset 2092 (Covered Bridge Road) by removing the steel pier bents, replacing the steel beams, timber decks and floors, sidings, abutments, repairing the wingwalls and other associated improvements to improve the traffic safety condition located in Saville Village (Spruce Hill, PA Quadrangle N: 11.4 inches; W: 3.0 inches) in Saville Township, Perry County.

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

**E04-311. Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. Replace a bridge in Hopewell Township, **Beaver County**, Pittsburgh ACOE District, (Aliquippa, PA Quadrangle N: 18.2 inches; W: 7.7 inches and Latitude: 40° 36' 01"—Longitude: 80° 18' 20"). To remove the existing Green Garden Road Bridge and construct and maintain a new bridge having a span of 126.1 feet with an underclearance of 10.2 feet across the channel of Raccoon Creek (WWF), place and maintain fill in 0.42 acre PEM/SS wetlands, to construct and maintain a retaining wall 82.0 feet in length on the left upstream bank of said stream and to construct and maintain two outfall structures on the right bank of said stream for the purpose of improving highway safety. The project is located on SR 3016, Section B02, Station 504+88.94 at the intersection of Green Garden Road, Service Creek Road, Todd Road and Mill Street and will impact 210.0 linear feet of stream channel and 0.42 acre of PEM/SS wetlands. The applicant proposes to construct 0.42 acre of replacement wetlands.

**E65-808. Unity Township**, 1104 Beatty County Road, Latrobe, PA 15650. Reconstruction of a culvert crossing in Unity Township, **Westmoreland County**, Pittsburgh ACOE District, (Latrobe, PA Quadrangle N: 0.3 inches; W: 4.5 inches and Latitude: 40° 15' 03"—Longitude: 79° 24' 17"). To restore and maintain approximately 900 feet of a UNT to Ninemile Run (WWF). The authorized work includes the restoration and reestablishment of the 13.0-foot bottom width of the channel between Stations 9+50 and 13+50, the construction and maintenance of a 1.5-foot high cribwall along the left bank to create a low floodway bench, the construction and maintenance of six gabion channel deflectors at existing stormwater outfalls, the extension and maintenance of an existing 36-inch outfall into the restored channel, the stabilization and maintenance of the streambanks with erosion control matting, and the removal and reconstruction of a culvert crossing at Station 17+65 consisting of three 18-inch corrugated metal pipes and a 6-inch depressed 24-inch corrugated metal pipe in the restored channel of a UNT to Ninemile Run (WWF). The project begins approximately 950 feet downstream from where SR 2027 crosses over a UNT to Ninemile Run (WWF).

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## SPECIAL NOTICES

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### Clean Water State Revolving Fund

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#### Special Notice Under the Federal Clean Water Act

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

*Project Location:*

| <i>Applicant</i>            | <i>Applicant Address</i>                 | <i>County</i> |
|-----------------------------|--|---------------|
| Butler Area Sewer Authority | 100 Litman Road<br>Butler, PA 16001-3256 | Butler        |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Butler Area Sewer Authority proposes to rehabilitate approximately 40,000 linear feet of sanitary sewers in the Deshon Subsystem area to eliminate overflows at the Deshon Pump Station and eliminate basement backups. This will be achieved by direct line replacement, sewer lining and manhole replacement or repair. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

### Drinking Water State Revolving Fund

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

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*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> |
|-------------------------|--|---------------|
| Hegins Hubley Authority | 915 West Maple Street<br>Valley View, PA | Schuylkill    |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Hegins Hubley Authority proposes to make improvements to the water system including the addition of a well source and a transmission line. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 05-1441. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Alternative Fuels Incentive Program Grant Opportunity

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for grants under the Alternative Fuels Incentive Program to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas (CNG), liquefied natural gas, liquid propane gas, ethanol (E85), methanol, hydrogen, hydrogen/CNG blends such as Hythane®, electricity, biofuels such as biodiesel, coal-derived liquid fuels and fuels derived from biological materials. Grant funds can be used to pay a portion of the added costs to purchase alternative fuel or hybrid vehicles, to convert an existing gasoline vehicle to operate on an alternative fuel, to purchase and install refueling or recharging equipment, to install idle reduction technologies on heavy duty trucks that use batteries or electricity during long periods of idling or to develop and demonstrate next phase advanced vehicle technologies such as hydrogen fuel cells.

Eligible applicants for incentive grants are schools and vocational school districts, municipal authorities, counties, cities, boroughs, incorporated towns, townships, county institution districts, nonprofit entities and corporations or partnerships incorporated or registered in this Commonwealth. Grants awarded in this opportunity will cover up to 50% of the applicants' eligible costs. Some applicants may be eligible for a higher percentage. To stimulate the use of biofuels such as biodiesel and E85, grants to cover the added cost to purchase these fuels will be available to tax-exempt entities such as school districts, local government agencies, transit authorities, colleges and universities or nonprofits.

Grant applications can be requested by contacting Cleo Arp, Department of Environmental Protection, Bureau of Energy, Innovations and Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8912, fax (717) 773-2703, carp@state.pa.us. Specify the project type when requesting an application package. The application package is available on the Department's website at www.dep.state.pa.us (DEP Keyword: Alternative Fuels). The deadline for submitting an application to the Department is 4 p.m. on October 3, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1442. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Radiation Protection Advisory Committee Meeting Change

The Radiation Protection Advisory Committee will meet on October 27, 2005, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

This is a rescheduling of the July 27, 2005, meeting which was cancelled.

Questions concerning the change of meeting should be directed to Ray Urciuolo, (717) 783-9730, lurciuolo@state.pa.us. The agenda and meeting materials for the October 27, 2005, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Donielle Skelton at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1443. Filed for public inspection July 29, 2005, 9:00 a.m.]

### State Water Plan; Water Resources Regional Committee Meetings Schedule for August 2005

The following is a list of August 2005 meetings of the six Water Resources Regional Committees (regional committees) associated with the Department of Environmental Protection (Department). Notice of these meetings is being given in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act).

These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate).

The six regional committees listed were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The August 2005 meeting dates of the six regional committees are as follows:

#### *Ohio Water Resources Regional Committee*

The August meeting of the Ohio Water Resources Regional Committee will be held at 9 a.m. at the following location:

August 8, 2005 Cranberry Township Municipal Building  
2525 Rochester Road, Suite 400  
Cranberry Township, PA 16066

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

*Great Lakes Water Resources Regional Committee*

The August meeting of the Great Lakes Water Resources Regional Committee will be held at 9 a.m. at the following location:

August 9, 2005 Erie County Conservation District  
1927 Wager Road  
Erie, PA 16509

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

*Delaware Water Resources Regional Committee*

The August meeting of the Delaware Water Resources Regional Committee will be held at 12 p.m. at the following location:

August 11, 2005 PPL Wallenpaupack Environmental Learning Center  
Route 6, 1/4 mile east of Route 590 Intersection  
Hawley, PA 18428

Following the business meeting, a public meeting and hearing to solicit comments on water resources issues will be held. This public meeting and hearing will begin at 6 p.m. with registration at 5:30 p.m.

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

*Lower Susquehanna Water Resources Regional Committee*

The August meeting of the Lower Susquehanna Water Resources Regional Committee will be held at 9 a.m. at the following location:

August 15, 2005 DEP Southcentral Regional Office  
909 Elmerton Ave.  
Harrisburg, PA 17110

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

*Upper/Middle Susquehanna Water Resources Regional Committee*

The August meeting of the Upper/Middle Susquehanna Water Resources Regional Committee will be held at 12:30 p.m. at the following location:

August 18, 2005 East Mountain Inn & Suites  
2400 East End Boulevard—  
Route 115 (Exit 170A off I-81)  
Wilkes-Barre, PA 18702

Following the business meeting, a public meeting and hearing to solicit comments on water resources issues will be held. This public meeting and hearing will begin at 6 p.m. with registration at 5:30 p.m.

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

*Potomac Water Resources Regional Committee*

The August meeting of the Potomac Water Resources Regional Committee will be held at 9 a.m. at the following location:

August 19, 2005 Adams County Agricultural Center  
670 Old Harrisburg Road, Suite 201  
Gettysburg, PA 17325

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend a meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1444. Filed for public inspection July 29, 2005, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2006; Public Hearing**

The Department of Health (Department) is making copies available of the Draft Preventive Health and Health Services Block Grant Application (draft block grant application) for Federal Fiscal Year 2006 under 42 U.S.C.A. § 300w-4. This draft block grant application is the Commonwealth's draft request to the United States Department of Health and Human Services for block grant funding to address the Healthy People 2010 Health Status Objectives.

The draft block grant application describing proposed services, program goals and objectives and activities will be available on or after August 12, 2005, and can be obtained by calling Terry L. Walker, Administrative Officer, Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the draft block grant application in accordance with 42 U.S.C.A. § 300w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the draft block grant application.

The hearing will be held from 10 a.m. until 1 p.m. on September 15, 2005, in Conference Room 1000, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Persons intending to testify should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent by 4 p.m. on September 15, 2005, to the Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108.

Persons with a disability who require an alternative format (for example, large print, audio tape or Braille) should contact Terry L. Walker, Administrative Officer, Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1445. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled

substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671  
ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000452  
ANALYTIC BIO-CHEMISTRIES INC—SBSe, CBSe  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000266  
DEPT OF PATHOLOGY AND LAB MED-HUP—SSe, CSe  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

000977  
DRUGSCAN INC—SBSe, CBSe  
1119 MEARNS RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000654  
GUTHRIE CLINIC PATH LAB—SSe  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

024655  
HEALTH NETWORK LABORATORIES—SBSe, CBSe  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

020512  
LABCORP OCCUPATIONAL TESTING SER—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRNGL PARK, NC 27709  
919-572-7465

028960  
LABORATORY CORPORATION OF AMERICA—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
901 KEYSTONE INDUSTRIAL PARK  
SUITE A  
THROOP, PA 18512  
570-346-1759

009003  
MAYO CLINIC DEPT LAB MED AND PATH—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
200 FIRST STREET SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

005574  
MEDTOX LABORATORIES INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000504  
NATIONAL MED SERVICES INC LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000151  
ST JOSEPH QUALITY MEDICAL LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

007731  
WESTERN RESERVE CARE SYSTEM—SS<sub>e</sub>, CS<sub>e</sub>  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

000018  
VWHCS HOSP DBA PENNANT LABORATORY—SS<sub>e</sub>  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
570-829-8111

000141  
YORK HOSPITAL—SS<sub>e</sub>  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

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

[Pa.B. Doc. No. 05-1446. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsyl-*



*vania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212  
ABINGTON MEMORIAL HOSPITAL-S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
215-576-2350

027908  
ACM MEDICAL LABORATORY-SC  
160 ELMGROVE PARK  
ROCHESTER, NY 14624  
716-429-2264

023114  
ACT LAB SERVICES INC-SC  
345 DRESHER ROAD  
HORSHAM, PA 19044  
215-674-0420

027180  
ADVANCED TOXICOLOGY NETWORK-SC  
3560 AIR CENTER COVE SUITE 101  
MEMPHIS, TN 38118  
901-794-5770

000233  
ALBERT EINSTEIN MEDICAL CENTER-S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
215-456-6100

000040  
ALQUIPPA COMMUNITY HOSPITAL LABORATORY-S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALQUIPPA, PA 15001  
724-857-1240

000671  
ALLEG CNTY CORONERS DIV OF LABS-S  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000094  
ALLEGHENY GEN HOSP SUBURBAN CAMPUS LAB-S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6020

028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED-S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
412-359-6886

000077  
ALLEGHENY GENERAL HOSPITAL-S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
412-359-3521

000100  
ALLEGHENY VALLEY HOSPITAL LAB-S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
724-224-5100

000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB-S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
814-946-2340

026620  
AMMON ANALYTICAL LABORATORY-SC  
1622 SOUTH WOOD AVENUE  
LINDEN, NJ 07036  
908-862-4404

000452  
ANALYTIC BIO-CHEMISTRIES INC-SC  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000047  
ASSOCIATED CLINICAL LABORATORIES-SC  
1526 PEACH STREET  
ERIE, PA 16501  
814-461-2400

