

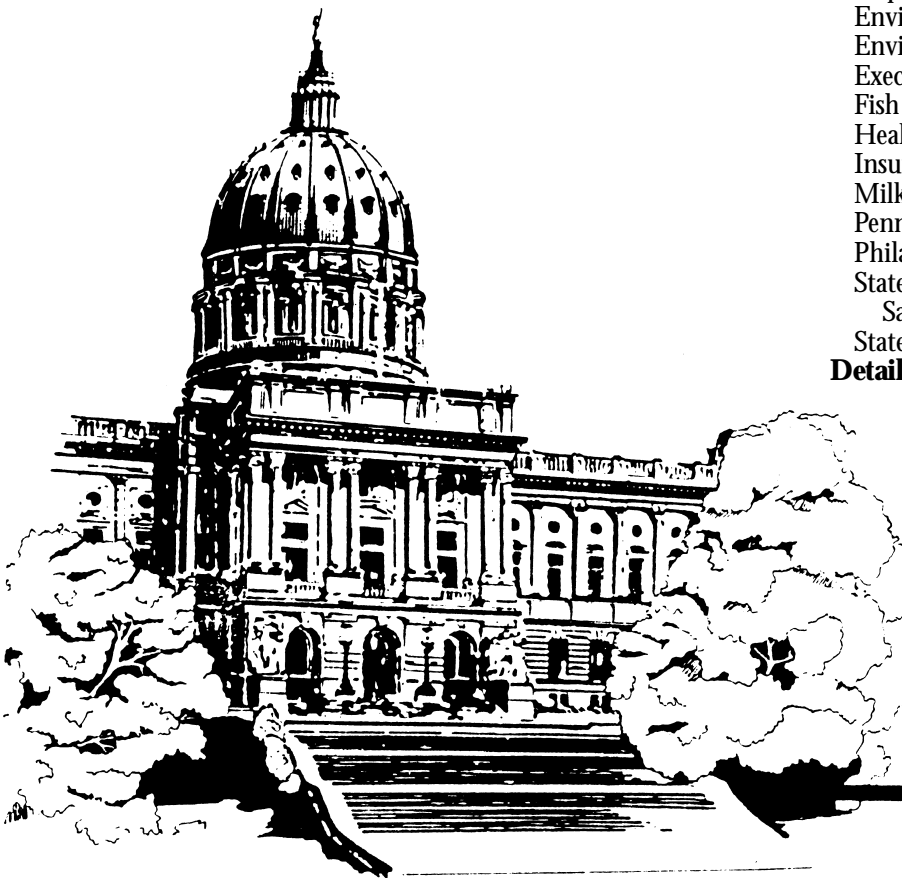
PENNSYLVANIA BULLETIN

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Department of Agriculture
Department of Banking
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Philadelphia Regional Port Authority
State Board of Vehicle Manufacturers, Dealers and
Salespersons
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No. 370, September 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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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 100]

Amendment to Rule 76 Governing Definitions; No. 438 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 19th day of August, 2005, Pennsylvania Rule of Civil Procedure 76 is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective October 1, 2005.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 100. RULES OF CONSTRUCTION

Rule 76. Definitions.

The following words and phrases when used in [**any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly,**] the **Rules of Civil Procedure** shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

* * * * *

“signature”—Includes

(1) mark when the individual cannot write, the individual’s name being written near it, and witnessed by another who writes his or her own name,

(2) when used in reference to documents produced by a court of the Unified Judicial System, a handwritten signature, a copy of a handwritten signature, a computer generated signature or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer’s authorization unless otherwise provided in these rules;

* * * * *

Explanatory Comment

The Administrative Office of Pennsylvania Courts is implementing a statewide system of automated court management. That system generates documents which may contain computer generated signatures. Prior to the present amendment, the rule defined the term “signature” to include “a mark when the individual cannot write” and gave no guidance with respect to computer generated signatures.

Rule 76 has been amended to facilitate the filing of documents generated by the courts of the Unified Judicial System by authorizing the signature on such documents to be an original signature, a copy of a signature, a

computer generated signature or an electronic signature. The rule incorporates the definition of signature in Rule of Criminal Procedure 103.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 05-1631. Filed for public inspection September 2, 2005, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 10]

Order Rescinding Rule 1002; Promulgating Rule 1002; and Amending Rules 455 and 1003; No. 326 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the August 15, 2005 rescission of current Rule of Criminal Procedure 1002 (Procedure in Summary Cases); promulgation of new Rule of Criminal Procedure 1002 (Procedure in Summary Cases); and amendments to Rules of Criminal Procedure 455 (Trial in Defendant’s Absence) and 1003 (Procedure in Non-Summary Municipal Court Cases). New Rule 1002 provides exceptions to the statewide summary case rules which are necessary for Municipal Court to efficiently and judiciously handle its case load while providing defendants with a fair and expeditious disposition of their cases. The Final Report follows the Court’s Order.

Order

Per Curiam:

Now, this 15th day of August, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- (1) Rule of Criminal Procedure 1002 is rescinded;
- (2) new Rule of Criminal Procedure 1002 is promulgated; and
- (3) Rules of Criminal Procedure 455 and 1003 are amended,

all in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2006.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART E. General Procedures in Summary Cases

Rule 455. Trial in Defendant’s Absence.

* * * * *

(D) If the defendant is found guilty, the issuing authority shall impose sentence, and shall give notice **by first class mail** to the defendant of the conviction and sentence [**by first class mail**], and of the right to file an appeal within 30 days for a trial de novo. In those cases in which the amount of collateral deposited does not satisfy the fine and costs imposed or the issuing authority imposes a sentence of restitution, the notice shall also state that failure within 10 days of the date on the notice to pay the amount due or to appear for a hearing to determine whether the defendant is financially able to pay the amount due may result in the issuance of an arrest warrant.

* * * * *

Official Note: Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; **amended August 15, 2005, effective February 1, 2006.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the August 15, 2005 amendments to paragraph (D) concerning notice of right to appeal published with the Court's Order at 35 Pa.B. 4918 (September 3, 2005).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT

Rule 1002. [Procedure in Summary Cases] (Rescinded).

[(A) In all criminal proceedings in which a person is accused only of one or more non-traffic summary offenses or violations of municipal criminal ordinances, proceedings shall be instituted by:

(1) A Citation Issued to the Defendant.

Except as provided in paragraph (A)(3) below, the police officer shall take the accused into custody and transport him or her to the appropriate district police station, where without unnecessary delay the police officer or a superior officer may issue a citation and summons notifying the defendant to appear for trial within 30 days or order the defendant's release. If a citation and summons are issued, the defendant shall not be slated, fingerprinted, or photographed. Within 10 days after issuance, the original shall be filed with a Municipal Court judge. The case shall proceed as provided in the Rules of Criminal Procedure. The defendant may plead guilty by mail within 10 days prior to the date set for trial provided a fine or costs or both are specified in the citation.

(2) A Citation (Rather Than a Complaint) Filed Directly With A Municipal Court Judge.

When it is not feasible to issue a citation to the defendant as provided in paragraph (A)(1), or when evidence is discovered after the issuance of a citation which gives rise to additional summary charges against the defendant resulting from the same incident, the police officer may file a citation with a Municipal Court judge, who shall issue a

summons and not a warrant of arrest except as provided in paragraph (C) of this rule. If a summons is issued the case shall proceed as provided in Rules 411, 412, 413, 414, and 430.

(3) Arrest Without Warrant.

The police officer may arrest the defendant without a warrant if the offense is a summary offense or violation of a municipal criminal ordinance, but only when

(a) such arrest is necessary in the judgment of the officer, and

(b) such arrest is authorized by law.

The defendant shall be taken without unnecessary delay before a Municipal Court judge before whom the police officer shall swear to a citation, and trial shall be held as provided in Rules 441 and 454 of the Rules of Criminal Procedure.

(4) Complaint.

If the affiant is not a police officer, he or she shall file a complaint with a Municipal Court judge. If a complaint is submitted to the office of the district attorney for review, and is thereafter disapproved or not acted upon within a reasonable time, the affiant may file the complaint with a judge of the Municipal Court, who may take any action that a common pleas judge is authorized to take under Rule 506. If the Municipal Court judge decides to issue process, he or she shall issue a summons and not a warrant of arrest except as provided in paragraph (C) of this rule.

(B) When the same conduct is proscribed under an Act of Assembly and a municipal criminal ordinance, the charge shall be brought under the Act of Assembly and not under the ordinance.

(C) A warrant of arrest shall be issued only if:

(1) a citation or summons has been served upon and disobeyed by the defendant;

(2) a citation or summons has been returned undelivered; or

(3) a complaint has been filed and the defendant is unknown, or a non-resident, or not known to be a resident and the Municipal Court judge has reasonable grounds to believe that the defendant will not obey a summons.

(D) Unless otherwise provided in this rule or elsewhere in Chapter 10, summary cases shall thereafter proceed as prescribed in Chapter 4 of the Pennsylvania Rules of Criminal Procedure.

Comment

The procedure set forth in this rule differs somewhat from that provided in Chapter 4. First, the rule mandates the use of a citation in summary cases only when the affiant is a member of the Philadelphia Police Department. In Chapter 4, by contrast, a law enforcement officer, which is defined in Rule 103 and would include a police officer and any other person who is by law given the power to enforce the law, would institute summary proceedings by citation. Second, the rule excludes summary traffic and parking cases; all summary offenses under the motor vehicle laws are under the jurisdiction of the Philadelphia Traffic Court. See 42 Pa.C.S. §§ 1301—1303, 1321.

The procedure to be followed by police is set forth in greater detail here than in Chapter 4, although it is not inconsistent with that Chapter.

As under Rule 421, the district attorney may in his or her discretion require review by his or her office of private complaints charging summary cases before such complaints are submitted to an issuing authority, i.e., a Municipal Court judge. It is expected that the district attorney will formally notify the judges of the Municipal Court through its president judge as to which categories of summary cases, if any, will be subject to such review.

The contents of the citation or complaint must comply with the requirements of Rules 403 and 504, respectively.

Paragraph (A)(1) was amended in 1980 to extend the period for attestation to and filing of the citation and to permit the "station house release" citation procedure. Paragraph (A)(3) was amended at the same time to parallel earlier changes in Chapter 4 concerning the authority to arrest without a warrant. See Rules 440 and 441. In 1989, the requirement in paragraph (A)(1) that the police officer attest under oath, i.e., before a judge, was deleted as unnecessary because all citations must now be verified. See Rule 403(A)(9).]

Official Note: Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001; **rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Final Report explaining the August 15, 2005 rescission of Rule 1002 and new Rule 1002 published with the Court's Order at 35 Pa.B. 4918 (September 3, 2005).

Rule 1002. Procedure in Summary Cases.

(A) Except as provided in this rule or by local rule authorized by this rule, or elsewhere in Chapter 10, all criminal proceedings in which a person is accused only of one or more non-traffic summary offenses or violations of municipal criminal ordinances shall proceed as provided in Chapter 4 of the Rules of Criminal Procedure.

(B) Non-traffic summary proceedings shall be instituted by a citation issued to the defendant:

(1) Except as provided in paragraph (B)(2), the law enforcement officer shall take the defendant into custody and transport him or her to the appropriate district police station, where without unnecessary delay the law enforcement officer or a superior officer shall prepare and issue to the defendant a citation and a notice to appear. The defendant shall not be slated, fingerprinted, or photographed, except as provided by law.

(2) When authorized by local rule promulgated pursuant to Rule 105 (Local Rules), in lieu of taking the defendant into custody as provided in paragraph (B)(1), the law enforcement officer may prepare, verify, and transmit a citation electronically. The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Rule 403 (Contents of Citation) and a notice to appear.

(3) Except as provided in paragraph (B)(5), in all cases, the law enforcement officer shall release the defendant on the defendant's own recognizance. The notice to appear shall direct the defendant to appear before a trial commissioner in a specified court room.

(4) Within 5 days after issuance of the citation and notice to appear, the citation shall be filed with the clerk of Municipal Court.

(5) When required by local rule promulgated pursuant to Rule 105 (Local Rules), rather than releasing the defendant pursuant to paragraph (B)(3), a law enforcement officer without unnecessary delay shall transport the defendant to the Municipal Court for proceedings before a Municipal Court judge.

(C) Procedures Following Institution of Summary Proceedings

(1) When the defendant is taken before a Municipal Court judge pursuant to paragraph (B)(5), the case shall proceed as provided by local rule promulgated pursuant to Rule 105 (Local Rules).

(2) When the defendant appears before a trial commissioner, the trial commissioner shall explain the process to the defendant.

(a) If the defendant enters a guilty plea, the trial commissioner shall impose the fines and costs.

(b) If the defendant requests a trial before a Municipal Court judge, the trial commissioner shall set a date for trial and issue a subpoena to the defendant.

(c) If applicable, after paying any fee imposed, the defendant may be accepted into the Municipal Court's summary case diversionary program, or any other diversionary program offered pursuant to local rule promulgated pursuant to Rule 105 (Local Rules). When the defendant successfully completes the Municipal Court's summary case diversionary program, the defendant's arrest record automatically will be expunged.

(D) If the defendant fails to appear pursuant to the notice to appear or a subpoena, a bench warrant shall be issued.

(E) When the same conduct is proscribed under an Act of Assembly and a municipal criminal ordinance, the charge shall be brought under the Act of Assembly and not under the ordinance.

Comment

This rule, which replaced former Rule 1002 in 2005, was developed to accommodate the procedures Philadelphia Municipal Court has implemented to address the issues in non-traffic summary cases unique to Philadelphia to more efficiently handle the vast number of non-traffic summary cases, to protect the defendants' rights to a fair and prompt disposition of their cases, and, when appropriate, to provide the necessary rehabilitation or social services. Municipal Court is required to implement local rules pursuant to Rule 105 (Local Rules) enumerating the details of the summary proceedings following the issuance of a citation or a summons. For

purposes of this rule, "local rule" includes all memoranda of understanding and administrative orders that affect non-traffic summary case procedures.

Although defendants in summary cases ordinarily are not slated, photographed, or fingerprinted, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. See, e.g., 18 Pa.C.S. § 3929(g) concerning fingerprinting in retail theft cases.