000320  
BARNES KASSON COUNTY HOSPITAL-S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
570-853-3135

021553  
BENDINER AND SCHLESINGER INC-SC  
140 58TH STREET SUITE 8D  
BROOKLYN, NY 11220  
212-254-2300

027615  
BIOLOGICAL SPECIALTY CORPORATION-S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
215-997-8771

027616  
BIOLOGICAL SPECIALTY CORPORATION-S  
1236 NEW RODGERS RD #851  
BRISTOL, PA 19007  
215-245-9855

027617  
BIOLOGICAL SPECIALTY CORPORATION-S  
22 SOUTH 4TH STREET  
READING, PA 19602  
610-375-9862

022757  
BIOREFERENCE LABORATORIES INC-SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
201-791-3600

000120  
 BON SECOURS-HOLY FAMILY REG HLTH-S  
 2500 SEVENTH AVENUE  
 ALTOONA, PA 16602-2099  
 814-949-4495

000033  
 BRADFORD REGIONAL MEDICAL CENTER-S  
 116-156 INTERSTATE PKWY  
 BRADFORD, PA 16701-0218  
 814-362-8247

000296  
 BRANDYWINE HOSPITAL-S  
 201 REECEVILLE ROAD ATTN: LABORATORY  
 COATESVILLE, PA 19320  
 610-383-8000

000102  
 BROWNSVILLE GENERAL HOSPITAL-S  
 125 SIMPSON RD  
 BROWNSVILLE, PA 15417  
 724-785-7200

000301  
 BUTLER MEMORIAL HOSPITAL-S  
 911 EAST BRADY STREET  
 BUTLER, PA 16001  
 724-284-4510

029116  
 CALLOWAY DRUG TESTING LABORATORIES INC-S  
 27 WATER STREET  
 SUITE 210  
 WAKEFIELD, MA 01880  
 781-224-9899

000107  
 CANONSBURG GENERAL HOSPITAL-S  
 100 MEDICAL BOULEVARD  
 CANONSBURG, PA 15317  
 724-745-3916

000131  
 CARLISLE REGIONAL MEDICAL CENTER-S  
 246 PARKER ST  
 CARLISLE, PA 17013  
 717-249-1212

000751  
 CEDAR CREST EMERGICENTER-S  
 1101 SOUTH CEDAR CREST BOULEVARD  
 ALLENTOWN, PA 18103  
 610-433-4260

000215  
 CENTRAL MONTGOMERY MEDICAL CENTER-S  
 100 MEDICAL CAMPUS DRIVE  
 LANSDALE, PA 19446  
 215-368-2100

000132  
 CHAMBERSBURG HOSPITAL-S  
 112 NORTH SEVENTH ST  
 CHAMBERSBURG, PA 17201  
 717-267-7152

000310  
 CHARLES COLE MEMORIAL HOSPITAL-S  
 1001 EAST SECOND STREET  
 COUDERSPORT, PA 16915  
 814-274-9300

000198  
 CHESTER COUNTY HOSPITAL-S  
 701 E MARSHALL ST  
 WEST CHESTER, PA 19380  
 610-431-5182

000227  
 CHESTNUT HILL HOSPITAL-S  
 8835 GERMANTOWN AVENUE  
 DEPT OF PATHOLOGY  
 PHILADELPHIA, PA 19118  
 215-248-8630

000228  
 CHILDRENS HOSP OF PHILADELPHIA-S  
 ONE CHILDREN'S CENTER 34TH & CIVIC  
 PHILADELPHIA, PA 19104  
 215-590-1000

000329  
 CLARION HOSPITAL-S  
 1 HOSPITAL DRIVE  
 CLARION, PA 16214  
 814-226-9500

024916  
 CLINICAL SCIENCE LABORATORY INC-SC  
 51 FRANCIS AVENUE  
 MANSFIELD, MA 02048  
 508-339-6106

000005  
 COMMUNITY MEDICAL CENTER-S  
 1800 MULBERRY STREET  
 SCRANTON, PA 18510  
 570-969-8000

000125  
 CONEMAUGH VALLEY MEMORIAL HOSP-S  
 1086 FRANKLIN STREET  
 JOHNSTOWN, PA 15905-4398  
 814-534-9000

025256  
 CORPORATE HEALTH SERVICES-S  
 295 NORTH KERRWOOD DRIVE  
 HERMITAGE, PA 16148  
 724-346-6425

000326  
 CORRY MEMORIAL HOSPITAL-S  
 612 WEST SMITH STREET  
 CORRY, PA 16407  
 814-664-4641

000201  
 CROZER CHESTER MED CENTER-S  
 1 MEDICAL CENTER BOULEVARD  
 UPLAND, PA 19013  
 610-447-2000

000363  
 DE JOHN MED LABORATORY INC-S  
 1570 GARRETT ROAD  
 UPPER DARBY, PA 19082  
 610-626-2112

000204  
 DELAWARE COUNTY MEMORIAL HOSP-S  
 501 NORTH LANSDOWNE AVENUE  
 DREXEL HILL, PA 19026-1186  
 610-284-8100

000266  
 DEPT OF PATHOLOGY AND LAB MED-HUP-SC  
 3400 SPRUCE STREET  
 PHILADELPHIA, PA 19104  
 215-662-6882

028893  
DOMINION DIAGNOSTICS LLC-SC  
211 CIRCUIT DRIVE  
NORTH KINGSTOWN, RI 02852  
401-667-0800

000194  
DOYLESTOWN HOSPITAL-S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
215-345-2250

000977  
DRUGSCAN INC-SC  
1119 MEARNES RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000175  
EASTON HOSPITAL-S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
610-250-4140

000164  
EPHRATA COMMUNITY HOSPITAL-S  
169 MARTIN AVE PO BOX 1002  
EPHRATA, PA 17522  
717-733-0311

000031  
ERHC RIDGWAY LABORATORY-S  
94 HOSPITAL STREET  
RIDGWAY, PA 15853  
814-788-8525

000032  
ERHC ST MARYS LABORATORY-S  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
814-788-8525

000181  
EVANGELICAL COMMUNITY HOSPITAL-S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
570-522-2510

021431  
FITNESS FOR DUTY CENTER-S  
PPL SUSQUEHANNA LLC  
769 SALEM BLVD  
BERWICK, PA 18603  
570-542-3336

000085  
FORBES REGIONAL CAMPUS-S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
412-858-2560

000192  
FRANKFORD HOSP BUCKS CO CAMPUS-S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
215-934-5227

000341  
FRANKFORD HOSP TC LAB-S  
RED LION AND KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
215-612-4000

000236  
FRANKFORD HOSPITAL FRANK DIV-S  
FRANKFORD AVE AND WAKELING ST  
PHILADELPHIA, PA 19124  
215-831-2068

000115  
FRICK HOSPITAL-S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
724-547-1500

020644  
FRIENDS HOSPITAL-S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
215-831-4600

009163  
FRIENDS MEDICAL LAB INC-SC  
5820 SOUTHWESTERN BLVD  
BALTIMORE, MD 21227  
412-247-4417

000173  
GEISINGER MEDICAL CENTER-SC  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

000019  
GEISINGER WYOMING VALLEY MED CTR-S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
570-826-7830

000237  
GERMANTOWN COMM HLTH WILLOW TERR-S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
215-951-8800

026799  
GHHA OCCUPATIONAL HEALTH CENTER LAB-S  
1000 ALLIANCE DRIVE  
HAZLETON, PA 18202  
570-459-1028

000152  
GNADEN HUETTEN MEMORIAL HOSP-S  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
610-377-7083

000299  
GOOD SAMARITAN HOSPITAL-S  
4TH AND WALNUT STS PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500

000182  
GOOD SAMARITAN REGIONAL MED CTR-S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
570-621-4032

000238  
GRADUATE HOSPITAL-S  
1800 LOMBARD STREET  
PHILADELPHIA, PA 19146  
215-893-2240

025957  
GRAHAM-MASSEY ANALYTICAL LABS-SC  
60 TODD ROAD  
SHELTON, CT 06484  
203-926-1100

000654  
GUTHRIE CLINIC PATH LAB-S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

000239  
HAHNEMANN UNIVERSITY HOSPITAL-S  
BROAD AND VINE STS MS 113  
PHILADELPHIA, PA 19102  
215-762-1783

000139  
HANOVER HOSPITAL,INC.-S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
717-637-3711

000155  
HARRISBURG HOSPITAL LABORATORY-S  
SOUTH FRONT STREET  
HARRISBURG, PA 17101  
570-782-2832

000010  
HAZLETON GENERAL HOSPITAL-S  
700 EAST BROAD  
HAZLETON, PA 18201  
570-501-4152

000169  
HEALTH NETWORK LABORATORIES-S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
610-402-2236

000549  
HEALTH NETWORK LABORATORIES-S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
610-402-8150

000600  
HEALTH NETWORK LABORATORIES-S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
484-884-2259

024655  
HEALTH NETWORK LABORATORIES-SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

000166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER-S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
717-625-5000

000216  
HOLY REDEEMER HOSPITAL-S  
1648 HUNTINGDON PIKE  
MEADOWBROOK, PA 19046  
215-947-3000

000130  
HOLY SPIRIT HOSPITAL-SC  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
717-763-2206

000052  
INDIANA REGIONAL MEDICAL CENTER-S  
HOSPITAL ROAD PO BOX 788  
INDIANA, PA 15701-0788  
724-357-7167

022201  
INTERNATIONAL MEDICAL SYSTEMS-S  
1430 DEKALB STREET  
MONT CO DEPT OF HEALTH LABS  
NORRISTOWN, PA 19404  
610-292-0613

000135  
J C BLAIR MEMORIAL HOSPITAL-S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
814-643-8645

000054  
JAMESON MEMORIAL HOSPITAL-S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
724-656-4080

000240  
JEANES HOSPITAL-S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
215-728-2347

000038  
JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
412-469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL-S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
610-869-1080

000312  
JERSEY SHORE HOSPITAL-S  
1020 THOMPSON STREET  
JERSEY SHORE, PA 17740  
570-398-0100

000532  
KENSINGTON HOSPITAL-S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
215-426-8100

026008  
KROLL LABORATORY SPECIALISTS-SC  
1111 NEWTON STREET  
GRETNA, LA 70053  
504-361-8989

021306  
LAB CORP OCCUPATIONAL TEST SRVCS-SC  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
886-827-8042

020512  
LABCORP OCCUPATIONAL TESTING SER-SC  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRNGL PARK, NC 27709  
919-572-7465

001088  
LABCORP OF AMERICA HOLDINGS-SC  
69 FIRST AVE PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715  
LABONE INC-SC  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

028960  
LABORATORY CORPORATION OF AMERICA-SC  
901 KEYSTONE INDUSTRIAL PARK  
SUITE A  
THROOP, PA 18512  
570-346-1759

000165  
LANCASTER GENERAL HOSPITAL-S  
555 N DUKE ST PO BOX 3555  
LANCASTER, PA 17604  
717-299-5511

000167  
LANCASTER REGIONAL MED CENTER-S  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

000114  
LATROBE AREA HOSPITAL-S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
724-537-1550

000138  
LEWISTOWN HOSPITAL-S  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
717-248-5411

000030  
LOCK HAVEN HOSPITAL-S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
570-893-5000

000639  
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH  
SYSTEM-S  
300 HALKET STREET  
PITTSBURGH, PA 15213  
412-647-4651

000242  
MAIN LINE CLIN LABS LANKENAU CP-S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP-S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000

000213  
MAIN LINE HOSPITAL BRYN MAWR-S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
610-526-3554

000004  
MARIAN COMMUNITY HOSPITAL-S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
717-281-1042

027684  
MARWORTH-S  
BOX 36 LILLY LAKE ROAD  
WAVERLY, PA 18471  
570-563-1112

009003  
MAYO CLINIC DEPT LAB MED AND PATH-SC  
200 FIRST STREET SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST-S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
814-336-3121

005574  
MEDTOX LABORATORIES INC-SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000023  
MEMORIAL HOSPITAL LAB-S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
570-265-2191

000203  
MERCY FITZGERALD HOSPITAL-S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000247  
MERCY HEALTH LAB/MHOP-S  
54TH AND CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

000219  
MERCY HEALTH LAB/MSH-S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
610-278-2090

000336  
MERCY HOSPITAL-S  
746 JEFFERSON AVE  
SCRANTON, PA 18510  
570-348-7100

000082  
MERCY HOSPITAL OF PITTSBURGH-S  
PRIDE AND LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000017  
MERCY HOSPITAL WILKES-BARRE-S  
25 CHURCH STREET  
PO BOX 658  
WILKES-BARRE, PA 18765  
570-826-3100

000113  
MERCY JEANNETTE HOSPITAL-S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
724-527-9330

000245  
METHODIST HOSP DIVISION/TJUH INC-S  
1900 S. BROAD STREET  
PHILADELPHIA, PA 19145  
215-952-9059

- 000128  
MINERS MEDICAL CENTER-S  
290 HAIDA AVENUE  
PO BOX 689  
HASTINGS, PA 16646  
814-948-7171
- 028907  
MIRMONT TREATMENT CENTER-S  
100 YEARSLEY MILL ROAD  
LIMA, PA 19063  
610-744-1400
- 000108  
MONONGAHELA VALLEY HOSPITAL INC-S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
724-258-1021
- 000217  
MONTGOMERY HOSPITAL LAB-S  
POWELL AND FORNANCE STS  
NORRISTOWN, PA 19401  
610-270-2173
- 000214  
MOSS REHAB EINSTEIN AT ELKINS PARK-S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
215-663-6102
- 000025  
MOUNT NITTANY MEDICAL CENTER-S  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
814-234-6117
- 000035  
MUNCY VALLEY HOSPITAL-S  
215 EAST WATER ST  
MUNCY, PA 17756  
570-546-8282
- 000304  
NASON HOSPITAL-S  
NASON DRIVE  
ROARING SPRING, PA 16673  
814-224-6215
- 000504  
NATIONAL MED SERVICES INC LAB-SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900
- 000248  
NAZARETH HOSPITAL-S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
215-335-6245
- 027246  
NORCHEM DRUG TESTING LABORATORY-SC  
1760 EAST ROUTE 66, SUITE 1  
FLAGSTAFF, AZ 86004  
928-526-1011
- 029067  
NORTHWEST TOXICOLOGY, A LABONE COMPANY-S  
2282 SOUTH PRESIDENTS DRIVE  
SUITE C  
WEST VALLEY CITY, UT 84120  
801-293-2300
- 000099  
OHIO VALLEY GENERAL HOSPITAL-S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
412-777-6161
- 000807  
OMEGA MEDICAL LABS/QUEST DIAGNOSTICS-SC  
2001 STATE HILL ROAD SUITE 100  
WYOMISSING, PA 19610  
610-378-1900
- 000250  
PARKWAY CLINICAL LABORATORIES-S  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
215-245-5112
- 000258  
PENN PRESBYTERIAN MEDICAL CENTER-S  
51 NORTH 39TH ST 5TH FLR RM 530  
DEPARTMENT OF PATHOLOGY AND LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435
- 000316  
PENN STATE MILTON S HERSHEY MED CTR-S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY AND LAB MEDICINE  
HERSHEY, PA 17033  
717-531-8353
- 022533  
PENNSYLVANIA DEPT OF HEALTH-SC  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464
- 000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH-S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
215-829-3541
- 000197  
PHOENIXVILLE HOSPITAL LABORATORY-S  
140 NUTT RD DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612
- 000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP-S  
4300 LONDONDERRY RD PO BOX 3000  
HARRISBURG, PA 17109  
717-657-7214
- 000520  
PITTSBURGH CRIMINALISTICS LABORATORY-SC  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118
- 000022  
POCONO MEDICAL CENTER LAB-S  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544
- 000221  
POTTSTOWN HOSPITAL COMPANY, LLC-S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
610-327-7000

- 000183  
POTTSVILLE HOSP AND WARNE CLINIC-S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262
- 000516  
PRINCETON BIOMEDICAL LABS INC-S  
2921 NEW RODGERS ROAD  
BRISTOL, PA 19007  
215-785-5200
- 021648  
PSYCHEMEDICS CORPORATION-SC  
5832 UPLANDER WAY  
CULVER CITY, CA 90230  
800-522-7424
- 000300  
PUNXSUTAWNEY AREA HOSPITAL-S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
814-938-4500
- 028675  
QUEST DIAGNOSTICS-SC  
506 E STATE PKWY  
SCHAUMBURG, IL 60173  
847-885-2010
- 009620  
QUEST DIAGNOSTICS CLIN LABS INC-SC  
7600 TYRONE AVENUE  
VAN NUYS, CA 91405  
818-376-6195
- 000315  
QUEST DIAGNOSTICS CLINICAL LABS INC-S  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300
- 027461  
QUEST DIAGNOSTICS INC-SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219
- 001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE-SC  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900
- 000482  
QUEST DIAGNOSTICS OF PA INC-SC  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600
- 025461  
QUEST DIAGNOSTICS VENTURE LLC-SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631
- 024249  
QUINTILES LABORATORIES LTD-SC  
5500 HIGHLANDS PARKWAY SUITE 600  
SMYRNA, GA 30082  
770-434-8492
- 000150  
READING HOSPITAL AND MED CTR-S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080
- 025348  
REDWOOD TOXICOLOGY LABORATORY-SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
707-577-7958
- 000206  
RIDDLE MEMORIAL HOSPITAL-S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400
- 000243  
ROXBOROUGH MEMORIAL HOSPITAL-S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394
- 029214  
S.E.D. MEDICAL LABORATORIES-SC  
55601 OFFICE BLVD NE  
ALBUQUERQUE, NM 87109  
505-727-6209
- 000171  
SACRED HEART HOSPITAL-S  
4TH AND CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727
- 000087  
SAINT CLAIR MEMORIAL HOSPITAL-S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900
- 000174  
SAINT LUKES HOSPITAL-S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-954-4558
- 000328  
SAINT MARY MEDICAL CENTER-S  
LANGHORNE—NEWTOWN RD  
LANGHORNE, PA 19047  
215-710-2162
- 024496  
SCIENTIFIC TESTING LABS INC-SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
804-378-9130
- 028471  
SECON A DIVISION OF CIVIGENICS-S  
260 LA RUE FRANCE  
LAFAYETTE, LA 70508  
337-291-9501
- 029038  
SECON OF NEW ENGLAND-SC  
415 MAIN STREET  
4TH FLOOR  
WORCESTER, MA 01608  
508-831-0703
- 000101  
SEWICKLEY VALLEY HOSPITAL LAB-S  
BLACKBURN RD AND FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600

000064  
SHARON REGIONAL HEALTH SYSTEM-S  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911

027649  
SMA MEDICAL LABORATORIES-S  
940 PENNSYLVANIA BOULEVARD UNIT E  
UPPER HOLLAND, PA 19053  
215-322-6590

000039  
SOLDIERS AND SAILORS MEM HOSP-S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-723-0133

000297  
SOMERSET HOSPITAL CENTER FOR HEALTH-S  
225 S CENTER AVE  
SOMERSET, PA 15501  
814-443-5000

022376  
SPECIALTY LABORATORIES INC-S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
310-828-6543

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN-S  
3601 A STREET  
PHILADELPHIA, PA 19134  
215-427-5337

000151  
ST JOSEPH QUALITY MEDICAL LAB-SC  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

000261  
ST JOSEPH'S HOSPITAL-DIV NPHS-S  
16TH ST AND GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000

000318  
ST LUKES HOSP ALLENTOWN CAMPUS-S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-770-8300

029015  
STERLING REFERENCE LABORATORIES-SC  
624 MARTIN LUTHER KING JR WAY  
TACOMA, WA 98405  
253-552-1551

000187  
SUNBURY COMMUNITY HOSP AND OUTPATIENT  
CTR-S  
350 N 11TH ST  
SUNBURY, PA 17801  
570-286-3333

000207  
TAYLOR HOSPITAL DIV OF CCMC-S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450

024997  
TECHNOW INC-S  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
610-362-0610

000249  
TEMPLE EAST INC NE-S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671

000193  
TEMPLE LOWER BUCKS HOSPITAL LAB-S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9300

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS-S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-707-0977

000265  
TEMPLE UNIVERSITY HOSPITAL-S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353

000205  
THE MEDICAL CENTER BEAVER PA-S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000

000104  
THE UNIONTOWN HOSPITAL LABORATORY-S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000241  
THOMAS JEFFERSON UNIVERSITY HOSP-S  
125 SOUTH 11TH ST 204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

000051  
TITUSVILLE AREA HOSPITAL-S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

000061  
UNITED COMMUNITY HOSPITAL-S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125

000121  
UPMC BEDFORD MEMORIAL-S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

000096  
UPMC BRADDOCK-S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

000059  
UPMC HORIZON GREENVILLE-S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

000057  
UPMC HORIZON SHENANGO-S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500



000126  
UPMC LEE REGIONAL HOSPITAL-S  
320 MAIN STREET  
JOHNSTOWN, PA 15901  
814-533-0130

000098  
UPMC MCKEESPORT LABORATORY-S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
412-664-2233

000058  
UPMC NORTHWEST-S  
100 FAIRFIELD DRIVE  
SENECA, PA 16346  
814-676-7120

005784  
UPMC PASSAVANT LABORATORY CRANBERRY-S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH-SC  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

000091  
UPMC SAINT MARGARET HOSPITAL-S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

000092  
UPMC SHADYSIDE-S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
412-623-5950

000093  
UPMC SOUTH SIDE-S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
412-488-5731

027225  
US DRUG TESTING LABORATORIES INC-SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
847-375-0770

000335  
VALLEY FORGE MED CTR AND HOSP-S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
610-539-8500

000622  
WARMINSTER HOSPITAL-S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

000066  
WARREN GENERAL HOSPITAL-S  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

000133  
WAYNESBORO HOSPITAL-S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL-S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

007731  
WESTERN RESERVE CARE SYSTEM-SC  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

000112  
WESTMORELAND REGIONAL HOSPITAL-S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

000037  
WILLIAMSPORT HOSP AND MED CENTER-S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

000018  
WVHCS HOSP DBA PENNANT LABORATORY-SC  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
570-829-8111

000141  
YORK HOSPITAL-S  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

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

[Pa.B. Doc. No. 05-1447. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant Advisory Committee will hold a public meeting on Thursday, August 4, 2005, from 10 a.m. to 2 p.m. in Room 327, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, contact Leslie A. Best, Director, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA, 17120, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker, Administrative Officer at (717) 787-6214. Speech and/or hearing impaired persons should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1448. Filed for public inspection July 29, 2005, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Pharmacy Services

By notice published at 35 Pa.B. 3268 (June 4, 2005), the Department of Public Welfare (Department) announced its intent to revise its payment methodology for brand name and generic drugs dispensed on and after July 1, 2005, and invited public comment to the proposed revisions. The purpose of this notice is to respond to the comments received and to advise providers of the changes made to the payment methodology since publication of the previous notice. The Department is also soliciting additional comment to the proposed methodology to determine the State maximum allowable cost (MAC) for multisource drugs dispensed on and after August 22, 2005. These revisions will affect providers enrolled in the Medical Assistance (MA) Program that dispense drugs in the fee-for-service delivery system.

### Changes Effective August 10, 2005

Having considered the comments received in response to the notice published at 35 Pa.B. 3268, the Department will change its payment methodology for brand name and generic pharmaceuticals dispensed in the MA fee-for-service delivery system on and after August 10, 2005, as follows:

(1) For brand name drugs. The lower of the following:

(i)(A) The lowest wholesale acquisition cost (WAC) listed for the drug in available Nationally recognized pricing services plus 7%.

(B) If WAC data is not available from the Nationally recognized pricing services, the lowest average wholesale price (AWP) listed for the drug in available Nationally recognized pricing services minus 14%.

(C) If both WAC and AWP cost data are available for the drug, the lower of the two amounts.

(ii) The State MAC as set forth in 55 Pa. Code § 1121.56(d) (relating to drug cost determination).

(2) For generic drugs. The lower of the following:

(i)(A) The lowest WAC listed for the drug in available Nationally recognized pricing services plus 66%.

(B) If WAC data is not available from the Nationally recognized pricing services, the lowest AWP listed for the drug in available Nationally recognized pricing services minus 25%.

(C) If both WAC and AWP cost data are available for the drug, the lower of the two amounts.

(ii) The State maximum allowable cost as set forth in 55 Pa. Code § 1121.56(d).

### Changes Proposed to Take Effect on August 22, 2005

The Department proposes to change its methodology for determining the State MAC for multisource pharmaceuticals dispensed in the fee-for-service delivery system on and after August 22, 2005, to the lower of the following:

(1) The upper payment limit established by the Centers for Medicare and Medicaid Services (CMS).

(2) Provided that the generic product is available at the price established by the Department from at least two wholesalers:

(i) If the generic product is available from more than one manufacturer, the base price of 150% of the lowest acquisition cost for the generic product, unless 150% of the lowest acquisition cost is not at least 120% of the second lowest acquisition cost, in which case the base price will be set at 120% of the second lowest acquisition cost.

(ii) If the generic product is available from only one manufacturer, the base price of 120% of the acquisition cost.

For both brand name and generic drugs, the current \$4 dispensing fee will not change.

The Nationally recognized pricing services include First Data Bank, Medi-Span and Micromedix. These services provide drug-specific information such as actual AWP and actual WAC pricing to the Department.

The Department has not changed its pharmacy payment rates since 1995. Since then, payment rates both Nationally and within this Commonwealth have continued to fall. The change in payment methodology for both brand name and generic drugs will align the Department's payment methodology with those of other third-party payors, including the Department's contracted managed care organizations.

The WAC is the cost at which a wholesaler purchases drugs from the manufacturer, as opposed to the AWP, which is the price assigned to a drug by its manufacturer. By basing the payment methodology on WAC, when available, rather than AWP, the Department expects that its drug pricing will more accurately reflect actual drug costs.