The contents of the citation must comply with the requirements of Rule 403.

All summary offenses under the motor vehicle laws and parking violations are under the jurisdiction of the Philadelphia Traffic Court. See 42 Pa.C.S. §§ 1301—1303, 1321.

Official Note: Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001. Rule 1002 rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002.

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 4918 (September 3, 2005).

Rule 1003. Procedure in Non-Summary Municipal Court Cases.

(A) INITIATION OF CRIMINAL PROCEEDINGS

* * * * *

(2) Private Complaints

* * * * *

(b) If the attorney for the Commonwealth:

* * * * *

(ii) disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. Thereafter, the affiant may petition the [**court of common pleas**] **President Judge of Municipal Court, or the President Judge's designee**, for review of the decision. **Appeal of the decision of the Municipal Court shall be to the Court of Common Pleas.**

* * * * *

(D) PRELIMINARY ARRAIGNMENT

* * * * *

(3) At the preliminary arraignment, the issuing authority:

* * * * *

(b) shall give the **defendant's attorney, or if unrepresented the defendant**, a copy of the certified complaint;

(c) if the defendant was arrested with a warrant, **the issuing authority** shall provide the **defendant's attorney, or if unrepresented the defendant**, with copies of the warrant and supporting affidavit(s) at the preliminary arraignment, unless the warrant and affidavit(s) are not available at that time, in which event the **defendant's attorney, or if unrepresented the defendant**, shall be given copies no later than the first business day after the preliminary arraignment; and

(d) shall also inform the defendant:

* * * * *

(ii) of the day, date, hour, and place for **the trial**, which shall not be less than 20 days after the preliminary arraignment **or for the preliminary hearing, which shall be given a first listing of not less than 3 days nor more than 10 days after the preliminary arraignment**, unless the issuing authority fixes an earlier date **for the trial or the preliminary hearing** upon request of the defendant or defense counsel, with the consent of the attorney for the Commonwealth;

* * * * *

Comment

* * * * *

Under paragraphs (A) and (D), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before the defendant may be detained. See *Riverside v. McLaughlin*, 500 U.S. 44, **111 S. Ct. 1661, 114 L.Ed.2d 49** (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

* * * * *

Paragraph (D)(3)(c) requires that the **defendant's attorney, or if unrepresented the defendant**, receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule 540(B). See also Rules **208(A) and 513(A) [and 208(A)]**.

* * * * *

Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, **515 Pa. 501, 530 A.2d 414** ([**Pa.**] 1987).

* * * * *

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended

August 24, 2004, effective August 1, 2005; **amended August 15, 2005, effective February 1, 2006.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 4918 [1477] 1478 (March 18, 2000).

* * * * *

Final Report explaining the August 15, 2005 amendments to paragraphs (A)(2)(b)(ii) and (D)(3)(d)(ii) published with the Court's Order at 35 Pa.B. 4918 (September 3, 2005).

FINAL REPORT¹

New Rule of Criminal Procedure 1002 (Procedure in Summary Cases), Amendments to Rules 455 (Trial in Defendant's Absence) and 1003 (Procedure in Non-Summary Municipal Court Cases), and Rescission of Former Rule of Criminal Procedure 1002

Philadelphia Municipal Court Procedures in Non-Traffic Summary Cases

On August 15, 2005, effective February 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court rescinded current Pa.R.Cim.P. 1002 and adopted new Pa.R.Crim.P. 1002 (Procedure in Summary Cases) that provide exceptions to the statewide summary case rules which are necessary for Municipal Court to efficiently and judiciously handle its case load while providing defendants with a fair and expeditious disposition of their cases. The Court also has made some housekeeping changes to Pa.Rs.Crim.P. 455 (Trial in Defendant's Absence) and 1003 (Procedure in Non-Summary Municipal Court Cases).

I. INTRODUCTION

Rule of Criminal Procedure 1002 sets forth the procedures for non-traffic summary cases in Philadelphia, cases that are within the jurisdiction of the Philadelphia Municipal Court. As provided in this rule and in Rule 1000, except as provided in Chapter 10, the Rules of Criminal Procedure are to be followed in Philadelphia Municipal Court cases. During the development of the Common Pleas Case Management System, it came to light that Philadelphia Municipal Court has designed and is using a form of citation different from the statewide form, and has developed procedures for instituting and processing non-traffic summary cases that are different from the procedures set forth in current Rule 1002 and in Chapter 4. Because of the volume and types of cases within the Municipal Court system, Municipal Court developed this set of procedures that work well for them, thereby assuring cases are moving promptly and fairly to disposition. These divergent practices include a "community court"² with a number of innovations to deal, in particular, with quality of life crimes by providing community service and behavioral treatment programs in lieu of fines and imprisonment.

¹ The Committee's Final Reports 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 Committee's explanatory Final Reports.

² "Community Court" is the general term Municipal Court has used to identify their special courts program. It is the Committee's understanding that this is not a "community court" in the context of community courts under 42 Pa.C.S. §§ 1101-1106.

After meeting with the Municipal Court officials at the Supreme Court's behest,³ and reviewing the procedures Municipal Court has implemented, the Committee recommended, and the Court has adopted, a complete revamping of Rule 1002 that accommodates the procedures Municipal Court maintains are vital to the efficient, expeditious, and just disposition of non-traffic summary cases in Philadelphia.

II. DISCUSSION OF RULE CHANGES

A. Rule 1002

Current Rule 1002 has been rescinded and new Rule 1002 adopted because the changes to Rule 1002 necessary to validate the current procedures in non-traffic summary cases in the Philadelphia Municipal Court are quite extensive.

New paragraph (A) sets forth the scope of the rule, and incorporates the provisions of current Rule 1002(D). In addition, to encourage Municipal Court to properly implement local criminal practices and promulgate local rules by following the requirements of Rule 105, new paragraph (A) makes specific reference to local rules, and there is further emphasis of this point in the Comment.⁴

New paragraph (B) sets forth the procedures for instituting the non-traffic summary proceedings. Paragraph (B)(1) incorporates the current Rule 1002(A)(1) general procedure for taking the defendant to the police station where the citation is prepared and given to the defendant.⁵ During the discussion of this section of current Rule 1002 with the representatives from Municipal Court and others, there were strong views expressed about the existing prohibition on slating, fingerprinting, or photographing these summary case defendants. The Committee reviewed the Rule 1002 history and the rationale for including this language. When Rule 1002 originally was adopted in 1974, the Committee and Court did not want summary case defendants in Philadelphia treated differently from all other summary case defendants concerning these administrative and identification procedures even though the rule was providing that the police would take the summary defendant to the police station for processing. This "detention" procedure was not to be tantamount to an arrest. In view of the discussion and the rule history, the general prohibition language has been retained with the addition of "except as provided by law." The Comment retains the current reference to the statutory requirement for fingerprinting in retail theft cases as an example of what is meant by the new "except" clause.

Paragraph (B)(2) is new, and is comparable to the 2003 changes to the citation rules in Chapter 4 that recognize the ability of police to electronically prepare, verify, and transmit the citation. Because of the Municipal Court community court program in which some summary trials are held immediately following the processing of the defendant, paragraph (B)(2) requires that the Municipal

³ These rule changes were developed by the Committee in conjunction with a Municipal Court Ad Hoc Committee that had been formed with the mandate from the Supreme Court to formulate changes to the Rules of Criminal Procedure (Chapter 10) that conform the statewide rules' procedures to the procedures in place in Philadelphia for handling non-traffic summary cases procedures. Representatives from the Philadelphia Municipal Court, the Philadelphia District Attorney's office and the Public Defender's office, and the Administrative Office of Pennsylvania Courts, in addition to Committee members and staff, participated on the Ad Hoc Committee.

⁴ Ensuring that there are local rules promulgated pursuant to Rule 105 when there are local procedures different from or in addition to the statewide rule procedures is vital to the Committee's and Court's ability to monitor local procedures to ensure that attorneys with practices in more than one judicial district, including, for example, counsel from the State Police and the Attorney General's office, are not hampered in their ability to practice in multiple judicial districts.

⁵ Ordinarily, when a defendant is stopped for a summary offense, the law enforcement officer will prepare the citation at the location and give the defendant a copy of the citation at that time. See Rule 405 (Issuance of Citation).

Court President Judge promulgate a local rule to provide in which cases the electronic citation procedure will be permitted.

Paragraphs (B)(3) and (4) are taken from current Rule 1002(A)(1). Pursuant to paragraph (B)(3), and consistent with the current practice in Municipal Court, except for those cases that qualify for the community court program, the defendant must be released on his or her own recognizance, and must receive a notice to appear for an arraignment-type procedure before a trial commissioner.⁶ The court room is predetermined by Municipal Court, and notice of this court room is given to the police.

The ten-day time for filing the citation in current Rule 1002(A)(1) has been changed to five days in paragraph (B)(4). Municipal Court indicated that this shorter time limit, which is consistent with the time for filing citations in all other magisterial districts provided in Rule 406, would not be a problem for Philadelphia.

Paragraph (B)(5) is new, and provides for the transportation to community court without unnecessary delay of defendants who are qualified for disposition in community court. Because of the continuing evolution of the Philadelphia Municipal Court community court program, rather than having to go through the time consuming rule-making process with the Criminal Procedural Rules Committee and the Court, paragraph (B)(5) permits Municipal Court to elaborate the details of the community court procedures in a local rule promulgated pursuant to Rule 105. The local rule process also permits the Committee to monitor all changes to the procedures implemented by Municipal Court.

Paragraph (C) is new, and sets forth the procedures following the institution of the summary proceedings. Paragraph (C)(1) is broadly worded to accommodate the community court program. As with the local rule requirement in paragraph (B)(5), paragraph (C) requires the Municipal Court President Judge to promulgate a local rule to provide the details of the trial procedures in community court.

Paragraph (C)(2) sets forth the arraignment-type procedures following the defendant's release pursuant to paragraph (B)(3) when the defendant appears before the trial commissioner. Consistent with the current practice in Municipal Court, the trial commissioner is required to explain the proceedings to the defendant. The defendant is given the option to plead guilty and pay the fines and costs set in the case, or to plead not guilty, in which case, the trial commissioner sets the date for the trial before a Municipal Court judge and issues a subpoena to the defendant. In addition, in specified cases, the defendant also may be given the option to participate in the Municipal Court's current summary case diversionary program, or another diversionary program that may be implemented by local rule. In these cases, if the defendant successfully completes the program, the defendant's arrest record is automatically expunged.

Paragraph (D) implements the current practice in Municipal Court of issuing bench warrants when a defendant in a summary case fails to appear pursuant to the notice to appear or a subpoena. Paragraph (E) is identical to current Rule 1002(B).

The provisions in current Rule 1002 concerning procedures for filing the citation, paragraph (A)(2), arrests

without warrant, paragraph (A)(3), private complaints, paragraph (A)(4), and warrants of arrest, paragraph (C), have not been carried over into the new rule. In addition, defendants in non-traffic summary cases are not permitted to enter a plea by mail.⁷ The representatives of Municipal Court told us these procedures are never used, and asked that these provisions be deleted from the new rule.

B. Rules 455 and 1003

While the Ad Hoc Municipal Court Committee was convened and reviewing the Rule 1002 procedures, the members also reviewed the other rules in Chapter 10 and the rules in Chapter 4 to identify any other rule procedures that are divergent from the current practices in Municipal Court. The Municipal Court representatives suggested changes to Rules 455 and 1003, and indicated the other Chapter 4 and 10 rules and the practices in Municipal Court are consistent.

Rule 455

Rule 455(D) has been modified to include notice of the defendant's right to appeal for a trial de novo in the notice that goes out following a trial in the defendant's absence.

Rule 1003⁸

Rule 1003(A)(2) sets forth the procedures for private criminal cases. The Municipal Court representatives explained that the procedure for review of the attorney for the Commonwealth's disapproval of a complaint is by petition to the President Judge of Municipal Court, or a designee, not, as in the current rule, to Common Pleas Court. The affiant may appeal the Municipal Court decision to Common Pleas Court. Paragraph (A)(2) has been amended accordingly.

In paragraph (D)(3), the Municipal Court representatives suggested adding "or defendant's attorney" in each place there is a reference to providing a copy of some court document to the defendant because defendants frequently are represented at the preliminary arraignment stage of the proceedings and the defendant's attorney should be receiving these copies. Accordingly, consistent with comparable references in other statewide rules, the provision has been amended to read "defendant's attorney, or if unrepresented the defendant."⁹

Finally, Municipal Court has jurisdiction of all misdemeanors, so the notice of the next proceeding date given the defendant at the time of the preliminary arraignment in current Rule 1003 is of the time for the trial in a misdemeanor case. Municipal Court also serves as an issuing authority when the case is a felony case, so the next proceeding after the preliminary arraignment in these cases is a preliminary hearing before a Municipal Court judge. Because current Rule 1003(D)(3)(d)(ii) does not include preliminary hearing notices, this provision of the rule has been amended to include the requirement that, at the preliminary arraignment, the defendant receive notice of the time for the preliminary hearing.

[Pa.B. Doc. No. 05-1632. Filed for public inspection September 2, 2005, 9:00 a.m.]

⁷ See, e.g., Rules 403(B), 408, and 409.

⁸ In addition, pursuant to the recent Court directive, the string citations have been added to the cases referenced in the Comment.

⁹ See, e.g., Rule 576.

⁶ The position of "trial commissioner" is unique to Philadelphia.

Title 25—LOCAL COURT RULES

NORTHUMBERLAND COUNTY

Adoption of Local Rules—NCV-1915.3-1 and 1920.12; Misc. No. CV-86-1958

Order

And Now, this 10th day of August, 2005, the Court hereby adopts the following Northumberland County Local Rules of Civil Procedure, to be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the Court Administrator shall file seven certified copies of these rules with the AOPC; two certified copies and a computer diskette containing the text to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one certified copy with the Domestic Relations Procedural Rules Committee; and one certified copy to the *Northumberland County Legal Journal* for publication thereof.

It is further *Ordered* that copies shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Northumberland County.

By the Court

ROBERT B. SACAVAGE,
President Judge

Rule NCV 1920.12 Family Transitions Program (an educational seminar) Mandatory

A. In all divorce proceedings where there are any children of the marriage under age 18, the parties shall within 60 days of the date the Complaint is filed, attend a two (2) hour mandatory educational group program entitled "Family Transitions Program" at the Northumberland County Family Center.

B. The Divorce Complaint shall contain one of the following averments:

(1) Plaintiff avers there are no children under the age of 18 years born of the marriage;

(2) Plaintiff avers there are children under the age of 18 years born of the marriage, namely (list names and dates of birth).

C. If there are children under the age of 18 years born of the marriage, the complaint shall include one of the following averments:

(1) Plaintiff has been advised of the requirement to attend the Family Transitions Program; or

(2) The parties have previously attended either the "Family Transitions Program" or the more comprehensive "Custody Conflict Resolution Program" (specify the program attended) as evidenced by certificates of attendance attached or contained in the official court file to the following docket number (list case number).

D. In the event there are children under the age of 18 born of the marriage, and there is no averment the parties previously attended either of the aforementioned programs, the divorce complaint shall have attached thereto an order in substantially the following form:

(CAPTION)

ORDER OF COURT

AND NOW, this ____ day of _____, 200 __, the Court hereby ORDERS that within sixty (60) days of the

date hereof, both parties shall register for and attend the "Family Transitions Program."

FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS (DISMISSAL OF ACTION, NO FINAL HEARING) OR A FINDING OF CONTEMPT.

BY THE COURT:

J.

pc: Plaintiff
Defendant
Court Administrator
Court

E. The Plaintiff shall serve the foregoing Order at the time the divorce complaint is served, along with a registration form. The registration forms are available from the Court Administrator's office.

F. Any affidavit of service shall include a statement that the defendant was served the foregoing order and the registration form.

G. The completed registration forms, along with a registration fee of \$25.00 per registrant, are to be forwarded to the Court Administrator's office. Note: No personal checks (except from an attorney's escrow account) will be accepted. Payment should be by certified check, money order or cash.

H. Any request for waiver of the fee shall be accompanied by a verified request for in forma pauperis status pursuant to Pa.R.C.P. 240.

I. Should a party fail to attend the program, the party or the Court sua sponte may initiate contempt proceedings.

J. If there has been domestic violence, by designation on the registration form, the parties will be scheduled for separate program sessions.

K. Certificates of attendance are to be filed of record, with a copy forwarded to the Court Administrator.

L. Court approval is required for an extension of time to complete the program or for any other request to waive any of the requirements hereof for good cause.

Rule NCV-1915.3-1 Custody Conflict Resolution Program

A. Upon the recommendation of a Child Custody Hearing Officer/Special Master, by petition of an authorized representative of Children and Youth Services or sua sponte by the Court, the Court directs that the parties in any custody, divorce or PFA proceedings shall attend the "Custody Conflict Resolution Program," consisting of four sessions at the Northumberland County Family Center, to be completed within 60 days of the order.

B. Within 7 days after entry of the order directing the parties to attend the "Custody Conflict Resolution Program," both parties are required to register for the seminar by delivery or mail of the completed registration form to the Court Administrator's office; along with the required fee of \$25.00 per registrant. Note: No personal checks (except from an attorney's escrow account) will be accepted. Payment shall be by certified check, money order or cash.

C. Any request for waiver of the fee shall be accompanied by a verified request for in forma pauperis status pursuant to Pa.R.C.P. 240.

D. If there has been domestic violence, by designation on the registration form, the parties will be scheduled for separate program session.

E. Should a party fail to attend the program, the party or the Court sua sponte may initiate contempt proceedings.

F. Certificates of attendance are to be filed of record, with a copy forwarded to the Court Administrator.

G. The course must be completed only once, and prior attendance at the "Family Transitions Program" is not a substitute for required attendance at the "Custody Conflict Resolution Program."

H. Court approval is required for an extension of time to complete the program or for any other request to waive any of the requirements hereof for good cause.

[Pa.B. Doc. No. 05-1633. Filed for public inspection September 2, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 243]

Membership, Credited Service and Eligibility for Benefits

The State Employees' Retirement Board (Board) proposes to delete § 243.8 (relating to classes of service).

A. Effective Date

The proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147, (717) 787-9657; or Salvatore A. Darigo, Jr., Counsel, State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17101, (717) 787-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. Statutory Authority

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. Background and Purpose

Section 243.8 lists the classes of service closed to new members as of March 1, 1974. Before that date, 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code) (Retirement Code) contained various benefit formulas that applied a benefit multiplier factor to a State employee's final average salary and total credited service to determine the amount of the employee's retirement benefit.

By deleting § 243.8, the State Employees' Retirement System (SERS) would delete a section that has been rendered obsolete and irrelevant due to subsequent changes to the Board's enabling legislation. More than 30 years have passed since the classes of membership referenced in the regulation were closed to new members. Therefore, there are few, if any, Commonwealth employees subject to the regulation.

E. Benefits, Costs and Compliance

Benefits

The regulation proposed to be deleted is unnecessary, outmoded and irrelevant to the current provisions of the Retirement Code. Deleting this section will avoid confusion on the part of members of SERS and the Board's personnel, and also potentially reduce the number of administrative hearings for redress of grievances.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposed rulemaking.

Compliance Costs

The proposed rulemaking is not expected to impose any additional compliance costs on State employees.

F. Sunset Review

Sunset review does not apply in this instance.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 18, 2005, the Board 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 State Government Committee and the Senate Finance Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, 5th Floor, Harrisburg, PA 17101. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments—Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-4. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 243. MEMBERSHIP, CREDITED SERVICE, CLASSES OF SERVICE AND ELIGIBILITY FOR BENEFITS

§ 243.8. [Classes of service] (Reserved).

[(a) Classes of service, other than Class A, remaining open to members who were in such classes on March 1, 1974, are as follows:

(1) Class B. Those employees who chose to remain in that class, which was closed to new members as of May 18, 1937. The contribution rates and benefits are at a basic rate of 62.5% of Class A rates and benefits.

(2) Class C. Officers and employes of the Pennsylvania State Police and enforcement officers of the Pennsylvania Liquor Control Board.

(3) Class D, D-1, D-2 and D-3. Members of the General Assembly eligible for benefits for legislative service under these classes.

(4) Class E and E-1. Judges eligible for benefits under Classes E and E-1.

(5) Class E-2. Justices of the Peace paid by the Commonwealth.

(b) Classes set forth in subsection (a) are closed to new members as of March 1, 1974. Members continuing their membership in the classes listed in subsection (a) are eligible to continue therein until retirement or death; however, if a member discontinues service and subsequently returns to State service, the subsequent service shall be credited as Class A service.]

[Pa.B. Doc. No. 05-1634. Filed for public inspection September 2, 2005, 9:00 a.m.]

[4 PA. CODE CH. 241] Preliminary Provisions

The State Employees' Retirement Board (Board) proposes to amend § 241.1 (relating to definitions) by deleting the definition of "class of service multiplier."

A. Effective Date

The proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information, contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17101, (717) 787-9657; or Salvatore A. Darigo, Jr., Counsel, State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17101, (717) 787-7317. Information regarding submitting comments on this proposed rulemaking appears in Section H of this preamble.

C. Statutory Authority

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. Background and Purpose

Prior to March 1, 1974, 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code) (Retirement Code) contained various benefit formulas which applied a benefit multiplier factor to a State employee's final average salary and total credited service to determine the amount of the employee's retirement benefit. The definition proposed to be deleted clarified the Board's determination that persons who entered State service after March 1, 1974, would not be able to have their post-1974 retirement benefits calculated under earlier law. Subsequent amendments to the Retirement Code removed the various class of service multipliers and substituted a Class "A" retirement benefit formula.

The definition proposed to be deleted is unnecessary, outmoded and irrelevant. Deleting this definition will avoid confusion on the part of members of the State

Employees' Retirement System (SERS) and the Board's personnel, reduce paperwork and potentially reduce the number of administrative hearings for redress of grievances.

E. Benefits, Costs and Compliance

Benefits

This proposed deletion of this definition would benefit SERS and its members. This definition is unnecessary, outmoded and irrelevant. Deleting this definition will avoid confusion on the part of members of SERS and the agency's personnel, reduce paperwork and potentially reduce the number of administrative hearings for redress of grievances.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposed rulemaking.

Compliance Costs

The proposed rulemaking is not expected to impose any additional compliance costs on State employees.

F. Sunset Review

Sunset review does not apply in this instance.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 18, 2005, the Board 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 State Government Committee and the Senate Finance Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, 5th Floor, Harrisburg, PA 17101. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments—Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be

included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.1. Definitions.

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

* * * * *

[*Class of service multiplier*—Relates only to those members who are eligible for and so elected their classes as specified under prior law and who remain in those classes subsequent to March 1, 1974, and thereafter, until termination of State service. All members who enter or reenter after March 1, 1974, shall be in the A class of service and have a multiplier of one for service rendered thereafter. Certain members may be eligible to have previous service credited to another class under section 5303(b) of the code, if they return to service after March 1, 1974. The reference in the code to additional legislative compensation for certain members of Class D-3 applies only to Constitutional officers of the General Assembly and other legislator—officers as elsewhere provided by law.]

* * * * *

[Pa.B. Doc. No. 05-1635. Filed for public inspection September 2, 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 Aging

The Executive Board approved a reorganization of the Department of Aging effective August 15, 2005.

The organization chart at 35 Pa.B. 4926 (September 3, 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. 05-1636. Filed for public inspection September 2, 2005, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective August 15, 2005.

The organization chart at 35 Pa.B. 4927 (September 3, 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. 05-1637. Filed for public inspection September 2, 2005, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

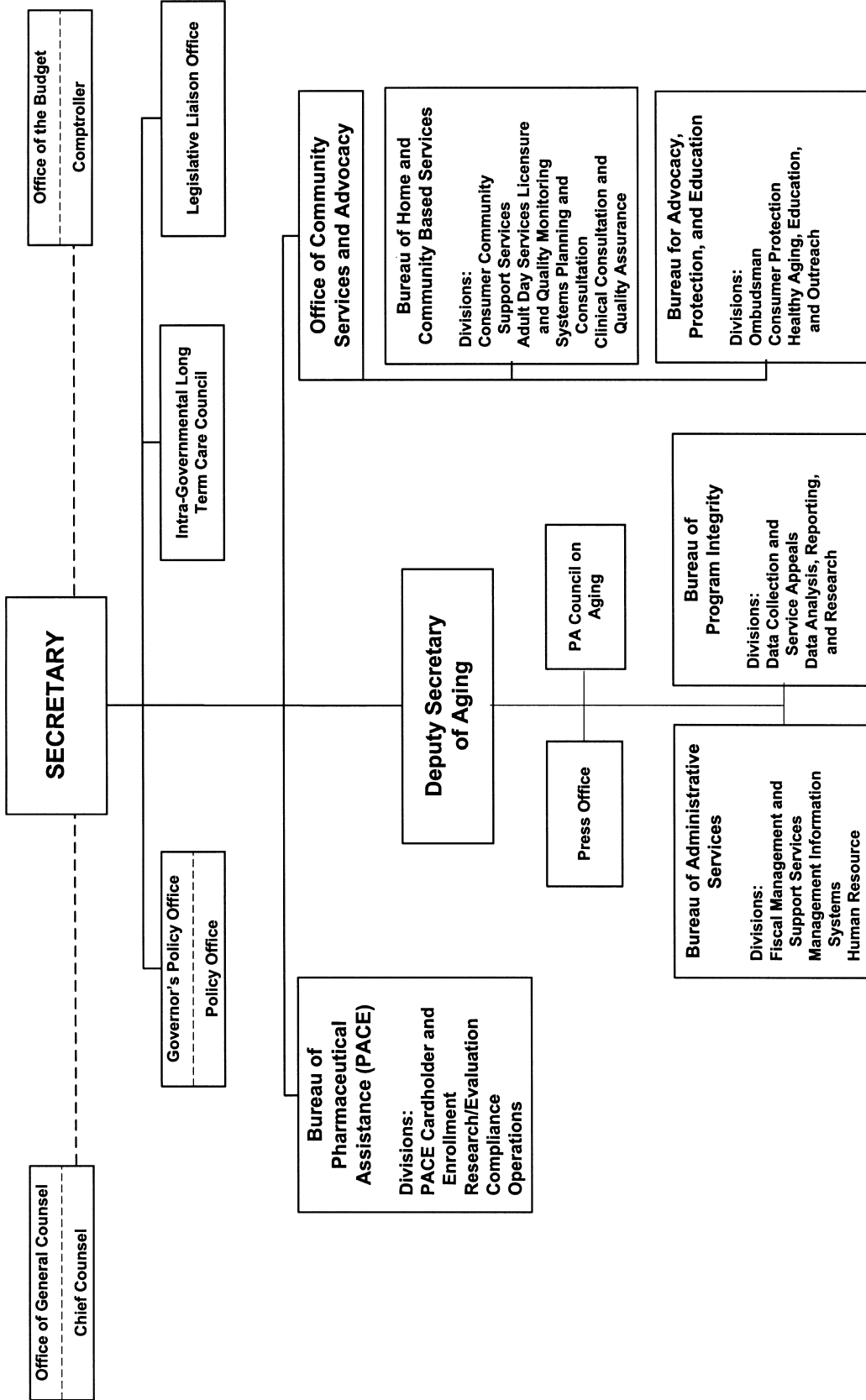
The Executive Board approved a reorganization of the Department of Transportation effective August 15, 2005.

The organization chart at 35 Pa.B. 4928 (September 3, 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).