In a report issued in September 2002, the United States Office of Inspector General concluded that the cost to pharmacies of multisource drugs ranged from AWP minus 44.2% to AWP minus 72.1%. The revised method for determining the State MAC will likewise bring the Department's pricing methodology in line with actual drug costs.

### Fiscal Impact

These changes, in total, are estimated to result in savings totaling \$57.608 million (\$26.492 million in State funds) in the MA Outpatient Program in Fiscal Year (FY) 2005-2006. Savings are estimated to be \$54.518 million (\$25.134 million in State funds) in FY 2006-2007. The State MAC list for multisource drugs proposed to be effective August 22, 2005, is estimated to save \$22.353 million (\$10.279 million in State Funds) in the MA Outpatient Program in FY 2005-2006. Savings are estimated at \$21.838 million (\$10.068 million in State Funds) in FY 2006-2007.

### Public Comment

A copy of this notice is available at the local county assistance office. Interested persons are invited to submit written comments regarding the proposed methodology to determine the State MAC for multisource drugs. Comments should be submitted to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120, [dyearsley@state.pa.us](mailto:dyearsley@state.pa.us). Comments received by August 5, 2005, will be considered before establishing the final methodology for determining the State MAC for multisource drugs is established.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-436. No fiscal impact; (8) recommends adoption. As a result of this change, the General Fund will realize a savings of approximately \$26.49 million in 2005-2006 and \$25.13 million in 2006-2007.

[Pa.B. Doc. No. 05-1449. Filed for public inspection July 29, 2005, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Disadvantaged Business Enterprise Participation in Federal Aviation Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101) and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs) the Department of Transportation (Department) provided public notice at 35 Pa.B. 3629 (June 25, 2005) of its overall goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally assisted contracts.

In accordance with the public participation requirement in 49 CFR 26.45 (relating to how do recipients set overall goals), the Department completed its consultation with minority, women, general contractor groups, community organizations and other officials expected to have information concerning the availability of disadvantaged and nondisadvantaged businesses and identification of barriers to contracting opportunities in an effort to establish a level playing field for the participation of DBEs.

The Department's methodology reflects an overall goal of 11.8% for DBE participation in Department contracts funded in whole or in part with Federal moneys.

Consistent with the public participation requirement for this process, the Department is making the methodology and goal available for inspection and comment for 45 days from the date of this notice. To review the DBE goal document, contact any of the following locations:

Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17101  
(717) 787-5891  
Attn.: Jocelyn I. Harper

Engineering District 1-0  
255 Elm Street, P. O. Box 398  
Oil City, PA 16301-0398  
(814) 678-7105  
Attn.: William G. Petit, P. E.

Engineering District 2-0  
1924-30 Daisy Street  
Clearfield, PA 16830  
(814) 765-0400  
Attn.: Kevin R. Kline, P. E.

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
(570) 368-8686  
Attn.: James A. Kendter, P. E.

Engineering District 4-0  
O'Neill Highway, P. O. Box 111  
Dunmore, PA 18512  
(570) 963-4061  
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
(610) 798-4100  
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406  
(610) 205-6660  
Attn.: Andrew L. Warren

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
(717) 787-6653  
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0  
North Juniata Street, P. O. Box 69  
Hollidaysburg, PA 16648  
(814) 696-7250  
Attn.: Thomas A. Prestash, P. E.

Engineering District 10-0  
250 Oakland Avenue, P. O. Box 429  
Indiana, PA 15701  
(724) 357-2806  
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
(412) 429-5001  
Attn.: H. Daniel Cessna, P. E.

Engineering District 12-0  
N. Gallatine Avenue Ext., P. O. Box 459  
Uniontown, PA 15401-0459  
(724) 439-7340  
Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed at the following website: [pasdc.hbg.psu.edu/pasdc/dot](http://pasdc.hbg.psu.edu/pasdc/dot).

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by September 13, 2005, for consideration.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 05-1450. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101) and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provided public notice at 35 Pa.B. 3630 (June 25, 2005) of its overall goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally assisted contracts.

In accordance with the public participation requirement in 49 CFR 26.45 (relating to how do recipients set overall goals), the Department completed its consultation with minority, women, general contractor groups, community organizations and other officials expected to have information concerning the availability of disadvantaged and nondisadvantaged businesses and identification of barriers to contracting opportunities in an effort to establish a level playing field for the participation of DBEs.

The Department's methodology reflects an overall goal of 8.69% for DBE participation in Department contracts funded in whole or in part with Federal moneys.

Consistent with the public participation requirement for this process, the Department is making the methodology and goal available for inspection and comment for 45 days from the date of this notice. To review the DBE goal document, contact any of the following locations:

Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17101  
(717) 787-5891  
Attn.: Jocelyn I. Harper

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255 Elm Street, P. O. Box 398  
Oil City, PA 16301-0398  
(814) 678-7105  
Attn.: William G. Petit, P. E.

Engineering District 2-0  
1924-30 Daisy Street  
Clearfield, PA 16830  
(814) 765-0400  
Attn.: Kevin R. Kline, P. E.

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
(570) 368-8686  
Attn.: James A. Kendter, P. E.

Engineering District 4-0  
O'Neill Highway, P. O. Box 111  
Dunmore, PA 18512  
(570) 963-4061  
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
(610) 798-4100  
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406  
(610) 205-6660  
Attn.: Andrew L. Warren

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
(717) 787-6653  
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0  
North Juniata Street, P. O. Box 69  
Hollidaysburg, PA 16648  
(814) 696-7250  
Attn.: Thomas A. Prestash, P. E.

Engineering District 10-0  
250 Oakland Avenue, P. O. Box 429  
Indiana, PA 15701  
(724) 357-2806  
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
(412) 429-5001  
Attn.: H. Daniel Cessna, P. E.

Engineering District 12-0  
N. Gallatine Avenue Ext., P. O. Box 459  
Uniontown, PA 15401-0459  
(724) 439-7340  
Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed at the following website: [pasdc.hbg.psu.edu/pasdc/dot](http://pasdc.hbg.psu.edu/pasdc/dot).

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by September 13, 2005, for consideration.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 05-1451. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101) and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provided public notice at 35 Pa.B. 3631 (June 25, 2005) of its overall goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally assisted contracts.

In accordance with the public participation requirement in 49 CFR 26.45 (relating to how do recipients set overall goals), the Department completed its consultation with

minority, women, general contractor groups, community organizations and other officials expected to have information concerning the availability of disadvantaged and nondisadvantaged businesses and identification of barriers to contracting opportunities in an effort to establish a level playing field for the participation of DBEs.

The Department's methodology reflects an overall goal of 3.83% for DBE participation in Department contracts funded in whole or in part with Federal moneys.

Consistent with the public participation requirement for this process, the Department is making the methodology and goal available for inspection and comment for 45 days from the date of this notice. To review the DBE goal document, contact any of the following locations:

Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17101  
(717) 787-5891  
Attn.: Jocelyn I. Harper

Engineering District 1-0  
255 Elm Street, P. O. Box 398  
Oil City, PA 16301-0398  
(814) 678-7105  
Attn.: William G. Petit, P. E.

Engineering District 2-0  
1924-30 Daisy Street  
Clearfield, PA 16830  
(814) 765-0400  
Attn.: Kevin R. Kline, P. E.

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
(570) 368-8686  
Attn.: James A. Kendter, P. E.

Engineering District 4-0  
O'Neill Highway, P. O. Box 111  
Dunmore, PA 18512  
(570) 963-4061  
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
(610) 798-4100  
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406  
(610) 205-6660  
Attn.: Andrew L. Warren

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
(717) 787-6653  
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0  
North Juniata Street, P. O. Box 69  
Hollidaysburg, PA 16648  
(814) 696-7250  
Attn.: Thomas A. Prestash, P. E.

Engineering District 10-0  
250 Oakland Avenue, P. O. Box 429  
Indiana, PA 15701  
(724) 357-2806  
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
(412) 429-5001  
Attn.: H. Daniel Cessna, P. E.

Engineering District 12-0  
N. Gallatine Avenue Ext., P. O. Box 459  
Uniontown, PA 15401-0459  
(724) 439-7340  
Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed at the following website: [pasdc.hbg.psu.edu/pasdc/dot](http://pasdc.hbg.psu.edu/pasdc/dot).

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by September 13, 2005, for consideration.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 05-1452. Filed for public inspection July 29, 2005, 9:00 a.m.]

## Finding Armstrong 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) is planning to repair a section of SR 1031 in Bogg's Township, Armstrong County, which sustained landslide damage. The project will require the acquisition of approximately 0.26 hectare (0.65 acre) from State Game Lands No. 287, which is a Section 2002 resource.

An Environmental Document and Section 2002 Evaluation have been prepared to evaluate the potential environmental impacts caused by the subject project.

It has been determined that there is no feasible and prudent alternative to the use of the resource and that necessary planning has been incorporated into the project to minimize harm to the resource.

Mitigation measures will be taken to minimize harm as stipulated in the Environmental Document and the Section 2002 Evaluation including providing replacement land for State Game Lands of equal or greater acreage.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 05-1453. Filed for public inspection July 29, 2005, 9:00 a.m.]

# HOUSING FINANCE AGENCY

## Request For Proposals; 2006 Tax Exempt Qualified Residential Rental Facilities Seeking Private Activity Bond Allocations

Private activity bonds to finance qualified residential rental facilities are subject to the limitations imposed through the Statewide unified private activity bond cap (volume cap). The Department of Community and Economic Development (Department) provides for the allocation of volume cap to issue private activity bonds among the various qualified issuers in this Commonwealth. Each year, the Department provides certain allocations to the Housing Finance Agency (Agency) for the issuance of private activity bonds for housing purposes.

The Agency encourages the development of quality affordable rental housing in this Commonwealth. This Request for Proposals (RFP) has been designed to establish a process for inviting, evaluating and selecting qualified tax exempt residential rental facilities seeking allocations of volume cap in 2006.

The Agency encourages applications from multifamily developments and will use its best efforts to provide volume cap to as many qualified properties as are reasonably feasible, subject to continued availability of volume cap for these purposes. Based upon current demand, the Agency expects that volume cap will be readily available for multifamily developments, and the Agency encourages applicants to seek volume cap financing for developments using 4% Low Income Housing Tax Credits rather than more competitive 9% Low Income Housing Tax Credits.

### *Program Deadlines*

Time deadlines have been established for processing and reviewing applications. Developers are advised to evaluate their financing goals and development preparedness prior to applying for volume cap. Developments not meeting the minimum qualifications or otherwise failing to evidence an ability to meet each of the deadlines set forth as follows may be rejected at any time by the Agency.

The time frame for the process is as follows:

- July 14, 2005 The Agency's Board announces RFP/posts on website
- July 29, 2005 Applications and Letters of Instructions are available
- October 7, 2005 Applications, with all fees and exhibits, will be accepted
- November 17, 2006 Preclosing packets are due by 3 p.m. at the Agency
- December 13, 2006 Bond and development financings must be completed
- December 14, 2006 The Agency recaptures any preliminary volume cap not used

Applications will be accepted on a first come, first served basis on or after October 7, 2005, and may be accepted up to August 1, 2006. The Agency may extend this deadline based upon availability and the ability to process and meet appropriate time frames. Applicants are urged to submit complete applications as early as possible to ensure adequate processing time for consideration and

to best ensure that all financing activity will be completed prior the aforementioned deadlines.

The Agency will attempt to complete its review of applications in a timely manner and to provide preliminary allocations within 3 months from the date of application. Once the Agency provides a preliminary allocation of volume cap for a housing facility, the developer and its bond issuer must issue bonds and begin construction within the time frames set forth previously. Failure to finalize all aspects of development and bond financings within this time period and to submit all required preclosing and closing documentation to the Agency will result in recapture of the volume cap. Developers and issuers are advised to review funding sources, commitments and financing structures to ensure they can meet these deadlines for year 2006 submission.

The Agency will not approve carryforwards of unused volume cap for local bond issuers. In addition, the Agency requires that an actual construction loan closing occur on or before the end of 2006. Development funding must be in place and actual construction or property rehabilitation contracts must be completed, without condition. Escrow or construction bridge loan closings will not satisfy the Agency's closing requirement.

Developments using Federal Low Income Housing Tax Credits (Tax Credits) in their financing plan must meet section 42 of the Internal Revenue Code of 1986 (Code), as amended, and the year 2006 PHFA Tax Credit Allocation Plan, Processing Guide and program submission deadlines. These documents are available on the Agency's website at [www.phfa.org](http://www.phfa.org).

### *Request for Proposals Summary*

This RFP announces the availability of year 2006 housing bond volume cap for the funding of multifamily developments on a first come, first served basis. Depending on the total volume cap available in this Commonwealth for housing bonds, the Agency may determine to fund the multifamily developments as meet the minimum qualifications set forth in this notice.