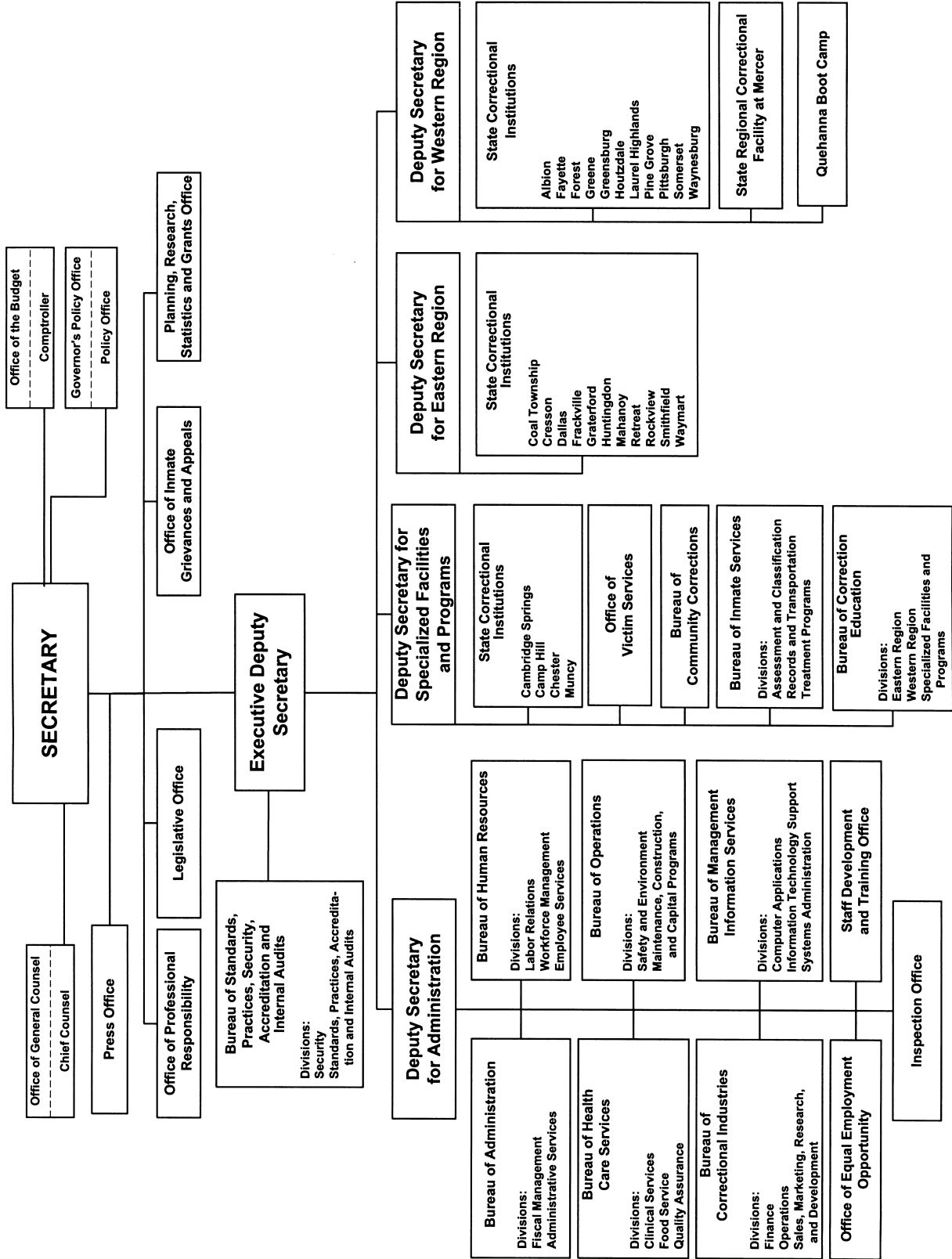
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

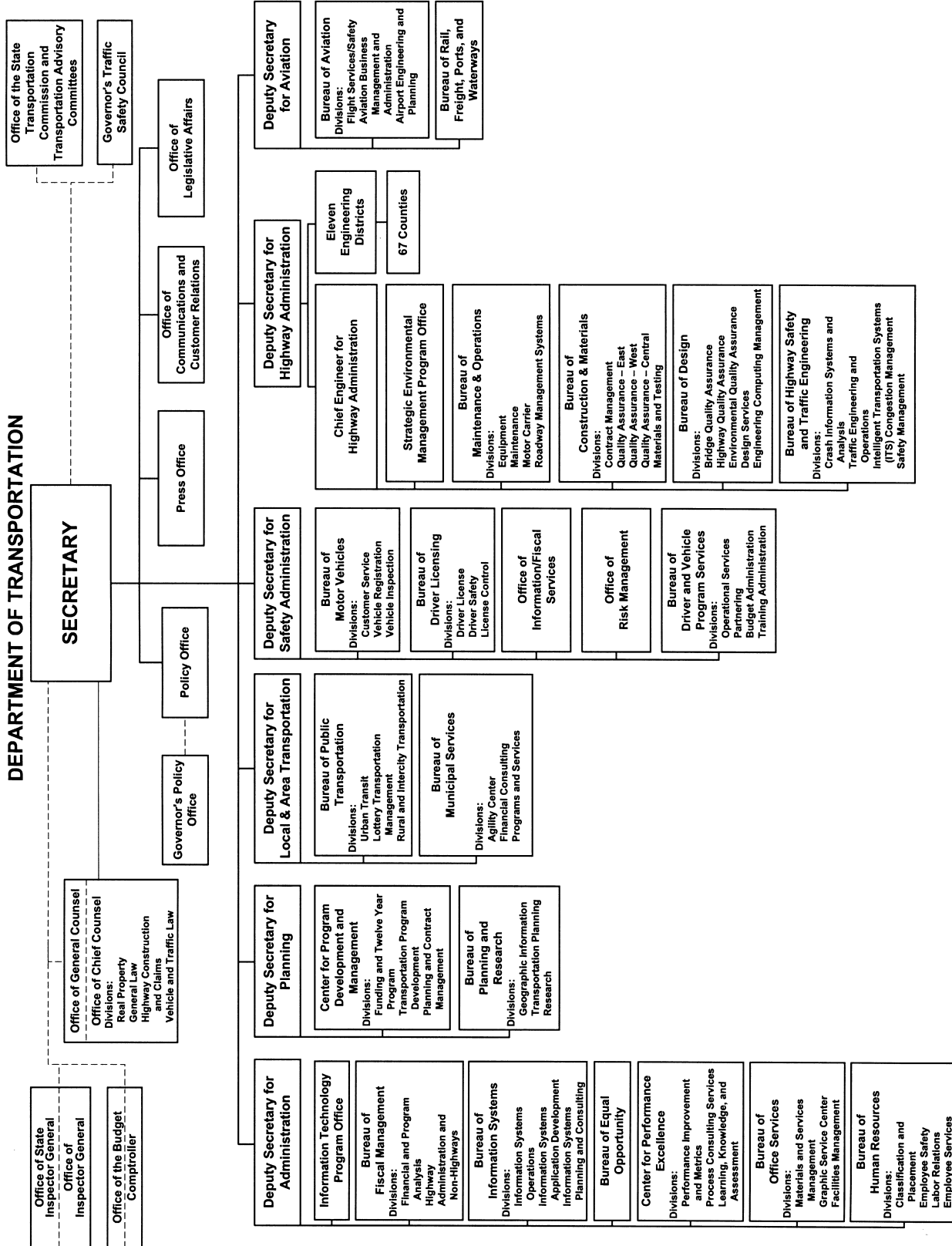
[Pa.B. Doc. No. 05-1638. Filed for public inspection September 2, 2005, 9:00 a.m.]

DEPARTMENT OF AGING



DEPARTMENT OF CORRECTIONS





NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Disease

The Department of Agriculture (Department) hereby issues a temporary order designating Lymphocytic Choriomeningitis Virus (LCMV) as a "dangerous transmissible disease." This designation is made under 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation.

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States, necessitating swift investigation and disease containment strategies to protect human health.

Order

The Department hereby designates LCMV as a "dangerous transmissible disease" under 3 Pa.C.S. § 2321(d).

This order shall take effect as of July 25, 2005, and shall remain in effect until no later than July 25, 2006. This Department may: (1) reissue this temporary order to extend the designation beyond July 25, 2006; (2) allow this temporary order to expire on July 25, 2006; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order should be directed to Paul Knepley, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 05-1639. Filed for public inspection September 2, 2005, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending August 23, 2005.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-22-05	Valley Forge Trust Company King of Prussia Montgomery County <i>Correspondent:</i> David F. Scranton, Esq. Stradley, Ronon, Stevens & Young, LLP 30 Valley Stream Parkway Malvern, PA 19355-1481	King of Prussia	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-1-05	Fulton Bank Lancaster Lancaster County	1952 Waddle Road Suite 106 State College Patton Township Centre County	Opened
8-22-05	Berkshire Bank Wyomissing Berks County	350 E. Bellevue Avenue Muhlenberg Township Berks County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1640. Filed for public inspection September 2, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)
PERMITS**

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0029041 (Sew)	Penn West Conference UCC Camp Living Waters 300 Camp Living Water Road Schellsburg, PA 15559-8379	Bedford County Napier Township	Shawnee Branch/11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0035548	PW Hardwood, LLC 11424 Route 36 Brookville, PA 15825	Rose Township Jefferson County	Beaver Run 17-C	Y
PA0101478	SNPJ Recreation Center 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	Tributary to Sugar Creek 20-B	Y
PA0221783	Crystal Springs Estates Mobile Home Park 201 Crystal Lane P. O. Box 145 Forestville, PA 16035	Mercer Township Butler County	McDonald Run 20-C	Y
PA0033821	Pymatuning Laboratory of Ecology 13142 Hartstown Road Linesville, PA 16424	North Shenango Township Crawford County	Pymatuning Reservoir 20-A	Y
PA0031879	Pittsburgh District Church of the Nazarene 177 North Road Butler, PA 16001	Franklin Township Butler County	UNT to Mulligan Run 20-C	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.

PA0026603, Sewage, SIC 4952, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Issuance of NPDES renewal permit for an existing discharge of treated sewage.

The receiving stream, Wissahickon Creek, is in the State Water Plan watershed 3F and is classified for: TSF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River, approximately 12.95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Total Suspended Solids	30	45		60
NH ₃ -N (5-1 to 10-31)	1.5			3.0
(11-1 to 4/30)	4.5			9.0
Dissolved Oxygen	7.0, I-min.			
pH (Std. Units)	6.0, I-min.			
Fecal Coliform (#col/100 ml)	200			9.0
Phosphorus as P: (Issuance through Yr 2)	Monitor			
(Yr 3 through Expiration)	2.0			4.0
Aluminum, Total	Monitor		Monitor	
Copper, Total	Monitor		Monitor	
Chromium				

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Hexavalent Total	Monitor		Monitor	
Silver, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Arsenic, Total	Monitor		Monitor	
Cadmium, Total	Monitor		Monitor	
Mercury, Total	Monitor		Monitor	
<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nickel, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	
Cyanide, Free	Monitor		Monitor	
Selenium, Total	Monitor		Monitor	
Phenolics, Total	Monitor		Monitor	
Total Residual Chlorine (NO ₂ +NO ₃) as N	0.1 Monitor			0.3

The proposed effluent limits for Stormwater Outfall 006 are based on a design flow of an average storm event:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi-Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor		Monitor	
COD	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
pH	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
Iron, Dissolved	Monitor		Monitor	
Fecal Coliform (#col/100 ml)	Monitor		Monitor	

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

1. Stormwater Requirements.
2. Pretreatment Program.
3. Upstream Monitoring.
4. Specification of Test Methods.
5. Definition of Average Weekly.
6. Remedial Measures if Public Nuisance.
7. No Stormwater to Sanitary Sewers.
8. Necessary Property Rights.
9. Instantaneous Maximum Limitations.
10. Proper Sludge Handling.
11. Whole Effluent Toxicity Testing with Renewal.
12. Notification of Designation of Responsible Operator.

The EPA waiver is not in effect.

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

Application No. PAS 203501, Stormwater, SIC Code 3322, 3365, 3321 and 3366, **Buck Company**, Incorporated Foundry, 897 Lancaster Pike, Quarryville, PA 17566. This facility is located in Providence Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for existing discharge of treated industrial waste.

The receiving stream, UNTs of Conowingo Creek and Fishing Creek, is in Watershed 7-K, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Naval Training Center located on the Susquehanna River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for stormwater are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor
COD	Monitor
Oil and Grease	Monitor
pH	Monitor

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
TSS	Monitor
Total Lead	Monitor
Total Chromium	Monitor
Total Copper	Monitor
Total Cadmium	Monitor
Total Arsenic	Monitor
Total Aluminum	Monitor
Total Iron	Monitor

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0082732, Sewage, East St. Clair Township Municipal Authority (Stone Creek Wastewater Treatment Plant), P. O. Box 55, Fishertown, PA 15539-0055. This facility is located in East St. Clair Township, **Bedford County**.

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

The receiving stream, Dunning Creek, is in Watershed 11-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Authority is located on the Raystown Branch Juniata River, approximately 62 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.112 mgd are:

<i>Parameter</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Total Monthly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	23.4	37.4		25	40	50
Total Suspended Solids	28.0	42.0		30	45	60
Dissolved Oxygen				minimum of 5.0 at all times		
pH				from 6.0 to 9.0 inclusive		
NO ₂ -N	Report		Report			
NO ₃ -N	Report		Report			
Total Kjeldahl Nitrogen	Report		Report			
Total Nitrogen	Report		Report			
Total Phosphorus	Report		Report			
Fecal Coliform						
(5-1 to 9-30)				200/100 ml as a geometric average		
(10-1 to 4-30)				14,000/100 ml as a geometric average		

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0082694, Sewage, East St. Clair Township Municipal Authority (Fishertown Wastewater Treatment Plant), P. O. Box 55, Fishertown, PA 15539-0055. This facility is located in East St. Clair Township, **Bedford County**.

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

The receiving stream, Dunning Creek, is in Watershed 11-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on the Raystown Branch Juniata River, approximately 59 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.112 mgd are:

<i>Parameter</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Total Monthly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	23.4	37.4		25	40	50
Total Suspended Solids	28.0	42.0		30	45	60
Dissolved Oxygen				minimum of 5.0 at all times		
pH				from 6.0 to 9.0 inclusive		
NO ₂ -N	Report		Report			
NO ₃ -N	Report		Report			
Total Kjeldahl Nitrogen	Report		Report			
Total Nitrogen	Report		Report			

Parameter	Mass (lbs)		Concentration (mg/l)			
	Average Monthly	Average Weekly	Total Monthly	Average Monthly	Average Weekly	Instantaneous Maximum
Total Phosphorus	Report		Report			
Fecal Coliform (5-1 to 9-30)						200/100 ml as a geometric average
(10-1 to 4-30)						14,000/100 ml as a geometric average

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

Application No. PA 0247740, Sewage, **Big Spring Fish and Game**, P. O. Box 81, Newville, PA 17241. This facility is located in North Newton Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 22.7 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0006 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	
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)	100,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

PA-0065013, Industrial, **Municipal Authority of the Township of Blythe**, 375 Valley Street, New Philadelphia, PA 17959. This proposed facility is located in Blythe Township, **Schuylkill County**.

Description of Proposed Activity: Issuance of an NPDES Permit.

The receiving stream, Silver Creek, is in the State Water Plan watershed No. 3A and is classified for CWF. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.038 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	Monitor and Report			
Total Suspended Solids			30.0	60.0
Total Iron			2.0	4.0
Total Aluminum			4.0	8.0
Total Manganese			1.0	2.0
pH	not less than 6.0 Std. Units nor greater than 9.0 Std. Units at all times			
Total Residual Chlorine			0.5	1.0

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

PA0040312, Industrial Waste, SIC 3341, **Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301. This application is for a renewal of an NPDES permit to discharge treated contaminated groundwater and stormwater runoff from the Washington Plant in Canton Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, located at 210 Perry Highway, Pittsburgh, PA 15229, approximately 45 miles below the discharge point.

Outfall 001: existing discharge, interim effluent limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30		100
Oil and Grease			15		30
Cadmium (T)			0.15		0.34
Silver (T)			0.17		1.41
Zinc (T)			0.61		1.46
Iron (T)			2.0		4.0
Molybdenum Sulfate			10		20
TRC				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0 at all times			0.5	1.0

The EPA waiver is in effect.

Outfall 001: existing discharge, final effluent limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
This discharge shall consist solely of those sources previously monitored at IMP101 and IMP201.					
TSS					Monitor and Report
Oil and Grease					Monitor and Report
Cadmium (T)					Monitor and Report
Silver (T)					Monitor and Report
Zinc (T)					Monitor and Report
Iron (T)					Monitor and Report
Molybdenum Sulfate					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 at all times				

Outfall 101: new discharge, interim effluent limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			10		20
Iron, total			3.5		7.0
Iron, dissolved					7.0
Manganese			2.0		4.0
Aluminum			1.5		3.0
Cadmium			0.009		0.018
Silver			0.008		0.016
Zinc			0.235		0.470
Molybdenum			10		20
Mercury			0.00035		0.00070
Pentachlorophenol				Not Detectable	
Benzene				Not Detectable	
Carbon Tetrachloride				Not Detectable	
Chlorform				Not Detectable	
Methylene Chloride				Not Detectable	
Vinyl Chloride				Not Detectable	
Napthalene				Not Detectable	
pH	not less than 6.0 nor greater than 9.0 at all times				

Outfall 101: new discharge, final effluent limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			10		20

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron,					
Total			3.5		7.0
Dissolved					7.0
Manganese			2.0		4.0
Aluminum			1.5		3.0
Cadmium			0.009		0.018
Silver			0.008		0.016
Zinc			0.235		0.470
Molybdenum			1.2		2.4
Mercury			0.00035		0.00070
Pentachlorophenol				Not Detectable	
Benzene				Not Detectable	
Carbon Tetrachloride				Not Detectable	
Chlorform				Not Detectable	
Methylene Chloride				Not Detectable	
Vinyl Chloride				Not Detectable	
Napthalene				Not Detectable	
pH	not less than 6.0 nor greater than 9.0 at all times				

Outfall 201: new stormwater discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			20		40
Iron			2.0		4.0
Cadmium			0.003		0.006
Silver			0.001		0.002
Zinc			0.5		1.0
Molybdenum			5.0		10.0
pH	not less than 6.0 nor greater than 9.0 at all times				

Outfall 002: existing discharge, interim effluent limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
TSS			30		100
Oil and Grease			15		30
Cadmium (T)			0.15		0.34
Silver (T)			0.17		0.41
Zinc (T)			0.61		1.46
Iron (T)			2.0		4.0
Total Residual Chlorine			0.5		1.0
Molybdenum			10		20
pH	not less than 6.0 nor greater than 9.0 at all times				

Outfall 002: existing discharge, final effluent limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
TSS			30		100
Oil and Grease			15		30
Cadmium (T)			0.15		0.34
Silver (T)			0.17		0.41
Zinc (T)			0.61		1.46
Iron (T)			2.0		4.0
Total Residual Chlorine			0.5		1.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Molybdenum			1.2		2.4
pH	not less than 6.0 nor greater than 9.0 at all times				

Outfall 003: new stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			20		40
Iron			2.0		4.0
Cadmium			0.003		0.006
Silver			0.001		0.002
Zinc			0.5		1.0
Molybdenum			5.0		10.0
pH	not less than 6.0 nor greater than 9.0 at all times				

PA0028177, Sewage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5506. This application is for renewal of an NPDES permit to discharge treated sewage from A & B Sewage Treatment Plant in McCandless Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Pine Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.4 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(3-1 to 11-30)	1.5	2.3		3.0
(12-1 to 2-29)	3.0	4.5		6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.22			0.72
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: This STP is proposed to be abandoned in the near future, and the sewage flow conveyed to the permittee's Longvue STP No. 1, which will be expanded.

The EPA waiver is in effect.

PA0043036, Sewage, **Pennsylvania Conference Association of Seventh Day Adventists, Inc.**, 720 Museum Road, Reading PA 19611. This application is for renewal of an NPDES permit to discharge treated sewage from Laurel Lake STP in Banks Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Straight Run, which are classified as a HQ-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 Armstrong Power Station on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0105 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	15			30
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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	1.1			2.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.021 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	15			30
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	0.6			1.4
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.

PA0090573, Sewage, **Hempfield Suburban, LLC**, 9073 Nemo Street, West Hollywood CA 90069. This application is for renewal of an NPDES permit to discharge treated sewage from Suburban Acres MHP STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Sewickley 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 McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.072 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.5			7.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
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.

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

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

WQM Permit No. 1592402, Renewal, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Permit Renewal.

WQM Permit No. 4605416, Sewerage, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. This proposed facility is located in Borough of Pottstown, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary sewer replacement.

WQM Permit No. 4605417, Sewerage, **Upper Montgomery Joint Authority**, 1100 Mensch Dam Road, P. O. Box 6, Pennsburg, PA 18073. This proposed facility is located in Pennsburg Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of new pumps and controls.

WQM Permit No. 1505420, Sewerage, **West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425-3301. This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater collection, treatment and disposal facility.

WQM Permit No. 4605418, Sewerage, **Shelly Square, LP**, 528 Main Street, Harleysville, PA 19424. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant to service a proposed commercial shopping center.

WQM Permit No. 2305405, Sewerage, **Chester Downs and Marina LLC, c/o Harrah's Entertainment Inc.**, 777 Harrah's Boulevard, Atlantic City, NJ 08401. This proposed facility is located in Chester Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station and a 8 foot force main.

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

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

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

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

Lawrence Conservation District, Lawrence County Gov't Center, 430 Court Street, New Castle, PA 16101, (724) 652-4512.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI06370503	Vortex Recycling, 526 S. Jefferson Street New Castle, PA 16101	Lawrence	City of New Castle	Shenango River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036705003	Robert Barclay Barkas, Inc. 14871 Mount Olivet Road Stewartstown, PA 17363	York	North Hopewell Township	UNT to East Branch Codorus Creek/HQ-CWF
PAI033103005	John Gilliland 1 War Path Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	Warriors Mark Run/HQ-CWF
PAI003605004	Anthony Dimauro 1935 Lancaster Pike Peach Bottom, PA 17563	Lancaster	Fulton Township	Conowingo Creek/HQ-CWF
PAI034405003	Michael W. Watson Edge Wood Estates, Inc. 289 Walnut Street Bellville, PA 17004	Mifflin	Brown Township	UNT to Tea Creek/HQ-CWF
PAI030605001	Leon Snyder 80 Lyons Road Fleetwood, PA 19522	Berks	Rockland and Longswamp Townships	Pine Creek/EV Sacony Creek/TSF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805007	Department of Military Affairs Building 0-47 Fort Indiantown Gap Annville, PA 17003-5002	Franklin	Quincy and Guilford Townships	Potomac River Basin/Raccoon Creek Watershed/HQ-CWF
PAI032105010	McCoy Development, LLC 8150 Leesburg Pike, Suite 810 Vienna, VA 22182	Cumberland	South Middleton	Letort Spring Run/HQ-CWF

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

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

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

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

Permit No. 2904502 , Public Water Supply.
Applicant Leisure Living Retirement Home
Municipality Dublin Township

County	Fulton
Responsible Official	Clyde White, Owner HC 75 Box 244 Fort Littleton, PA 17223
Type of Facility	Public Water Supply
Consulting Engineer	Lance S Kegerreis, P. E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Application Received Date	9/14/2004
Description of Action	Permit is for existing unpermitted water system serving the retirement home.
Permit No. 5005504 , Public Water Supply.	
Applicant	Newport Water Authority
Municipality	Howe Township
County	Perry
Responsible Official	David S Goerman Jr., Chairperson 231 Market Street Newport, PA 17074
Type of Facility	Public Water Supply
Consulting Engineer	Harry E Bingaman, P. E. Glace Assoc., Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Application Received Date	7/28/2005
Description of Action	Campbell Well and related transmission mains.
Application No. 0605512 MA , Minor Amendment, Public Water Supply.	
Applicant	Muhlenberg Township Authority
Municipality	Muhlenberg Township
County	Berks
Responsible Official	Robert Walborn, Manager 2840 Kutztown Road Hyde Park Reading, PA 19605
Type of Facility	Public Water Supply

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

Application Received Date 6/10/2005

Description of Action Project modifies the disinfection at Well Nos. 1, 2 and 6. Well Nos. 1 and 2 will switch from gas chlorine to sodium hypochlorite for disinfection. Well No. 6 will retain the gas chlorine disinfection and install a leak detection system for operator safety.

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

Application No. 1104501-A1, Public Water Supply.

Applicant **Country Living Estates, Inc.**
313 Humbert Road
Sidman, PA 15955

Township or Borough Croyle Township

Responsible Official Zubair Mansori
Country Living Estates, Inc.
313 Humbert Road
Sidman, PA 15955

Type of Facility Water system

Consulting Engineer Keller Engineers, Inc.
420 Allegheny Street
P. O. Box 61
Hollidaysburg, PA 16648

Application Received Date July 25, 2005

Description of Action This amendment will cover the installation of a new manganese-greensand filter and pressure storage tank. The proposed filter will be sized to match the pumping capacity of the well and the tank will add additional storage capacity to regulate fluctuations in flow and provide back flow capabilities.

Permit No. 1104502, Public Water Supply.

Applicant **Municipal Authority of the Borough of Portage**
606 Cambria Street
Portage, PA 15946

Township or Borough Portage Borough

Responsible Official Joseph Stancovich, Manager
Municipal Authority of the Borough of Portage
606 Cambria Street
Portage, PA 15946

Type of Facility Water treatment plant

Consulting Engineer The EADS Group, Inc.
1126 Eighth Avenue
Altoona, PA 16602

Application Received Date January 12, 2004

Description of Action Installation of the 1.0 MG Mountain Avenue water storage tank.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant **Borough of Jim Thorpe**

Township or Borough Jim Thorpe Borough, **Carbon County**

Responsible Official William J. Maurer, President
Jim Thorpe Borough Council
Borough of Jim Thorpe
421 North Street
Jim Thorpe, PA 18229-2528

Type of Facility PWS

Consulting Engineer Michael J. Daschbach, P. E.
Entech Engineering, Inc.
P. O. Box 32
Reading, PA 19603

Application Received Date August 15, 2005

Description of Action The applicant proposes to replace the existing disinfection facilities consisting of gas chlorination facilities at Wells Nos. 1 and 4 with a sodium hypochlorite feed system.

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

Application No. 1186503MA, Minor Amendment.

Applicant **Croyle Township Water Authority**
P. O. Box 249
Summerhill, PA 15948

Township or Borough Croyle Township

Responsible Official Fred Meier, President
Croyle Township Water Authority
P. O. Box 249
Summerhill, PA 15948

Type of Facility Water storage tank

Consulting Engineer Innovative Consulting Group, Inc.
2817 Industrial Avenue
P. O. Box 73,
Altoona, PA 16603

Application Received Date July 20, 2005

Description of Action Construct a new 209,000 gallon water storage tank.

Application No. 5605502MA, Minor Amendment.

Applicant **Indian Lake Borough**
1301 Causeway Drive
Central City, PA 15926

Township or Borough	Indian Lake Borough
Responsible Official	Andrew L. Horvath, Council President Indian Lake Borough 1301 Causeway Drive Central City, PA 15926
Type of Facility	Water system
Consulting Engineer	Hatch, Mott, MacDonald 1600 West Carson Street Pittsburgh, PA 15219
Application Received Date	August 2, 2005
Description of Action	Painting interior and exterior of the Cherry Lane Water Storage Tank.

WATER ALLOCATIONS

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

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

WA-14-410D, Water Allocations. Milesburg Borough Water Authority. Milesburg Borough, Centre County. The Water Allocation Application filed by the Milesburg Borough Water Authority has been approved. This permit grants the right to purchase up to 1.640 million gallons per day, on a 30-day average, from the Borough of Bellefonte at the Big Spring in Bellefonte Borough, Centre County.

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.

National Linens Prop. Soil, City of Philadelphia, Philadelphia County. Paul Martino, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with PAHs.

Tamanend Middle School, Warrington Township, Bucks County. Daniel Lewis, Spotts, Stevens and McCoy, Inc., P. O. Box 6307, Reading, PA 19610 on behalf of Michael Nickerson, Central Bucks School Dist., 320 W. Swamp Rd., Doylestown, PA 18901 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with Nos. 2 and 4 fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in the *Calkins Newspaper* on June 17, 2005.