The Agency encourages applications from multifamily developers and will use its best efforts to fund as many qualified projects as are reasonably feasible. Sponsors are advised to submit applications early to maximize their potential to be funded out of available resources and to allow sufficient processing time.

Eligibility for tax exempt financing does not ensure qualification or eligibility under the year 2006 PHFA Tax Credit Allocation Plan for developments seeking Tax Credits for a portion of their financing. Allow adequate time for the review of the Tax Credit application and for any necessary processing by other State or Federal funding sources.

To qualify for private activity volume cap, residential rental facilities must meet all qualifications of the Code. Facilities may involve the rehabilitation of existing rental facilities, new construction of facilities, modernization of public housing facilities and construction of qualified assisted living housing. Evidence of qualification must be provided through a narrative description of the financing structure at the time of application and prior to closing, through the submission of a qualifying opinion from a bond counsel specializing in matters relating to private activity bond financings. The Agency reserves the right to reject any application not providing adequate assurance of any of these qualifications.

### *Application Requirements*

The owner, general partner or sponsor and the proposed bond issuer must jointly submit a completed application (one original and two copies) to the Agency for consideration. Applications seeking volume cap in the amount of \$5 million or more may be required to utilize Agency bond financing for the development. (If Agency financing is requested, provide notice to the Agency prior to application submission.)

Each application for tax exempt issuing authority must be prepared in accordance with the 2006 Multifamily Housing Application Package and Guidelines and must include the following:

#### *A. Brief Narrative Description of the Development*

A brief narrative must outline how the development meets each of the following criteria:

- Qualification under the relevant bond financing sections of the Code.
- Qualification under section 42 (Tax Credits) of the Code, if applicable, and a supporting letter from counsel or an accountant experienced in the Low Income Housing Tax Credit Program.
- Qualification of the development team and the bond financing team.
- Evidence of financial feasibility of the facility and description of bond financing structure.
- Demonstrable evidence of commitment of all necessary financing sources.
- Ability to support a 30-year minimum affordability period for low income tenants or a demonstrable feasible plan to convert the development to affordable homeownership at the end of the qualified development period.
- A market study, in a form acceptable to the Agency, demonstrating an adequate market for the units without adversely affecting or impairing existing or proposed rental properties in the proposed development locale.

#### *B. Letter Outlining Bond Financing Structure and Identifying Financing Team*

A letter must be included with the application, addressed to the Agency, signed by both the owner, general partner or sponsor and the proposed bond issuer outlining the bond financing structure and identifying each of the following (with names, addresses and phone numbers): 1) the proposed bond issuer (if other than the Agency); 2) development ownership entity and principal partners or guarantors; 3) bond counsel to the issuer; 4) underwriters or placement agents, if any; 5) underwriter's counsel, if any; and 6) all other entities involved in the financing (that is, rating agencies, bond insurer, letter of credit bank and credit enhancement entity).

In the event the Agency is not the bond issuer, the bonds must receive an investment quality rating from one of the Nationally recognized rating agencies (or otherwise meet Agency criteria to ensure that the bonds are maximizing and reasonably achieving market opportunities).

In the event the Agency is the bond issuer, all the Agency financing and processing requirements must be met and a complete Agency financing application must be submitted with the tax exempt financing application. Contact the Agency for the applicable instructions.

#### *C. Submission of Application Fees Identified in the Multifamily Housing Program Guidelines*

Upon submission of an application, the applicant is required to pay one application fee equal to the lesser of

\$25 per unit or \$1,000. This is a nonrefundable fee. For facilities intending to use and qualify for Tax Credits, the Agency will assess additional tax credit fees for allocation and compliance monitoring as identified in the 2006 Multifamily Housing Program Guidelines. Costs incurred in this application process are the sole responsibility of the applicant.

#### *Minimum Criteria for Agency Review*

For Agency consideration, developments must meet the minimum qualifications set forth as follows:

- May not apply for more volume cap than will reasonably support the financing structure. (The Agency may disallow applications for volume cap for construction financing if the applicant has another source of permanent financing, such as PennHOMES, which reduces the financing on a dollar for dollar basis. The disallowance is not intended to discourage leveraging HOPE VI and other public housing funds.)
- Evidence of qualification under the relevant bond financing sections of the Code.
- Evidence of qualification for Tax Credits, if applicable.
- Evidence of qualification of development team and bond financing team.
- Evidence of financial feasibility of facility and cost efficiency of bond financing structure—the Agency reserves the right to impose a cap on any volume cap requests.
- Evidence of commitment of all long-term development financing sources.
- Evidence of ability to support a 30-year minimum low income set aside period or a feasible financial conversion to affordable homeownership at the end of the qualified project period.
- Evidence and support of adequate market for the units.
- Demonstration that the development will not adversely impact other affordable housing properties in the identified market area.
- Evidence of accessibility or VisitAbility design features, or both, in the development to the greatest extent economically feasible.

#### *Funding Priorities of the Program*

The Agency will give priority to developments that best demonstrate the following characteristics:

- Ability to quickly and efficiently close their financing, begin and complete construction.
- Maximum efficiency of all financing resources and structure.
- Provision of quality housing within the community for persons with greatest need.
- Affordability of development's rents.
- Reasonableness of costs for financing structure.
- Reasonableness of construction costs.
- Reasonableness of third-party fees.

The Agency may consider additional criteria it deems necessary in its discretion to achieve maximum benefit of the resources available to it for financing low and moderate residential rental facilities. Additional factors include, inter alia, consideration of geographic and regional representation and resource allocation, community and eco-

conomic impact and achieving the most qualified developments with the scarce resources through the imposition of a maximum per development allocation of volume cap. The Agency may disallow developments with identity of interest between any of the principal parties.

The Agency reserves the right to discontinue, modify, suspend or amend this program at any time, with or without further notice to any interested party. Decisions of the Agency are subject to additional conditions, restrictions and requirements as determined by the Agency in its sole discretion. In addition, the Agency's selection of developments for possible allocation of volume cap is subject to final allocation approval by the Department. The Agency also reserves the right to impose any conditions on the financing that it deems reasonable in its discretion.

To provide a resource for households seeking affordable housing throughout this Commonwealth, the Agency will require developments financed with volume cap to participate in its interactive database for affordable housing units. Developments will be required to provide information including unit amenities, household size, household income and move-in information and any ongoing unit vacancies in a secure and timely manner to the Agency throughout the project affordability and compliance period.

#### *Application Submission/Contact Information*

Copies of this RFP and the required 2006 Multifamily Housing Application Package and Guidelines are available from the Development Division, Housing Finance Agency, 211 North Front Street, Harrisburg, PA 17101, (717) 780-3882, fax (717) 780-3905. Additional information or guidance may be published from time to time on the Agency's website at [www.phfa.org](http://www.phfa.org).

Applications for year 2006 volume cap will be accepted on or after October 7, 2005. Fees, signed narratives and required exhibits and attachments must be included with the application. Applications must be signed and may not be submitted by means of facsimile or e-mail. Information submitted by the applicant or gathered by the Agency in the review of the application is the sole property of the Agency and may be made public.

The Agency is committed to a policy which prohibits discrimination against persons based upon race, religion, gender, national origin, handicap, familial status or age in its programs and employment.

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 05-1454. Filed for public inspection July 29, 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, July 14, 2005, and announced the following:

#### *Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective July 13, 2005*

Milk Marketing Board #47-11: Transactions Between Dealers and Customers; Dealer Inducements (amends 7 Pa. Code Chapter 145)

State Board of Pharmacy #16A-5413: Examination Fees (amends 49 Pa. Code § 27.91)

#### *Regulations Approved*

Department of Revenue #15-428: Raffle Lottery Games (adds 61 Pa. Code Chapter 874)

Pennsylvania Public Utility Commission #57-230: Changing Local Service Providers (adds Subchapter M to 52 Pa. Code Chapter 63)

State Registration Board for Professional Engineers, Land Surveyors and Geologists #16A-478: Biennial Renewal Fees and Examination Fees (amends 49 Pa. Code § 37.17)

State Real Estate Commission #16A-5610: Reciprocal License (amends 49 Pa. Code Chapter 35)

### Approval Order

Public Meeting held  
July 14, 2005

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; John F. Mizner, Esq.; Murray Ufberg, Esq.

#### *Department of Revenue—Raffle Lottery Games; Regulation No. 15-428*

On May 19, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking adds 61 Pa. Code Chapter 874. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation adds a chapter to establish procedures for creating and administering on-line raffle lottery games.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 3761-303(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.

### Approval Order

Public Meeting held  
July 14, 2005

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; John F. Mizner, Esq.; Murray Ufberg, Esq.

#### *Pennsylvania Public Utility Commission—Changing Local Service Providers; Regulation No. 57-230*

On March 18, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds Subchapter M to 52 Pa. Code Chapter 63. The proposed regulation was published in the April 3, 2004 *Pennsylvania Bulletin* with a



45-day public comment period. The final-form regulation was submitted to the Commission on May 23, 2005.

This regulation establishes procedures for local telephone service providers to follow when a customer switches to a new local service provider. This regulation will apply to all local service providers and network service providers operating in Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S.A. §§ 501(b) and 1501) 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.

#### Approval Order

Public Meeting held  
July 14, 2005

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; John F. Mizner, Esq.; Murray Ufberg, Esq.

*State Registration Board for Professional Engineers, Land Surveyors and Geologists—Biennial Renewal Fees and Examination Fees; Regulation No. 16A-478*

On December 22, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists. This rulemaking amends 49 Pa. Code Section 37.17. The proposed regulation was published in the January 8, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 10, 2005.

This regulation raises the biennial license renewal fee from \$25 to \$50 for professional engineers, professional land surveyors and professional geologists effective for the October 1, 2005 license renewal. It also deletes the examination fees for all three license classes since these fees are now established by contract with independent testing organizations and are paid directly to the testing organizations.

We have determined this regulation is consistent with the statutory authority of the State Registration Board for Professional Engineers, Land Surveyors and Geologists (63 P. S. §§ 151(e) and 156(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.

#### Approval Order

Public Meeting held  
July 14, 2005

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; John F. Mizner, Esq.; Murray Ufberg, Esq.

*State Real Estate Commission—Reciprocal License; Regulation No. 16A-5610*

On August 23, 2004, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Real Estate Commission. This rulemaking amends 49 Pa. Code Chapter 35. The proposed regulation was published in the September 4, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 10, 2005.

This final-form regulation implements Act 58 of 2003 which gave the State Real Estate Commission the authority to enter into reciprocal licensure agreements with other states. Any person who holds a current real estate license in a state whose licensure standards are substantially comparable to Pennsylvania's or is from a state that has agreed to grant licensure to Pennsylvania applicants without restriction is eligible for a reciprocal license.

We have determined this regulation is consistent with the statutory authority of the State Real Estate Commission (63 P. S. § 455.404) 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. 05-1455. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Notice of Filing of Final Rulemaking

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: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

| <i>Final-Form<br/>Reg. No.</i> | <i>Agency/Title</i>                                | <i>Received</i> |
|--------------------------------|--|-----------------|
| 7-388                          | Environmental Quality Board<br>Lake Redesignations | 7/20/05         |

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 05-1456. Filed for public inspection July 29, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Merge

Reamstown Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Husbandman's Mutual Fire Insurance Company, also a Pennsylvania domiciled mutual property insurance company. The survivor of the merger would be Reamstown Mutual Insurance Company. The filing was made under 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets), the GAA Amendments Act (15 P. S. §§ 21205—21207) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—1413). Persons wishing to comment on

the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1457. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Application for Merger

An application has been received requesting approval of the merger of United Dental Care of Pennsylvania, Inc., a risk assuming preferred provider organization organized under the laws of the Commonwealth, with and into Fortis Benefits Insurance Company, an admitted stock life insurance company organized under the laws of the State of Iowa. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the 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 Stephanie Ohnmacht, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1458. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Stan Duda; Prehearing

#### Appeal of Stan Duda under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-019(M); Doc. No. UT05-06-038

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 shall be held on August 3, 2005. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the

Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before July 20, 2005. Answers to petitions to intervene, if any, shall be filed on or before July 27, 2005.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1459. Filed for public inspection July 29, 2005, 9:00 a.m.]

#### Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation and The First Liberty Insurance Corporation; Private Passenger Automobile Rate Revisions; Rate Filing

On July 8, 2005, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation and The First Liberty Insurance Corporation a filing for a rate level change for private passenger automobile insurance.

The companies request an overall 2.7% increase amounting to \$5.667 million annually, to be effective September 12, 2005, for new business and October 17, 2005, for renewal business.

Unless formal administrative action is taken prior to September 6, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1460. Filed for public inspection July 29, 2005, 9:00 a.m.]