Parkside Amoco Station, Parkside Borough, Delaware County. Mark Genua, Powell~Harpstead, Inc., 800 E. Washington, St., West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with BTEX. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on June 8, 2005.

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

Jose Torres Residence, Bethlehem Township, Northampton County. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Bethlehem, PA 18020 has submitted a Notice of Intent to Remediate (on behalf of his client, Jose Torres, 8th Street, Bethlehem Township, PA 18020) con-

cerning the remediation of soil found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former underground storage tank on the property. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Express-Times* on August 5, 2005. The continued future use of the site is expected to be as residential properties. A Final Report was simultaneously submitted.

Former Penn Fuel Gas Manufactured Gas Plant—Lehighon Site, Borough of Lehighon, **Carbon County**. Jennifer Sedora, Environmental Professional, Environmental Management Department, PPL Services Corp, Two North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the characterization and remediation of soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The applicant proposes to meet the site-specific standard or a combination of standards. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The expected future use of the site will be continuation as a propane storage and service facility by PPL Gas Utilities.

Wolfe Residence, Kidder Township, **Carbon County**. Ethan Prout, P.G., ARC, Inc., 1000 West Broad Street, Quakertown, PA 18951 has submitted a Notice of Intent to Remediate (on behalf of his clients, Mr. and Mrs. Daniel Wolfe, Moseywood Road, Lake Harmony, PA) concerning the remediation of soil impacted by the release of kerosene fuel oil constituents as the result of an accidental release. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The proposed future use of the site is expected to be as residential property.

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

Culbertson Agway Crop Center, Greene Township, **Franklin County**. Groundwater Sciences Corporation, 2602 Market Place, Suite 310, Harrisburg, PA 17110, on behalf of Agway Liquidating Trust, LLC, 5790 Widewaters Parkway, DeWitt, NY 13214, submitted a Notice of Intent to Remediate groundwater and site soils contaminated with herbicides, pesticides and fertilizers. The applicant proposes to remediate the site to meet the Site-Specific Standard. Intended future use of the site is as a nonresidential commercial property.

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

Sheetz 367, Harborcreek Township, **Erie County**. Paul Woerner, Mountain Research LLC, 825 25th Street, Altoona PA 16601, on behalf of Bruce Thaler DDS, BFB Buffalo Road, LLC, 116 Union Avenue, Altoona PA 16602 has submitted a Notice of Intent to Remediate. Historically, property used as a service station selling gasoline. There are no registered underground storage tanks on the property. Soil contaminants of concern are the following leaded gasoline parameters: Benzene, ethylbenzene, toluene, total xylene, 1,2-dichloroethane, 1,2-dibromoethane, cumene and lead.

Calumet/Wolf's Head Refinery South Parcel, Borough of Sugar creek, **Venango County**. Stephen A. Zbur, CORE Environmental Services, 4068 Mount Royal Blvd., Suite 225 Gamma Bldg., Allison Park PA 15101 on behalf

of Harry Perrine, Pennzoil-Quaker State Co., d/b/a SOPUS, P. O. Box 99, 260 Elm Street, Oil City, PA 16301 has submitted a Notice of Intent to Remediate. Petroleum products were stored at the site in aboveground storage tanks. Know primary contaminants to be addressed included dissolved metals, and SVOCs in groundwater and soil. Future use of property is nonresidential. NIR was published in the *Derrick* on August 5, 2005.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 100148. Waste Management Disposal Service of PA, Inc., 1121 Bordentown Rd, Morrisville PA 19067, Falls Township, **Bucks County**. This application is a major permit modification to the gas management plan for the installation of a blower bank, dehydration system, an enclosed flare as a back-up control device and an increase in permit area to accommodate the flare for the GROWS Landfill. The application was received by the Southeast Regional Office on August 19, 2005.

Permit Application No. 101494. Waste Management of PA, Inc., P. O. Box 759, 1121 Bordentown Rd., Morrisville PA 19067, Falls Township Tullytown Borough, **Bucks County**. This minor permit modification application was received for a gas flare as a back-up control device for the Tullytown Resource Recovery Facility. The application was received by the Southeast Regional Office on August 19, 2005.

Permit Application No. 101682. HJH LLC, 70 Tracey Rd., Huntingdon Valley, PA 19006, Bensalem Township, **Bucks County**. Proposed C & D Transfer Station to be located at 2522 State Road in Bensalem Township. LMIP Meeting held on July 26, 2005. The application was considered received by the Southeast Regional Office on August 4, 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.

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

66-302-007: The Procter and Gamble Paper Products Co., Inc. (P. O. Box 32, Mehoopany, PA 18629) for modification of Boilers 1 and 2 to utilize wood and paper fibers as fuels and installation of associated air cleaning devices at their facility at Route 87, Washington Township, **Wyoming County**.

48-313-095: Specialty Minerals, Inc. (640 North 13th Street, Easton, PA 18042) for installation of an air-cleaning device (replacement) to capture particulate emissions from the Pyrogenics Machine Shop No. 1, at their facility in Easton, **Northampton County**.

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

05-05005A: Bedford Materials Co., Inc. (7676 Allegheny Road, Manns Choice, PA 15550) for replacement of the thermal incinerator with a regenerative thermal oxidizer in their Napier Township, **Bedford County** facility.

06-05069H: East Penn Mfg. Co., Inc. (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for the following actions at the assembly plant in Richmond Township, **Berks County**: the modification of two industrial

gridcasters (Industrial); the construction of an automotive style grid caster (S1); the construction of a battery heat sealer (S1); the modification of the A1 gridcasters controlled by fabric collector and HEPA; modification of the No. 4 Concaster of A2 controlled by fabric collector; the construction of two formation rooms in A3 controlled by mist eliminators; and the construction of four oxide mills controlled by cyclones, fabric collectors and HEPA filters. Some of the sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources.

67-05024F: Lehigh Cement Co. (200 Hokes Mill Road, York, PA 17404) for addition of postindustrial plastics fuel to the approved fuelstream of the plant's rotary kiln in West Manchester Township, **York County**. The facility is subject to 40 CFR Part 63, Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

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

41-399-027: Smurfit-Stone Container Enterprises, Inc. (64 River Road, Jersey Shore, PA 17740) for modification of a paperboard/plastic film gluing operation in Porter Township, **Lycoming County**.

18-00004A: Armstrong World Industries, Inc. (325 Eagle Valley Road, Beech Creek, PA 16822) for printing of nonflooring materials in the existing nine station rotogravure printing press in Beech Creek Township, **Clinton County**. The air contaminant emissions from the printing press will be controlled by an existing regenerative thermal oxidizer. This facility is subject to the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

53-00001A: Tennessee Gas Pipeline Corp. (1001 Louisiana Street, Houston, TX 77002) for construction and operation of a natural gas-fired reciprocating internal combustion engine driven compressor at their Coudersport facility (Station 313) in Hebron Township, **Potter County**.

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

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

23-0001S: Sunoco, Inc. (Delaware Avenue and Green Street, Marcus Hook, PA 19061-0426) in Marcus Hook Borough, **Delaware County**. The facility is primarily used for the refining of crude oil. The plan approval is for the construction of a CO boiler at the Marcus Hook refinery. NOx emissions shall not exceed 155 tons in any 12-consecutive month period. Sufficient monitoring, recording and testing methodologies are incorporated into the permit to ensure compliance with all of the applicable limits.

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

45-313-013: Johnson-Diversey, Inc. (880 Crowe Road, East Stroudsburg, PA 18301) for construction and operation of a packaging system for filling containers which

will be controlled by the use of their existing scrubber at Stroud Township, **Monroe County**. The inorganic vapors emissions from the facility will be 8.42 tpy. The scrubber shall operate at a minimum destruction efficiency of 95%. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

39-318-113: Oak Street USA, LLC (1949 South 5th Street, Allentown, PA 18103) for construction of three paint spray booths with the associated air cleaning devices in Allentown, **Lehigh County**. This facility is a non-Title V facility. The VOC emissions associated with this project will be less than 6 tons per year. The total combined hazardous air pollutants will be less than 3 tons per year. The particulate emissions will be less than 0.02 grain per dry standard cubic foot. The company shall comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall comply with 25 Pa. Code § 123.41 for opacity. The company will operate the facility and maintain the systems in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and resulting operating permit will contain record keeping and operating restrictions designed to keep the facility operating within applicable air quality requirements.

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

01-05022B: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307) for replacing a 23.9 mmBtu/hr boiler with a new 29.5 mmBtu/hr boiler at their Orrtanna fruit processing facility in Hamilton Township, **Adams County**. The low-NOx burner will reduce NOx emissions. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources 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.

41-318-049: Williamsport Steel Container Co., Inc. (360 Arch Street, Williamsport, PA 17701) for construction of a metal drum surface coating operation and a stamping lubricant flash off oven in the City of Williamsport, **Lycoming County**.

The metal drum surface coating operation consists of two spray booths (lining spray machine booth and dry filter touch-up booth) and an associated curing oven. The flash off oven is used to drive stamping lubricants off of metal drum parts. The two paint booths, curing oven and flash off oven actually already exist onsite. The air contaminant emissions from this surface coating operation and flash off oven are not expected to exceed a combined total of 10.81 tons of VOCs, .76 ton of volatile hazardous air pollutants, 1.31 tons of acetone, 2.46 tons of NOx, 2.07 tons of CO and negligible amounts of particulate matter and SOx.

The Department of Environmental Protection's (Department) review of the information submitted by Williamsport Steel Container Company, Inc. indicates that the surface coating operation and flash off oven will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the applicable VOC limitations of 25 Pa. Code § 129.52 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based

on this finding, the Department proposes to issue plan approval for the construction of the surface coating operation and flash off oven.

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

1. Only those coatings, coating additives, stamping lubricants and cleanup solvents identified in the application and supplemental materials submitted for plan approval (or alternate materials determined by the Department to have an equivalent air contaminant emission potential) shall be used in the surface coating operation and the punching process associated with the flash off oven.

2. No more than a combined total of 3,807 gallons of coatings and coating additives shall be used in the surface coating operation in any 12-consecutive month period, of which no more than 3,273 gallons shall have a VOC content in excess of 1.0 pound per gallon, no more than 3,209 gallons shall have a VOC content in excess of 2.0 pounds per gallon, no more than 3,173 gallons shall have a VOC content in excess of 3.0 pounds per gallon and none shall have a VOC content in excess of 4.3 pounds per gallon. Additionally, no more than 3,015 gallons shall contain volatile hazardous air pollutants, no more than 634 gallons shall have a volatile hazardous air pollutant content in excess of 1.0 pound per gallon and none shall have a volatile hazardous air pollutant content in excess of 1.8 pounds per gallon.

3. No more than a combined total of 800 gallons of acetone and VOC containing solvent shall be used in any 12-consecutive month period for cleanup activities associated with the surface coating operation and the flash off oven, of which no more than 400 gallons in any 12-consecutive month period shall be VOC containing solvent. Volatile hazardous air pollutant containing solvent shall not be used for cleanup activities.

4. Solvent B-27 and Drawsol 100 (or alternate materials determined by the Department to have an equivalent air contaminant emission potential) shall be the only stamping lubricants used in the punching process associated with the flash off oven. Additionally, no more than 694 gallons of Solvent B-27 (or alternate material determined by the Department to have an equivalent air contaminant emission potential) shall be used in any 12-consecutive month period and Drawsol 100 shall be removed with wiping rags from all metal parts prior to the parts entry into the flash off oven.

5. The total combined emission of VOCs from the surface coating operation and the flash off oven shall not exceed 9.17 tons in any 12-consecutive month period excluding any volatile organic compound emissions resulting from the use of cleanup solvents and any volatile organic compound emissions created from the combustion of natural gas in the curing and flash off ovens.

6. The total combined emission of volatile hazardous air pollutants from the surface coating operation and flash off oven shall not exceed .76 ton in any 12-consecutive month period.

7. The total combined VOC emissions from cleanup activities associated with the surface coating operation and flash off oven shall not exceed 1.5 tons in any 12-consecutive month period and there shall be no volatile hazardous air pollutant emissions.

8. Coatings applied in the surface coating operation shall comply with 25 Pa. Code § 129.52.

9. Coatings applied in the surface coating operation shall be applied by airless, air-assisted airless or high volume low pressure spray or by brush or by wiping cloth.

10. The two paint booths shall be equipped with spray booth filters and the resultant particulate matter emission rate shall not exceed .01 grain per dry standard cubic foot of effluent exhaust.

11. Containers of coatings, coating additives, stamping lubricants and cleanup solvents shall be closed when not in actual use. Spray lines, guns, and the like, shall be cleaned by either flushing a solid liquid stream of solvent into a container or by soaking equipment in closed containers. Under no circumstances shall solvent be atomized while flushing lines.

12. Records shall be kept of the identity, composition and amount of each coating, coating additive, stamping lubricant and cleanup solvent used in the surface coating operation and punching operation associated with the flash off oven each month.

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

43-308A: Ergon Trucking, Inc. (944 New Castle Mercer Road, Mercer, PA 16137) for post construction of a crude oil loading rack in the Township of East Lackawannock, **Mercer County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the Township of East Lackawannock, Mercer County. This plan approval will authorize the post construction of a crude oil loading rack. The facility has a current General Permit for VOC Storage Tanks, GP-2, for three 37,200 gallon crude oil storage tanks. This plan approval and the General Permit, GP-2, will subsequently be incorporated into a State-only Operating Permit at a later date.

Based on the information provided by the applicant and the Department's own analysis the VOC emissions from the loading rack will be 16.6 tons/yr. The operation will be limited to 39 million gallons of crude oil throughput per year. Additional limitations include the following:

- The facility shall comply with all requirements in the current General Permit for VOC Storage Tanks, GP-2.
- Transfer trucks will be filled utilizing bottom-loading procedures only.
- The facility shall perform weekly visible leak observations of all valves, flanges and pumps associated with this source.
- The facility shall be limited to an operational throughput of 39 million gallons of crude oil per year.
- The facility is limited to a 38 ton VOC limitation per rolling 12-month period for this source.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-43-308A.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

43-341A: Sample—O'Donnell Funeral Home (555 East State Street, Sharon, PA 16146) Notice is hereby given, pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the City of Sharon, **Mercer County**. This plan approval will authorize the applicant to install a human remains cremator incinerator with a primary burner rated at 0.7 mmBtu/hr and secondary burner rated at 1.3 mmBtu/hr. The unit will be fired by natural gas. The plan approval will subsequently be incorporated into a State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's own analysis the NOx emissions from the fuel combustion will be 1.0 ton/yr. The operation will be limited to 2,000 hours per year operation. Additional limitations include the following:

- Opacity from the cremator stack shall not be more than or equal to 10% for a period or periods aggregating more than 3 minutes in any 1 hour, or equal to or greater than 30% at any time.
- The cremator may not be used to combust radioactive, infectious/hospital, municipal, industrial or plastic wastes.
- The cremator shall be used for human cremation only.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-43-339A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing

should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-7584.

AMS 05124: Sunoco, Inc.—R and M (3144 Passyunk Avenue, Philadelphia, PA 19145) for replacement of a 60 mmBtu/hr heater with another heater of the same size in the City of Philadelphia, **Philadelphia County**. The new heater will have ultra low NOx burners and a NOx emission rate limit of 0.04 lb/mmBtu at 3% oxygen. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

23-00044: Sunoco Partners Marketing and Terminals, LP—No. 2 Tank Farm (7 Commerce Avenue, Aston, PA 19014) in Upper Chichester Township, **Delaware County**. The permit is for the renewal of a Title V facility. The facility's sources include 13 internal floating roof tanks, 2 external floating roof tank, facility fugitives and a wastewater separator. The permittee does have the potential to emit 24.9 ton/year for VOC and NOx 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.

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

49-00010: Fleetwood Motor Homes of Pennsylvania, Inc. (SR 0487, Paxinos, PA 17860) for renewal of the Title V operating permit for their Fleetwood Motor Homes Facility in Ralpho Township, **Northumberland County**. The facility is currently operating under TVOP 49-00010, which was issued October 23, 2000. The facility's sources include eight natural gas-fired space heaters, ten natural gas-fired furnaces, four surface coating booths, six fugitive surface coating operations and one surface coating cleaning operation. The facility has the potential to emit major quantities of VOCs and hazardous air pollutants. The facility has the potential to emit SOx, NOx, CO and PM/PM10 below the major emission thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

65-00767A: Westmoreland Waste, LLC (901 Tyrol Boulevard, Belle Vernon, PA 15012) for an enclosed landfill gas flare at their Sanitary Landfill in Rostraver Township, **Westmoreland County**.

11-00378: Inter Power AHLCON, LLC (141 Interpower Drive, Colver, PA 15927-4207) to continue to operate at the Inter Power Colver Station in Cambria Township, **Cambria County**. This is a Title V renewal.

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

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

09-00163: H and K Materials, Inc.—Blooming Glen Quarry (901 Minsi Trail Road, Blooming Glen, PA 18911) for operation of a rock crushing plant at the Blooming Glen Quarry located in Hilltown Township, **Bucks County**. The permit is for a non-Title V (State-only, Natural Minor) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

46-00242: BAE Systems Aerospace Electronics, Inc. (305 Richardson Road, Lansdale, PA 19446-1485) for operation of an electronics manufacturing and assembly facility in Montgomery Township, **Montgomery County**. The permit is for a non-Title V State-only facility. The major sources of air emissions are two peak shave diesel-fired generators and numerous miscellaneous VOC emitting sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

15-00118: Allan A. Myers, LP d/b/a Independence Construction Materials—Devault Stone Quarry (638 Lancaster Avenue, Malvern, PA 19355) for a non-Title V Facility, State-only, Synthetic Minor Permit in Bristol Township, **Bucks County**. The sources of emissions are stone crushing plant with wet suppression system and a portable nonmetallic mineral processing equipment. The facility has the potential to emit particulate matter emissions. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00141: Lower Bucks County Joint Municipal Authority (7811 New Falls Road, Levittown, PA 19058) for a non-Title V Facility State-only, Synthetic Minor Permit in Bristol Township, **Bucks County**. The sources of emissions are pump station with a packed tower odor scrubber. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

23-00050: Crozer Keystone Health Systems—Taylor Hospital (175 East Chester Pike, Ridley Pike, PA 19078) for a Non-Title V Facility, State-only, Natural Minor Permit in Ridley Park Township, **Delaware County**. The sources of emissions are five boilers and two emergency generators. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

07-03045: Cargill, Inc. (392 Frederick Road, Martinsburg, PA 16662) for operation of a feed mill in Taylor Township, **Blair County**. This is a non-Title V State-only facility. The State-only operating permit shall contain testing, monitoring recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within applicable air quality requirements.

36-05101: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) a renewal of their State-only

Operating Permit (Synthetic Minor) for operation of the Lititz Plant in Warwick Township, **Lancaster County**. The state only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within applicable air quality requirements.

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

14-00026: Hilex Poly Co., LLC. (P. O. Box 258, Milesburg, PA 16853) for their polyethylene bag manufacturing facility in Boggs Township, **Centre County**. The facility's main sources include 44 corona treaters, a printing operation consisting of 17 flexographic presses and 1 part washer. The facility has the potential to emit SOx, NOx, CO, PM-PM10, VOCs and HAPs below the major emission thresholds. The facility also has the potential to emit 34.20 tons of ozone in any 12-consecutive month period. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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 particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
PH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

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

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

11040102 and NPDES No. PA0249688. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, revision of an existing bituminous surface mine to add auger mining in Chest and White Townships, **Cambria County**; Chest and Beccaria Townships,

Clearfield County affecting 136.0 acres. Receiving streams: UNTs to/and South Witmer Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 11, 2005.

32050107 and NPDES No. PA0249858. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001-1368, commencement, operation and restoration of a bituminous surface mine and Mahoning sandstone removal in Center Township, **Indiana County**, affecting 128.3 acres. Receiving streams: UNTs to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 12, 2005.

Permit No. 56940101 and NPDES Permit No. PA 0212768. Future Industries Inc., P. O. Box 157, Meyersdale, PA 15552-0157, permit revision land use change on Robert Sanner and Merril Enterprises Inc. property from Forestland to Wildlife Habitat and unmanaged natural habitat in Brothersvalley Township, **Somerset County**, affecting 106.5 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on August 15, 2005.

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

03010106 and NPDES Permit No. PA0250031. Seven Sisters Mining Co., Inc. (200 US Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal application for continued mining and reclamation of an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 34.3 acres. Receiving streams: Crooked Creek and a UNT to the Allegheny

River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 15, 2005.

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

10980103 and NPDES Permit No. PA0227692. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Cherry and Slippery Rock Townships, **Butler County** affecting 101.1 acres. Receiving streams: UNT to McDonald Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to change the postmining land use from forestland to unmanaged natural habitat. Application received: August 12, 2005.

24930102 and NPDES Permit No. PA0211788. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip, auger, beneficial use of residual waste sludge, clay and shale removal- beneficial use of coal ash; placement of sludge cake operation in Horton Township, **Elk County** affecting 236.7 acres. Receiving streams: UNT of Johnson Run to Johnson Run; UNT to Brandy Camp Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 16, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ 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.

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

24050301 and NPDES Permit No. PA0257974. North Star Aggregates, Inc. (P. O. Box R, Ridgway, PA 15853). Commencement, operation, and restoration of a sandstone and topsoil operation in Horton Township, **Elk County** affecting 130.0 acres. Receiving streams: Johnson Run and Oyster Run to Little Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Land use change from forestland to pastureland/land occasionally cut for hay. Application received: August 17, 2005.

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

38950301C and NPDES Permit No. PA0223646. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Cornwall Borough, **Lebanon County**, receiving stream: Snitz Creek, classified for the following use: WWF. Application received August 9, 2005.

45950302C2 and NPDES Permit No. PA0613037. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Tobyhanna Township, **Monroe County**, receiving streams: Twomile Run and UNT to Trout Creek, classified for the following use: CWF. Application received August 9, 2005.

7974SM3C7 and NPDES Permit No. PA0595853. New Hope Crushed Stone & Lime Co., (Phillips Mill Road, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Solebury Township, **Bucks County**, receiving stream: Primrose Creek, classified for the following use: TSF. Application received August 9, 2005.

7874SM1T2. Total Recycling Corp. d/b/a Total Recycling Resources, (3715 Remaly Street, Bethlehem, PA 18018), transfer of an existing quarry operation from BPB America, Inc. in Hanover Township, **Lehigh County** affecting 22.7 acres, receiving stream: none. Application received August 11, 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.

E15-742. Chester County Conservation District, 601 Westtown Road, Suite 240, West Chester, PA 19380-0990, Avondale Borough, **Chester County**, ACOE Philadelphia District.

To relocate a reach of Trout Run (CWF) by modifying the floodplain, constructing 725 linear feet of new channel, and placing fill in 840 feet of the existing channel. This project will impact approximately 0.058 acre of wetlands, which will be replaced by constructing 0.92 acre of wetlands along the proposed channel. The site is

located approximately 300 feet southwest of the intersection of Gap Newport Pike (SR 0041) and Ellicott Road (West Grove PA-Del USGS Quadrangle N: 12.8 inches; W: 4.5 inches).

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

E01-257: Burkentine & Sons, 1500 Baltimore Pike, Hanover, PA 17331 in Hamilton Township, **York County**, ACOE **Baltimore District**.

To fill 0.38 acre of pulustrine emergent wetlands, and to construct and maintain a 30 inch ALCMP driveway culvert and utility crossing within the fill over the culvert and three 24 inch outfall pipes in to a UNT to the Conewago Creek (WWF) at corner of Cedar Rd. and Carlisle Rd. (Hampton, PA Quadrangle N: 39 53.775', W: 77 2.462') in Hamilton Township, Adams County.

E07-388: William F. Gildea, II, 724 Baker Lane, Duncansville, PA 16635 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To construct and maintain an open-bottom arch culvert having a span of 20 feet and a width of 21 feet and to maintain an existing pedestrian bridge having a span of 32 feet and a width of 5 feet on Dry Run (WWF) at a point (Latitude: 40° 25' 03", Longitude: 78° 26' 18") approximately 1,500 feet south of the intersection of SR 22 and SR 764 in Allegheny Township, **Blair County**.

E07-398: United Mobile Homes, 1275 Forman Drive, Morgantown, WV 26508 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To place 125 linear feet of fill material along the right bank of Spencer Run (WWF) to facilitate the rehabilitation of the bank, to remove 263 cubic yards of fill material on the left and right floodways of Spencer Run, to construct and maintain a total of 10 rock deflectors along the left and right banks of Spencer Run, to remove 160 feet of existing 24-inch CMP culvert and to construct and maintain a 225-foot vegetated channel on an unnamed tributary to Spencer Run (WWF) beginning at a point (Latitude: 40° 26' 43", Longitude: 78° 25' 43") approximately 630 feet downstream of SR 1002 and continuing to a point (Latitude: 40° 26' 46", Longitude: 78° 25' 33") approximately 1,800 feet downstream of SR 1002 in Allegheny Township, Blair County. The project proposes to directly affect approximately 637 linear feet of the channels of Spencer Run and a UNT to Spencer Run.

E28-324: Shippensburg Borough Authority, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17257 in Letterkenny and Lurgan Townships, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 42 inch steel casing pipe which will convey two 12 inch ductile iron water mains under the Conodoguinet Creek (CWF) at a point west of Forge Hill Rd. (SR 0641) (Roxbury, PA Quadrangle N: 21.7, inches W: 8.4, inches) in Letterkenny and Lurgan Townships, Franklin County.

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

E02-1511. Equitable Gas Company, 225 North Shore Drive, Floor 2, Pittsburgh, PA 15212. To place pipeline across Girty's Run in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 6.1 inches; W: 2.7 inches and Latitude: 40° 32' 01"—Longitude: 80° 01' 07"). The applicant proposes to construct and maintain approximately 30 LF of 6 inch steel natural gas aerial crossing over Girty's Run (WWF). The

proposed project is located on the west side of Babcock Boulevard and approximately 25 feet south of the intersection of Hillcrest Drive. The total proposed impact is 30 feet of aerial crossing.

E56-335. Shade Creek Watershed Association, 314 Central Avenue, Suite 205, Central City, PA 15926. To construct an acid mine treatment facility in Shade Township, **Somerset County**, Pittsburgh ACOE District (Central City, PA Quadrangle N: 21.44 inches; W: 7.3 inches and Latitude: 40° 07' 05"—Longitude: 78° 48' 08"). The applicant proposes to construct and maintain an acid mine drainage treatment facility along Laurel Run (CWF). The proposed work will include the construction and maintenance of a rock-lined outfall and an AMD transfer pipe across Laurel Run (CWF) and will impact a deminimus are of wetland (PSS) equal to 0.03 acre. The project is located east of Lohr Street and south of Quarry Avenue.

E56-336. John J. Heist, 3606 Stoystown Road, Stoystown, PA 15563. To construct an intake structure in Quemahoning Township, **Somerset County**, Pittsburgh ACOE District (Stoystown, PA Quadrangle N: 16.8 inches; W: 11.3 inches and Latitude: 40° 05' 33"—Longitude: 78° 57' 21"). The applicant proposes to construct and maintain a 10.0-foot by 10.0-foot water intake structure and associated intake pipe in Beaverdam Creek (HQ-CWF) for use by the Stoystown Volunteer Fire Department. The project is located on the east side of SR 281, approximately 150 feet south of Dunmyer Road (T-611).

E63-576. Department of Transportation, District 12-0, P. O. Box 459, Uniontown, PA 15401. Culvert replacement in Fallowfield Township, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 9.9 inches; W: 17.3 inches; and Latitude: 40° 10' 46"—Longitude: 79° 59' 56"). The applicant proposes to remove the existing bridge and to construct and maintain a new box culvert having a span of 18.0 feet with an underclearance of 4.5 feet in the channel of a UNT to Sawmill Creek (WWF) for the purpose of improving highway safety. The bridge is located on SR 0917, Section K00. Rock rip-rap will also be placed in the channel and along the stream banks upstream and downstream of the proposed bridge and the project will impact 750.0 linear feet of stream channel.