#### Progressive Halcyon Insurance Company; Private Passenger Automobile Rate and Rule Revisions; Rate Filing

On June 9, 2005, the Insurance Department (Department) received from Progressive Halcyon Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 3.5% increase amounting to \$2.379 million annually, to be effective August 12, 2005.

Unless formal administrative action is taken prior to August 8, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1461. Filed for public inspection July 29, 2005, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested hearings as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Patricia E. Conley; file no. 05-188-03944; Ohio Casualty Insurance Company; doc. no. P05-06-031; August 11, 2005, 10 a.m.

Appeal of Vance Meixsell and Regina Mugavero; file no. 05-130-05083; Erie Insurance Exchange; doc. no. P05-07-009; August 24, 2005, 10 a.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 Vance B. Logan; file no. 05-210-01614; State Farm Insurance; doc. no. PH05-06-033; August 4, 2005, 4 p.m.

Appeal of Shanna E. Daly; file no. 05-265-01792; Safe Auto Insurance Company; doc. no. PH05-06-032; September 29, 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 Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1462. Filed for public inspection July 29, 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 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 Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Robert J. and Karen A. Gehringer; file no. 05-215-01895; Westfield Insurance Company; doc. no. PH05-07-008; September 29, 2005, 9 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 David A. and Wendy L. Sauter; file no. 05-303-70807; Erie Insurance Exchange; doc. no. PI05-06-030; September 20, 2005, 11 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.

In some cases, the 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 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 Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 05-1463. Filed for public inspection July 29, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0292, North Hills Village, 4801 McKnight Road, Pittsburgh, PA 15237.

*Lease Expiration Date:* February 28, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a shopping center environment along McKnight Road south of the intersection with Seibert Road, in the City of Pittsburgh. The site must have free parking available along with rear access for tractor-trailer deliveries.

*Proposals due:* August 19, 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

Bucks County, Wine & Spirits Shoppe #0922, 2842 Street Road, Bensalem, PA 19020-2651.

*Lease Expiration Date:* October 31, 2007

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 in a 1-mile radius of the intersection of Street Road and Route 1, Bensalem.

*Proposals due:* August 19, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

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:* August 19, 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

Montgomery County, Wine & Spirits Shoppe #4607, 131 East Butler Avenue, Ambler, PA 19002.

*Lease Expiration Date:* July 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space on Butler Avenue in the Borough of Ambler.

*Proposals due:* August 19, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Northampton County, Wine & Spirits Shoppe #4809, Bath Shopping Center, 362 South Walnut Street, Bath, PA 18014.

*Lease Expiration Date:* August 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 the Borough of Bath.

*Proposals due:* August 19, 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

Susquehanna County, Wine & Spirits Shoppe #5804, 1016 Mountain View Plaza, Hallstead, PA 18822.

*Lease Expiration Date:* July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 to 3,000 net useable square feet of new or existing retail commercial space in the vicinity of Great Bend or Hallstead.

*Proposals due:* August 19, 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. 05-1464. Filed for public inspection July 29, 2005, 9:00 a.m.]

## MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

### Standards for Visual Acuity

Under 37 Pa. Code § 203.11(a)(6)(v) (relating to qualifications), persons to be employed as municipal police officers in this Commonwealth must have visual acuity of at least 20/70 uncorrected in the stronger eye, correctable to at least 20/20, and at least 20/200 uncorrected in the weaker eye, correctable to at least 20/40. In addition, they must have normal depth and color perception and be free of any other significant visual abnormality. Section 203.11(a)(6)(v) was suspended pending resolution of a lawsuit filed against the State Police, *Wilson v. Pennsylvania State Police, et al.*, No. 94-6547 U.S. District Court—Eastern District of Pennsylvania. See 28 Pa.B. 2924 (June 27, 1998). That lawsuit has concluded with a court order granting the defendant's motion for summary judgment. Consequently, the suspension of 37 Pa. Code § 203.11(a)(6)(v) is lifted and its requirements reinstated effective immediately.

COLONEL JEFFREY B. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 05-1465. Filed for public inspection July 29, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Orders

Public Meeting held  
 July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
 Prosecutory Staff v. Wally Gas Co. (2004.0267.00);  
 C-20044078; A-123350*

### Default Order

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Wally Gas Co. (the

Respondent), a gas utility certificated at A-123350. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 24, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Wally Gas Co. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

### Default Order

Public Meeting held  
 July 14, 2005

### FOR ALL DEFAULTS AND IMPLEMENTATION

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
 Prosecutory Staff v. Songer, Kenneth (2004.0267.00);  
 C-20044083; A-125115*

### Default Order

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Songer, Kenneth (the Respondent), a gas utility certificated at A-125115. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the

Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 27, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Songer, Kenneth is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

**Default Order**

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Shady Lane Water Co. (2004.0267.00); C-20044084; A-212710*

**Default Order**

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Shady Lane Water Co. (the Respondent), a water utility certificated at A-212710. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 30, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Shady Lane Water Co. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

**Default Order**

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Nittany Water Co. (2004.0267.00); C-20044086; A-212090*

**Default Order**

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Nittany Water Co. (the Respondent), a water utility certificated at A-212090. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 23, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its

2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Nittany Water Co. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

#### **Default Order**

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ligonier Mountain Land Co.  
(2004.0267.00); C-20044090; A-210108*

#### **Default Order**

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ligonier Mountain Land Co. (the Respondent), a water utility certificated at A-210108. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on January 3, 2005. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Ligonier Mountain Land Co. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

#### **Default Order**

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ligonier Mountain Land Co.  
(2004.0267.00); C-20044091; A-230088*

#### **Default Order**

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ligonier Mountain Land Co. (the Respondent), a wastewater utility certificated at A-230088. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 27, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Ligonier Mountain Land Co. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

#### Default Order

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Kilbuck Run Disposal Corp.  
(2004.0267.00); C-20044092; A-230203*

#### Default Order

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Kilbuck Run Disposal Corp. (the Respondent), a wastewater utility certificated at A-230203. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 24, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Kilbuck Run Disposal Corp. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

#### Default Order

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ken-Man Water Company  
(2004.0267.00); C-20044093; A-211430*

#### Default Order

*By the Commission:*

On December 23, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ken-Man Water Company (the Respondent), a water utility certificated at A-211430. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 23, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Ken-Man Water Company is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*



**Default Order**

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Barkeyville Gas Co. (2004.0267.00);  
C-20044101; A-120010*

**Default Order**

*By the Commission:*

On December 28, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Barkeyville Gas Co. (the Respondent), a gas utility certificated at A-120010. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 31, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Barkeyville Gas Co. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

**Default Order**

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Conneaut Lake Park, Inc.  
(2004.0267.00); C-20044104; A-210096*

**Default Order**

*By the Commission:*

On December 28, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Conneaut Lake Park, Inc. (the Respondent), a water utility certificated at A-210096. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2003 Annual Report.

According to the United States Postal Service return receipt, the Complaint was served on December 31, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Conneaut Lake Park, Inc. is hereby directed to file its 2003 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1466. Filed for public inspection July 29, 2005, 9:00 a.m.]

## Implementation of the Alternative Energy Portfolio Standards Act of 2004; Doc. No. M-00051865

Public Meeting held  
July 14, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice-Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

### Implementation Order II

*By the Commission:*

The Commission has been charged by the Pennsylvania General Assembly ("General Assembly") with carrying out the provisions of the Alternative Energy Portfolio Standards Act of 2004 (the "Act" or "Act 213"). 73 P.S. §§ 1648.1—1648.8. Accordingly, the Commission has opened a proceeding at this docket to implement the provisions of the Act. The Commission recently issued an order that established a timetable for compliance with the provisions of Act 213 and referred certain matters to the Alternative Energy Portfolio Standards Working Group ("AEPS WG") for consideration. *Implementation of the Alternative Energy Portfolio Standards Act of 2004*, Docket No. M-00051865 (Order entered March 25, 2005) ("Implementation Order"). In this second implementation order, we address comments filed in response to the Implementation Order, solicit comments on a number of other issues, and refer one new matter to the AEPS WG for consideration.

#### Background and History of this Proceeding

The Act was signed into law on November 30, 2004, and took effect on February 28, 2005. The Commission and the Pennsylvania Department of Environmental Protection ("DEP") hosted a technical conference on January 19, 2005, in order to provide a forum to discuss the implementation of the Act. Interested parties were given the opportunity to file comments and reply comments on various aspects of the Act's implementation at that time. The Commission then convened the first meeting of the AEPS WG on March 3, 2005. The AEPS WG was intended to serve as a forum in which various issues relevant to the implementation of the Act could be addressed, and if possible, consensus recommendations for necessary rules and regulations could be developed.

The AEPS WG initially focused on developing standards for the participation of demand side management resources in this market. The Commission released its initial proposal for these standards at the last Public Meeting. *Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources*, Docket No. M-00051865 (Order entered June 24, 2005). Interested parties have sixty days in which to file comments on this proposal. The Commission will issue final standards later this year after the conclusion of this public comment period.

The AEPS WG is also working to develop net metering and interconnection rules to enable distributed generation resources to participate in this new market. The AEPS WG has solicited comments on net metering and interconnection issues and has met several times to discuss these matters. The Commission will issue proposed rulemaking orders for net metering and interconnection standards by November 30, 2005. 73 P.S. § 1648.5.

#### Discussion

In this section, the Commission will first identify certain appropriate revisions to the Implementation Or-

der. We will then review a series of legal and policy questions presented by Act 213 that have been identified by the Commission, DEP and the participants in this proceeding as requiring resolution. Some of these questions were previously addressed in comments filed at the time of the January 19, 2005, technical conference. The Commission recognizes that, given the relatively short notice afforded in advance of the technical conference, all interested parties may not have had the chance to participate or sufficient time to fully address various issues. Accordingly, we will use this Order to offer interested parties another opportunity to comment on certain Act 213 implementation issues. We will also refer one new matter to the AEPS WG for consideration and recommendations for rules necessary to implement the provisions of the Act.

#### A. Amendments to the March 23, 2005 Implementation Order

##### 1. Act 213 Compliance Schedule

The Citizens Electric Company ("Citizens") and the Wellsboro Electric Company ("Wellsboro") filed comments regarding their compliance exemption period. In the Implementation Order the Commission had determined that these electric distribution companies' ("EDCs") exemptions would expire on February 28, 2006. This date was derived from the most recent approval of provider of last resort rates ("POLR") for these two EDCs from March 1, 2005 through February 28, 2006. *Citizens Electric Company Generation Supply Service Rates Effective March 1, 2005; Wellsboro Electric Company Generation Supply Service Rates Effective March 1, 2005*; Docket Nos. R-00050266, R-00050278 (Final Secretarial Letters entered March 3, 2005). Act 213 exempts EDCs from compliance for the duration of either their approved generation rate cap or a POLR plan approved prior to February 28, 2006. 73 P.S. § 1648.2.

Under this interpretation of the Act, Citizens and Wellsboro would need to begin compliance with Act 213 on February 28, 2007. Citizens and Wellsboro note that while specific rates have been set only through February 28, 2006, they have entered into full requirements contracts with wholesale suppliers to satisfy their POLR obligations that are in effect through December 31, 2007. *Petition of Citizens' Electric Company of Lewisburg, Inc., to Modify Electric Restructuring Settlement and Proposed Provider of Last Resort Supply Offering*, Docket No. R-00016999 (Order entered June 13, 2002); *Citizens' Electric Company Generation Supply Rate Effective March 1, 2004*, Docket No. R-00049161 (Final Secretarial Letter entered March 5, 2004); *Pennsylvania Public Utility Commission v. Wellsboro Electric Company*, Docket No. R-00027909 (Order entered December 19, 2002); *Pennsylvania Public Utility Commission v. Wellsboro Electric Company*, Docket No. R-00027380 (Order entered December 19, 2002). Citizens and Wellsboro therefore ask that their compliance exemption period be extended to December 31, 2007. No other party has objected to this request in the reply comments filed with the Commission in response to the Implementation Order.

The Commission finds that the public interest is served by a broader reading of the Act than its initial interpretation on this point. We recognize that EDCs may face significant challenges in participating in this new alternative energy market. Citizens, Wellsboro and their respective customers may therefore benefit from additional time to develop strategies to meet the compliance obligations. Accordingly, we will amend the Implementation Order to find that the compliance exemption period for the Citi-

zens and Wellsboro service territories runs through December 31, 2007. Beginning January 1, 2008, the Tier I and Tier II requirements in effect at that time will apply to all sales of electricity in these two service territories.