E65-876. Derry Township Municipal Authority, P. O. Box 250, New Derry, PA 15671. To install a sanitary sewer under and across Trout Run in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Derry, PA Quadrangle N: 22.0 inches; W: 1.1 inches and Latitude: 40° 22' 16"—Longitude: 79° 15' 29"). The applicant proposes to install and maintain an 8-inch PVC sanitary sewer under and across Trout Run (CWF) having a width of 20 feet for the purpose of connecting two existing sewer lines together to provide sewage service to approximately 30 homes. The project is located off of Circle Drive.

E65-877. North Huntingdon Township, 11279 Center Highway, North Huntingdon, PA 15642. To replace a culvert in North Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District (Irwin, PA Quadrangle N: 22.7 inches; W: 18.8 inches and Latitude: 40° 22' 30"—Longitude: 79° 45' 36"). The applicant proposes to remove the existing structure and to construct and maintain a 50.0 foot long 24.1-foot by 6.5-foot aluminum arch culvert in a UNT to Brush Creek (TSF) for the purpose of improving transportation safety and roadway standards. The proposed project will include dredging and

rip-rap lining of approximately 177 feet of a UNT to Brush Creek (TSF). The project is located on Ardara Road, approximately 0.5 mile from its intersection with Leger Road.

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

E25-638A. Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510-4658. Fairview Business Park—GEIDC, in Fairview Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 1.5 inches; W: 16.0 inches). To fill a total of 3.53 acres of seven non-qjexceptional value PEM/PSS wetlands at the Fairview Business Park—GEIDC for lot development on the former Commodore Downs property located approximately 1,300 feet northeast of the intersection of I-90 and SR 98. Project includes creation of 4.22 acres of replacement wetlands.

E25-699. NPA Development Company, LP, 835 Pittsburgh Street, Greensburg, PA 15601-3501. Limited Express Hotel, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 8.5 inches; W: 11.5 inches).

The applicant proposes to construct a 100-room hotel in Summit Township, Erie County on the north side of Old Oliver Road approximately 0.2 mile SW of the intersection of SR 19 and US Interstate 90 (Erie South, PA Quadrangle N: 8.5 inches; W: 11.5 inches) in Summit Township involving: 1) to fill 0.042 acre of PEM wetlands and 2) to fill a 0.69 acre pond. The project proposes to directly impact 0.042 acre of PEM wetland and a 0.69 acre pond.

ENVIRONMENTAL ASSESSMENTS

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

D09-090EA. Susan Ward, 140 West 30th Street, New York, NY 10001. Tincum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove an unnamed dam located across a tributary to the Delaware River (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 110 linear feet of stream channel. The dam is located along Smithtown Road (SR 1013) approximately 1300 feet northeast of the intersection of Smithtown Road (SR 1013) and Cafferty Hill Road (Lumberville, PA Quadrangle N: 15.55 inches; W: 10.75 inches).

D09-148EA. Robin Lochner, 286 Cafferty Road, Pipersville, PA 18947. Tincum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Lochner Dam located across a tributary to the Delaware River (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 125 linear feet of stream channel. The dam is located along Smithtown Road (SR 1013) approximately 300 feet northeast of the intersection of Smithtown Road (SR 1013) and Cafferty Hill Road (Lumberville, PA Quadrangle N: 15.20 inches; W: 11.40 inches).

WATER QUALITY CERTIFICATIONS REQUESTS

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

Certification Request initiated by The Department of Army, Baltimore District, United States Army Corps of Engineers, P. O. Box 1715, Baltimore, Maryland 21203-1715, to amend their current 401 Water Quality Certification approved in 1995 for the construction of the Wyoming Valley Levee Raising Project along the Susquehanna River. The amendment would include the addition of two portals through the levee, a river landing, fishing platform, and an amphitheater and stage to the Wilkes-Barre Riverfront. The Final Supplemental Environmental Impact Statement (SEIS) to address the addition of recreational improvements to the local flood protection project with the amendments is available online at www.nab.usace.army.mil/publications/non-reg_pub.htm. Copies of the Final SEIS were distributed to appropriate members of Congress, State and local government officials. Copies are available for public review at the

following locations: (1) Osterhout Free Library, 71 South Main Street, Wilkes-Barre, PA 18702; (2) Osterhout Free Library, South Branch, 2 Airy Street, Wilkes-Barre, PA 18702; (3) D. Leonard Corgan Library, King's College, 14 West Jackson Street, Wilkes-Barre, PA 18711.

DAM SAFETY

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

D41-093A. Williamsport Municipal Water Authority, 253 West Fourth Street, Williamsport, PA 17001. To modify, operate, and maintain John C. Youngman Dam across Mosquito Creek (CWF), for the purpose of water supply, Williamsport, PA Quadrangle N: 5.25 inches; W: 10.8 inches in Limestone Township, **Lycoming County**.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029653	Jewish Community Center Day Camp 601 Jefferson Avenue Scranton, PA 18510	Covington Township Lackawanna County	Spring Brook 5A	Y
PA0062405 (Minor)	Scott Tech Park R. R. 1, Box 457 Olyphant, PA 18447	Scott Township Lackawanna County	UNT to South Branch Tunkhannock Creek (4F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS10C011R1 (Stormwater/ Construction)	Fiorino Grande Grande Construction 108 S. Hull Street Sinking Spring, PA 19608	Berks County Union Township	French Creek HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209031 Sewerage	Loganton Borough Authority P. O. Box 203 Loganton, PA 17747	Loganton Borough Clinton County	Fishing Creek 9-C	Y

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

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

NPDES Permit No. PA0070271, Sewage, **Maidencreek Township Authority**, P. O. Box 529, Blandon, PA 19510-0529. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Willow Creek in Watershed 3-C.

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

PA0024406, Sewage SIC, 4952, **Mount Carmel Municipal Authority**, 18 East Fifth Street, Mount Carmel, PA 17851-0365. This existing facility is located in Mount Carmel Township, **Northumberland County**.

Description of Proposed Activity: The Authority proposes the renewal of the existing NPDES permit, which, in addition to the discharge from the wastewater treatment plant, incorporates combined sewer overflow and stormwater outfalls.

The receiving stream, Shamokin Creek, is in the State Water Plan watershed 6B and is classified for WWF. The nearest downstream public water supply is the United Water Company, located on the Susquehanna River at Dauphin, approximately 70 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 mgd:

Traditional Treatment Parameters

<i>Dischare Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.8		2.7
Fecal Coliforms: (5-1 to 9-30) (10-1 to 4-30)		200 col/100 mL as a Geometric Mean (2000 col/100mL) as a Geometric Mean	
pH		Within the range of 6.0 to 9.0	

Nutrient Parameters

<i>Dischare Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum (mg/l)</i>
Ammonia-N	Report	Report	Report
Kjeldhal-N	Report	Report	Report
Nitrite-N	Report	Report	Report

<i>Discharge Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum (mg/l)</i>
Nitrate-N	Report	Report	Report
Total Nitrogen	Calculation	Calculation	Calculation
Total Phosphorus	Report	Report	Report

Combined Sewer Overflows:

<i>No.</i>	<i>Location</i>	<i>Receiving Stream</i>
002	Pine Street	Shamokin Creek
003	Almond Street	Shamokin Creek
004	Spruce Street	Shamokin Creek
005	Locust Street	Shamokin Creek
006	Walnut Street	Shamokin Creek
007A	Chestnut Street	Shamokin Creek
007B	Chestnut Street	Shamokin Creek
007C	Chestnut Street	Shamokin Creek
008A	Market Street	Shamokin Creek
008B	Market Street	Shamokin Creek
009	Hickory Street	Shamokin Creek
010	Apple Street	Shamokin Creek
012	Water Street	Shamokin Creek
013	Manhole No. 36	Shamokin Creek
014	Manhole No. 57	Shamokin Creek
015	Willow Street	Butternut Creek
016	Oak Street	Shamokin Creek
017	Maple Street	Shamokin Creek

Stormwater Outfalls:

<i>No.</i>	<i>Receiving Stream</i>
S01	Shamokin Creek
S02	Shamokin Creek

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

1. Management and Control of Combined Sewer Overflows.
2. Requirements Applicable to Stormwater Outfalls.

PA0228915, Sewerage SIC, 4952, **ORD Sewer Authority**, P. O. Box 216, Osceola Mills, PA 16666. This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a proposed discharge of treated sewage wastewater.

The receiving stream, Moshannon Creek, is in the State Water Plan watershed 8D and classified for TSF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River, 166 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.4 mgd.

<i>Parameter</i>	<i>Concentration mg/l</i>				<i>Mass lbs</i>	
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
CBOD ₅	25	40		50		
TSS	30	45		60		
% UV Intensity	Report					
Ammonia-N	Report					
Kjeldahl-N	Report				Report	
Nitrate-N	Report				Report	
Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	9,741
Total Phosphorus	Report				Report	1,218
Fecal Coliforms:						
(5-1 to 9-30)	200 col/100 ml geometric mean			1000 col/100 ml		
(10-1 to 4-30)	2000 col/100 ml geometric mean			10,000 col/100 ml		
pH	Within the Range of 6.0—9.0					

PA0028461, Sewerage, **Mifflinburg Borough**, 333 Chestnut Street, Mifflinburg, PA 17844. This facility is located in Mifflinburg Borough, **Union County**.

Description of Proposed Activity: Renewal of existing NPDES permit. No changes to the facility are being proposed at this time.

The receiving stream, Buffalo Creek, is in the State Water Plan watershed 10C and is classified for CWF. The nearest downstream public water supply intake for The Municipal Authority of the City of Sunbury is located on the Susquehanna River, 23.6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 mgd.

<i>Discharge Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen			≥ 4 Minimum	
pH			6.0 to 9.0 at all times	
Fecal Coliforms (5-1 to 9-30)		200/100ml as a geometric mean		
(10-1 to 4-30)		2000/100ml as a geometric mean		
CBOD ₅ (5-1 to 10-31)	16	24		32
(11-1 to 4-30)	25	40		50
NH ₃ N (6-1 to 10-31)	3	4.5		6
(11-1 to 5-31)	9	13.5		18
TSS	30	45		60
Total Chlorine Residual	0.06			0.22
Total Nitrogen*			Monitor and Report	
Total Phosphorous			Monitor and Report	

*Total Nitrogen consists of Total Kjeldahl Nitrogen, Nitrate-Nitrogen, Nitrite-Nitrogen and Ammonia.

PA0027171, Sewerage SIC, 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This existing facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 5D and classified for WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 mgd.

<i>Parameter</i>	<i>Concentration mg/l</i>				<i>Mass lbs</i>	
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
CBOD ₅	25	40		50		
TSS	30	45		60		
Total Residual Chlorine	0.78			4		
Ammonia-N	Report					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	Report
Total Phosphorus	Report				Report	Report
Fecal Coliforms:						
(5-1 to 9-30)	200 col/100 ml geometric mean			1,000 col/100 ml		
(10-1 to 4-30)	2000 col/100 ml geometric mean			10,000 col/100 ml		
pH	Within the Range of 6.0—9.0					

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

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

WQM Permit No. 0903410 A-2, Sewerage, **Erickson Retirement Communities**, 703 Maiden Choice Lane, Baltimore, MD 21228. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Action/Activity: Construction and operation of an 8' PVC sewer extension and associated appurtenances to serve Phases 3 and 4 of the Ann's Choice Retirement Community and Business Park.

WQM Permit No. 1505402, Sewerage, **Little Washington Wastewater Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Londonderry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant with drip irrigation disposal for 125 single family dwelling and a 12,500 SF commercial retail center.

WQM Permit No. 1500421-D, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Construct and operate a 12.74 acre effluent dispersal drip irrigation site.

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

WQM Permit No. 3905403, Sewerage, **Upper Saucon Township Municipal Authority**, 550 Camp Meeting Road, Center Valley, PA 18034-9444. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a pump station.

WQM Permit No. 5405202, Industrial Waste, **Troutman Brothers**, P. O. Box 73, Klingerstown, PA 17941. This proposed facility is located in Upper Mahantango Township, **Schuylkill County**.

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

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

WQM Permit No. 6705407, 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: Approval for the construction/operation of sewers and appurtenances and pump stations.

WQM Permit No. 0600404 (05-1), Sewerage, **Maidencreek Township Authority**, P. O. Box 289, Blandon, PA 19510. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation and modifications to the groundwater pump system.

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

Description of Proposed Action/Activity: Approval for the construction/operation of pump stations.

WQM Permit No. 6705401, Sewerage, **Delta Borough**, 101 College Avenue, P. O. Box 278, Delta, PA 17314. This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of one submersible pump station to serve 138 EDUs within the Delta Ridge development.

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

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of the replacement of 1,870 feet of 8-inch sewer with 12-inch sewer for the Hawthorne Ridge Development project.

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

Description of Proposed Action/Activity: Amendment approval for modification/operation of industrial facilities consisting of the conversion of the existing 0.18 mg aerated sludge storage tank into an additional activated sludge reactor basin (second stage of a three stage reactor).

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

WQM Permit No. WQG018398, Sewerage, **David A. Hudson**, 3585 Sheramy Drive, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

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

WQM Permit No. WQG018397, Sewerage, **Edward Sherman**, 25866 Mount Pleasant Road, Cambridge Springs, PA 16403. This proposed facility is located in Washington Township, **Erie County**.

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

WQM Permit No. 1605402, Sewerage, **Exit 60 Sewerage, Inc.**, P. O. Box 265, Clarion, PA 16214. This proposed facility is located in Paint Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new wastewater treatment facility to serve a residential and commercial development.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025205005	Delaware Valley School District 236 Rts. 6 and 209 Milford, PA 18337-1499	Pike	Westfall Township	Tributary to Delaware River HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI1032204001	Richard C. Angino and King Drive Corporation 4503 North Front Street Harrisburg, PA 17110	Dauphin	Middle Paxton Township	Fishing Creek WWF
PAI032105001	Lawrence E. Smarr 14600 Poplar Hill Road Germantown, MD 208764	Cumberland	South Middleton Township	Letort Spring Run EV

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hazle Township Luzerne County	PAR10R225(1)	CANDO Inc. One South Church St. Hazleton, PA 18201	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Dallas Borough and Dallas