## 2. Banking of Alternative Energy Credits

The Commission received a number of comments and reply comments that addressed the banking of alternative energy credits during the cost-recovery period. Act 213 provides, relevantly:

An electric distribution company or an electric generation supplier with sales that are exempted under subsection (d) may bank credits for retail sales of electricity generated from Tier I and Tier II sources made prior to the end of the cost-recovery period and after the effective date of this act. Bankable credits shall be limited to credits associated with electricity sold from Tier I and Tier II sources during a reporting year which exceeds the volume of sales from such sources by an electric distribution company or electric generation supplier during the 12-month period immediately preceding the effective date of this act. *All credits banked under this subsection shall be available for compliance with subsections (b) and (c) for no more than two reporting years following the conclusion of the cost-recovery period.*

73 P. S. § 1648.3(e)(7) (Emphasis added)

The statutory reporting period is defined as the 12 month period from June 1 through May 31. 73 P. S. § 1648.2. The banking of credits is therefore complicated by the fact that the cost-recovery periods for the EDCs are set to expire on December 31 of various calendar years as identified in the Implementation Order. The Commission has interpreted the Act to find that the first reporting year in which banked credits may be used is the same reporting year in which these cost-recovery periods expire. Credits banked during the cost-recovery periods would therefore only be available for compliance purposes for a seventeen month period.

Various parties have asked the Commission to reconsider this interpretation. Specifically, they believe that the intent of the Act was to provide for a full two years in which to use any credits banked during the cost-recovery period. By providing for a full two year period the Commission will be encouraging greater development of the alternative energy market in Pennsylvania and allowing for greater flexibility in meeting the compliance obligation. This view was shared by multiple parties, including the Energy Association of Pennsylvania ("Energy Association"), DEP, and various EDCs.

Given the plain language of the Act regarding the use of "two reporting years," the Commission cannot support the application of banked credits for a consecutive twenty four month period commencing with the expiration of an exemption period. Such an interpretation would result in banked credits being used in three different reporting years, which the express language of the Act prohibits. However, the Commission finds merit in a proposal suggested by the Energy Association in its comments to the Implementation Order.

Specifically, the Energy Association proposes letting an EDC or electric generation supplier ("EGS") choose which two reporting years it intends to use any credits banked during the cost-recovery period. Under this proposal, an EDC could therefore delay the use of these credits to the first full reporting year after its exemption period expires. This would provide for a full two years in which to use credits, without violating the prohibition on using credits

in more than two reporting periods. No party objected to this proposal in the reply comments filed with the Commission.

We find that such an interpretation comports with the intent of the General Assembly. Therefore, we will allow EDCs and EGSs to defer the application of banked energy credits until the first two full, consecutive, reporting years after the conclusion of their respective exemption periods. For example, PECO's exemption period expires on December 31, 2010, during Year 5 of the compliance schedule. See Implementation Order. Under our initial interpretation of the Act, PECO would have had to use any banked credits during Years 5 or 6. With our revised interpretation, PECO may now elect to use any banked credits for up to two consecutive compliance years within Years 5, 6 and 7. We find that this revision serves the public interest by providing EDCs and EGSs with more incentives to take advantage of reasonable procurement opportunities that might present themselves during their respective exemption periods.

We wish to emphasize though that we will not require EDCs or EGSs to defer the application of banked credits until after the completion of a partial compliance year. For example, if PECO only banked enough credits to satisfy its compliance obligation for seventeen months or less, it could choose to apply them towards its obligations in Years 5 and 6. As our discussion indicates, we are also placing some limitations on this deferral option. First, banked credits must be used in two consecutive compliance periods. Second, application cannot be deferred beyond the first reporting year in which an EDC or EGS must meet the compliance thresholds for all twelve months. We interpret the Act as intending that banked credits be used soon after an exemption period expires. Therefore, in our example PECO may not delay the application of banked credits to Year 8 of the compliance schedule.

## B. General Compliance and Cost-Recovery

### 1. Cost-Recovery Process for Act 213 Compliance

EDCs may fully recover the reasonable and prudently incurred costs of complying with Act 213 from ratepayers. This includes the costs for purchases of alternative energy or alternative energy credits, payments to credit program administrators, and costs levied by regional transmission organizations to ensure that alternative resources are reliable. 73 P. S. § 1648.3(a)(3). These costs are to be recovered through an automatic adjustment clause pursuant to 66 Pa.C.S. § 1307, and are to be considered a cost of generation supply under 66 Pa.C.S. § 2807. Section 2807 of the Electricity Generation Customer Choice and Competition Act ("Competition Act"), 66 Pa.C.S. §§ 2801–2812, addresses the obligations of EDCs to retail customers after the conclusion of the transition period. This role has commonly been described as the "provider of last resort." Most importantly, Section 2807(e)(3) identifies a standard governing the acquisition of electric generation supply for those retail customers not receiving this service from a competitive supplier. Specifically, Section 2807(e)(3) provides that an EDC shall acquire generation supply at "prevailing market prices to serve that customer and shall recover fully all reasonable costs" of providing this service. 66 Pa.C.S. § 2807(e)(3).

The Commission issued a Notice of Proposed Rulemaking in late 2004 regarding the provision of generation service by EDCs after the conclusion of the transition period, which we have identified as "default service." *Rulemaking Re Electric Distribution Companies' Obliga-*

tion to *Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*; Docket No. L-00040169 (Order entered December 16, 2004) (“Default Service Order”). Given that Act 213 identifies its compliance costs as generation supply costs within the meaning of Section 2807, the Commission concluded that alternative energy must be procured consistent with the legal standard found at Section 2807(e)(3). However, the Commission understood that this rulemaking would need to include special provisions for alternative energy cost-recovery, consistent with the standard identified at Section 1648.3(a)(3). As Act 213 had just been signed into law on November 30, 2004, the Commission briefly noted in the Default Service Order and the proposed regulations that an EDC must comply with the cost-recovery provisions of Act 213 in procuring alternative energy for default service customers. The Commission recognized that rules for alternative energy procurement and cost-recovery would have to be more fully developed in the default service final rulemaking order.

The Default Service Order was published in the *Pennsylvania Bulletin* on February 28, 2005. The public comment period concluded on June 27, 2005. The Independent Regulatory Review Commission (“IRRC”) will provide its comments to the Commission by July 27, 2005. After receiving IRRC’s comments, the Commission’s next step will be to prepare the final default service rulemaking order.

We note that the Commission convened a POLR Roundtable in early 2004 to provide a forum for interested stakeholders to offer input on the development of default service rules. The Commission found this process to be very helpful in its development of proposed default service regulations. The Commission wishes to extend to interested stakeholders the same opportunity for participation in the development of alternative energy procurement and cost-recovery rules in the context of default service. Therefore, we will refer these issues to the AEPS WG for study. After the AEPS WG completes its review of these issues, the Commission will issue a final default service rulemaking order. The Commission will announce at a later date a schedule for the AEPS WG’s consideration of these matters.

## 2. Alternative Energy Credits Program

Act 213 authorizes the Commission to establish an alternative energy credits trading program and retain a program administrator:

The commission shall establish an alternative energy credits program as needed to implement this act. This provision of services pursuant to this section shall be exempt from the competitive procurement procedures of 62 Pa.C.S. (relating to procurement).

73 P. S. § 1648.3(e)(1)

The commission shall approve an independent entity to serve as the alternative energy credits program administrator. The administrator shall have those powers and duties assigned by commission regulations.

73 P. S. § 1648.3(e)(2). These powers include the administration of an alternative energy credits certification, tracking and reporting program that includes a process for qualifying alternative energy systems and determining the manner of credit creation, accounting, and transfer. 73 P. S. § 1648.3(e)(2)(i). The Act identifies the alternative energy credit as the unit of measure to be used by

this program in tracking compliance, and states that the credit may be separable from the energy commodity:

An electric distribution company of electric generation supplier shall comply with the applicable requirements of this section by purchasing sufficient alternative energy credits and submitting documentation of compliance to the program administrator.

73 P. S. § 1648.3(e)(4)(i)

For purposes of this subsection, one alternative energy credit shall represent one megawatt hour of qualified alternative electric generation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument and otherwise meeting the requirements of a commission regulations and the program administrator.

73 P. S. § 1648.3(e)(4)(ii)

Section 1648.3(e) also includes provisions addressing the banking of alternative energy credits, both during and after the compliance exemption period, the development and use of a credits registry, and a mechanism for recovering the costs of the alternative energy credits program. The Commission recognizes that the development of rules to implement the above cited provisions represents one of the more technically complex aspects of the implementation of Act 213. As we alluded to in the Implementation Order, we believe all these issues warrant close examination by Commission staff and interested stakeholders. The Commission will announce its intentions to the AEPS WG and other interested parties in the near future on the process for developing and implementing these rules.

## 3. Force Majeure

Act 213 provides that the Commission, upon its own initiative or upon the request of an EDC or EGS, can find that force majeure exists that would allow modification of the compliance obligation within a particular reporting year. This will occur if alternative energy resources are not “reasonably available in the marketplace in sufficient quantities” for EDCs and EGSs to meet their obligations. 73 P. S. § 1648.2. Such determinations shall be made by the Commission within sixty days of a request by an EDC or EGS. Obstacles to compliance over longer terms may warrant a recommendation to the General Assembly that the obligation be eliminated. In comments previously filed at this docket, several parties offered suggestions on the process to be used and the standards to be applied in a force majeure proceeding. The Commission continues to closely study this issue, and will provide guidance to stakeholders and other interested parties in the near future on its plans for developing and implementing rules for a force majeure mechanism.

## 4. Alternative Compliance Payments

Section 1648.3(f)(2) of the Act provides that EDCs and EGSs who fail to meet the Tier I and Tier II obligations for a given reporting year shall be assessed an “alternative compliance payment.” Payments are generally set at \$45 times the number of additional credits needed for compliance. 73 P. S. § 1648.3(f)(3). The solar photovoltaic compliance payment is set at 200% of the average market price of these credits sold during the reporting year in the applicable regional transmission organization service territory. 73 P. S. § 1648.3(f)(4). These payments are to be paid into a special fund of the Pennsylvania Sustainable Energy Board and made available to the regional sustainable energy funds for projects that would increase the quantity of electricity generated from alternative energy sources. 73 P. S. § 1648.3(g).

Section 1648.3(f) is silent on whether the costs of alternative compliance payments may be recovered from ratepayers. Various parties have argued for and against the recovery of these payments in comments previously filed at this docket. Those opposed argue that the recovery of these costs would discourage the acquisition of alternative energy resources, particularly when the cost of these resources approached the \$45 per credit price. In such a situation it would be easier for an EDC to make an alternative compliance payment and recover the associated costs through an automatic adjustment clause. The policy objectives of the Act that have been identified by interested stakeholders, including economic development and emissions reductions, would clearly be frustrated by such conduct.

Those in favor of allowing some degree of recovery point to the financial exposure of EDCs from very high alternative energy costs. If alternative energy credits were not available in sufficient quantities to meet the compliance obligation, EDCs could suffer significant financial harm from having to make these payments. This harm could have some impact on the reliable provision of utility service to retail customers. The OCA noted in its comments the potentially negative impact on ratepayers from high prices for credits. For example, the public interest might be better served by allowing an EDC to make an alternative compliance payment of \$45 per credit, which could be recovered, rather than requiring ratepayers to cover the costs of alternative energy credits acquired on the market at \$60 per credit.

The Act identifies the categories of costs recoverable from ratepayers in Section 1648.3(a)(3). During the compliance exemption period, an EDC may recover all costs for:

- (i) the purchase of electricity generated from alternative energy sources, including the costs of the regional transmission organization, in excess of the regional transmission organization real-time locational marginal pricing, or its successor, at the delivery point of the alternative energy source for the electrical production of the alternative energy sources; and
- (ii) payments for alternative energy credits,

in both cases that are voluntarily acquired by an electric distribution company during the cost recovery period on behalf of its customers shall be deferred as a regulatory asset by the electric distribution company and fully recovered, with a return on the unamortized balance, pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments) as a cost of generation supply under 66 Pa.C.S. § 2807 (relating to duties of electric distribution companies), in the first year after the expiration of its cost recovery period.

After the exemption period ends, the following standard applies:

After the cost recovery period, any direct or indirect costs for the purchase by electric distribution of resources to comply with this section, including, but not limited to, the purchase of electricity generated from alternative energy sources, payments for alternative energy credits, cost of credits banked, payments to any third party administrators for performance under this act and costs levied by a regional

transmission organization to ensure that alternative energy sources are reliable, shall be recovered on a full and current basis pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307 as a cost of generation supply under 66 Pa.C.S. § 2807.

73 P. S. § 1648.3(a)(3). Alternative compliance payments are not included in the list of cost categories in Section 1648.3(a)(3). They are not the purchase of alternative energy, the purchase of alternative energy credits, costs of credits banked, payments to a credit program administrator for performance, or a cost levied by a regional transmission organization. The alternative compliance payment appears to be intended to serve as a penalty provision that will encourage compliance with the Act.

The Commission is sensitive to the concerns raised by those who have advocated for the recovery of alternative compliance payments from ratepayers. The Commission finds that these concerns are best addressed through the force majeure mechanism. As suggested earlier in this Order, the Commission will continue to study the application of the force majeure provision. We tentatively find that the force majeure mechanism will serve to provide adequate financial protection to EDCs and that alternative compliance payments are therefore not recoverable from ratepayers.

## C. Miscellaneous Issues for Public Comment

### 1. Voluntary Alternative Energy Purchases

A number of participants in this implementation proceeding have expressed concern regarding the impact of Act 213 on the voluntary alternative energy market. Since the passage of the Competition Act, some retail customers have chosen to purchase electricity generated from renewable sources. The price of this energy typically included a certain premium reflecting the incremental cost of the renewable attributes of this energy. A prime example of this is the "PECO Wind" option offered by the PECO Energy Company to those retail customers not already taking generation service from a competitive supplier.

Participants in this market fear that the implementation of Act 213 may create disincentives that lead to the elimination of these voluntary renewable purchases by retail customers. They assert that if these voluntary purchases are counted towards an EDC's compliance threshold, and the Act 213 cost-recovery provisions are then applied, that retail customers will cease to make these purchases. Essentially, these retail customers would be paying twice for these alternative energy attributes. Once through the premium on this energy, and a second time when the costs associated with this energy are recovered from them and other ratepayers through the automatic adjustment clause.

This issue has been addressed already in several other jurisdictions. For example, the Maryland Public Service Commission's proposed renewable portfolio standard regulations would exclude from an EDC's compliance calculation sales of energy to retail customers that are marketed as having renewable characteristics. The State of Rhode Island recently adopted a "Renewable Energy Standard" that excludes voluntary purchases from the compliance calculation of affected entities. Community Energy, Inc. proposed the following language to resolve this issue in comments previously filed at this docket:

Any and all Alternative Energy Credits sold at retail or used to track or supply a voluntary purchase of electricity by a retail customer outside of the require-

ments of the AEPS shall not be sold, retired, claimed or represented as compliance under the AEPS. Alternative Energy Credits used to support a sale of electricity with a claim of alternative energy generation shall be tracked and counted separately from Alternative Energy Credits used to support compliance under the AEPS.

The Commission finds that the preservation of the market for voluntary renewable energy purchases serves the public interest by effectuating the provisions of both Act 213 and the Competition Act as it relates to customer choice. Accordingly, we welcome comments on the approaches taken by Maryland and Rhode Island, the comments of Community Energy, and any other suggestions for resolving this question.

Those filing comments should be cognizant of the different treatment afforded to EDCs and EGSs under the Act. Specifically, EGSs are not afforded cost-recovery for Act 213 compliance through a regulatory process. This fact would appear to dictate that at least some portion of the voluntary alternative energy purchases made by retail customers from an EGS should be counted towards that EGS's compliance obligation.

## 2. Solar thermal energy

"Solar thermal energy" is included among the "alternative energy sources" identified in the Act. 73 P. S. § 1648.2. However, the Act does not assign solar thermal energy to either the Tier I or Tier II alternative energy source definition. We intend to remove any uncertainty on this point by expressly finding that solar thermal energy belongs to the Tier I category. We note that "solar photovoltaic energy" has been assigned to Tier I, and that solar thermal energy, a similar resource, is therefore most appropriately assigned to Tier I as well.

## D. Future Organization of this Implementation Proceeding

As is readily apparent, this is a large and complex implementation proceeding. The Commission has already issued several Orders and requested a number of comments at this public docket. The Commission will be issuing additional orders, and requesting additional comments in the future. Accordingly, we find that the assignment of certain subjects to specific subdockets would help in the organization and efficient administration of this implementation proceeding. The Commission will inform the participants in this implementation proceeding when these subdockets have been created and are ready for use; *Therefore,*

### *It Is Ordered That:*

1. Interested persons may submit an original and 15 copies of written comments on the issues discussed in this Order to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 60 days from the date this Order is published in the *Pennsylvania Bulletin*. A copy of all filed comments should also be sent through electronic mail to Carrie Beale and Shane Rooney at cbeale@state.pa.us and srooney@state.pa.us.

2. This Order be published in the *Pennsylvania Bulletin* and served on the Office of Consumer Advocate, Office of Small Business Advocate, Office of Trial Staff, the

Pennsylvania Department of Environmental Protection, all jurisdictional electric distribution companies, and all licensed electric generation suppliers.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1467. Filed for public inspection July 29, 2005, 9:00 a.m.]

## Natural Gas Service

**A-123290F2000. Walker Gas and Oil Company, Inc.** Application of Walker Gas and Oil Company, Inc. for approval of the abandonment or discontinuance of natural gas service to the public in the Borough of Bruin, Butler 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 August 15, 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:* Walker Gas and Oil Company, Inc.

*Through:* Jerome Macurak, 105 Daubenspeck Road, Box K, Bruin, PA 16022

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1468. Filed for public inspection July 29, 2005, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 22, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-00121930. Richard Del Cristo t/a Abby's Limousine Service** (2423 Victor Street, Easton, Northampton County, PA 18042)—persons, in limousine service, between points in the Counties of Monroe, Lehigh and Northampton and from points in said territories, to points in Pennsylvania, and return.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00119028, Folder 3. City Lights, LLC** (1621 Saw Mill Run Boulevard, Pittsburgh, Allegheny County, PA 15210), a limited liability company of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver: (1) from points in Allegheny County, to points in Pennsylvania, and return; and (2) between points in the Counties of Beaver, Butler, Fayette and Washington, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Brad N. Sommer, 21st Floor, Lawyers' Building, 428 Forbes Avenue, Pittsburgh, PA 15219.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Chemlogic Transportation Services LLC, 8 Reservoir Circle, Suite 204, Baltimore, MD 21208; Doc. No. A-00119107C*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Chemlogic Transportation Services, LLC, respondent, maintains its principal place of business at 6 Reservoir Circle, Suite 204, Baltimore, MD 21208.

2. That respondent was issued a certificate of public convenience by this Commission on February 20, 2003, at Application Docket No. A-00119107, F.2.

3. That respondent, by Commission Secretarial letter dated December 4, 2002, was informed to submit a copy of a current satisfactory safety rating from the U. S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. Respondent failed to submit its company to a safety fitness review. A satisfactory safety fitness rating must be achieved by respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That respondent, by failing to obey and comply with a Commission Secretarial letter directing respondent to submit its company to a safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Chemlogic Transportation Services, LLC's certificate of public convenience at A-00119107, F.2.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-1469. Filed for public inspection July 29, 2005, 9:00 a.m.]

**Transfer of Common Stock**

**A-210098F5000 and A-230091F5000. Tamiment Water Company, LLC, and Pennsylvania Utility Company, Inc.** Joint application of Tamiment Water Company, LLC, for approval of the transfer, by sale, of all of the common stock of Pennsylvania Utility Company, Inc.'s water and wastewater divisions to Tamiment Water Company, LLC.

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 applicants, on or before August 15, 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 applicants' business address.

*Applicants:* Tamiment Water Company, LLC, and Pennsylvania Utility Company, Inc.

*Through and By Counsel:* John F. Povilaitis, Esquire, Ryan, Russell, Ogden and Seltzer, LLP, 800 North Third Street, Suite 101, Harrisburg, PA 17102-2025; and James P. Melia, Esquire, Kirkpatrick & Lockhart Nicholson Graham LLP, 240 North Third Street, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1470. Filed for public inspection July 29, 2005, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

|                    |   |           |
|--------------------|---|-----------|
| September 28, 2005 | Lucille Kilpatrick<br>(Partial Waiver)            | 2:30 p.m. |
| October 12, 2005   | Lorraine R. Snyder<br>(Frozen Present Value)      | 1 p.m.    |
| October 26, 2005   | William Rosado Jr. (D)<br>(Death Benefit)         | 1 p.m.    |
| November 9, 2005   | Kevin F. Harney<br>(Effective Date of Retirement) | 1 p.m.    |
| November 16, 2005  | Donald W. Brian<br>(Purchase of Service)          | 1 p.m.    |

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive

Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 05-1471. Filed for public inspection July 29, 2005, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. J. Daniel Tobey; Doc. No. 1110-56-03; File No. 02-56-00585

On April 14, 2005, the State Real Estate Commission (Commission) assessed a \$2,000 civil penalty against J. Daniel Tobey, license no. RS-211331-L, for making substantial misrepresentations during the course of a transaction and engaging in conduct demonstrating bad faith, dishonesty, untrustworthiness or incompetency.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Commission decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of the petition for review. The Commission contact for receiving service of appeals is the previously named Commission counsel.

BEVERLY R. BROOKES,  
*Chairperson*

[Pa.B. Doc. No. 05-1472. Filed for public inspection July 29, 2005, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

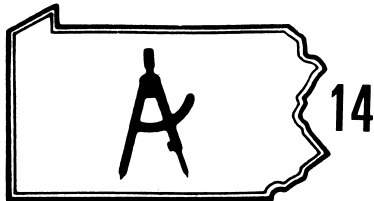
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreasury.org](http://www.patreasury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

## SERVICES



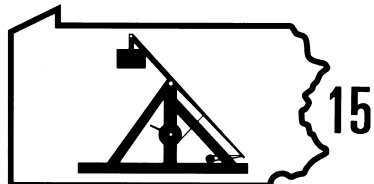
### Engineering Services

**CN00015623** This contract is for On-call Drilling for subsurface boring, sampling and testing at various locations within PennDOT Engineering District 1-0. Request bid packages via FAX ONLY to the attention of Amy Judson-Burak @ 814-678-7051. Please include the Bid Number and your SAP vendor number.

**Department:** Transportation  
**Location:** The District consists of Crawford, Erie, Forest, Mercer, Venango & Warren Counties  
**Duration:** This is a one year contract with four one-year renewals  
**Contact:** Amy Judson-Burak (814) 678-7185

**CN00015624** This contract will be for Pavement Coring and Sampling at various locations within PennDOT Engineering District 1-0. Request bid packages via FAX ONLY to the attention of Amy Judson-Burak @ 814-678-7051. Please include the Bid Number and your SAP vendor number.

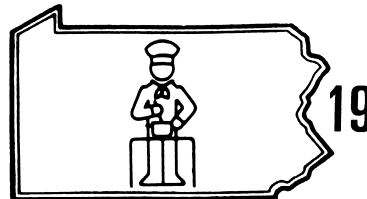
**Department:** Transportation  
**Location:** The District consists of Crawford, Erie, Forest, Mercer, Venango and Warren Counties.  
**Duration:** This is a one year contract with two 2-Yr. Renewals  
**Contact:** Amy Judson-Burak, (814) 678-7185



### Environmental Maintenance Service

**12DRLSPC** Provide on-call drilling equipment and personnel for soils and geological investigations, as per specifications and special requirements. Period of contract will be 1/01/2006 through 12/31/2006. Location of work will include: Fayette, Greene, Washington and Westmoreland Counties. Bid Opening will be September 7th, 2005 at 8:00 AM at District 12.

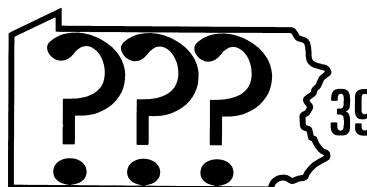
**Department:** Transportation  
**Location:** Pa. Department of Transportation, District 12, 825 North Gallatin Avenue, Uniontown, PA 15401  
**Duration:** January 1, 2006 through December 31, 2006 with renewals.  
**Contact:** Robert Hoone, (724) 439-7245



### Food

**HUNT/SMITH FROZEN/FRESH MEAT PRODUCTS:** Turkey Roasts, Beef Liver, All-Beef Frankfurters, Frying Chicken Quarters, Diced Chicken Breast Meat, Turkey Polish Sausage, Grilled Beef Steak, Whole Turkeys, Beef & Lebanon Bologna, Ground Beef, breakfast/Italian Sausage, Roast Beef, Swiss Steak; Beef, Breaded Fish, Hoki, etc.

**Department:** Corrections  
**Location:** SCI-HUNTINGDON/SMITHFIELD, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** July, 2005 - October, 2005.  
**Contact:** Susan Barben, PA1, (814) 643-2400, x303



### Miscellaneous

**7-14-2005** Allentown State Hospital is in the process of soliciting bids for Window Washing. This will involve the washing of both inside and outside and the cleaning of screens where needed. For further information contact the Purchasing Department at 610-740-3425 or Fax at 610-740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** Contract will be in effect from 9/1/2005 to 6/30/2009.  
**Contact:** Robert Mitchell, (610) 740-3425

[Pa.B. Doc. No. 05-1473. Filed for public inspection July 29, 2005, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*

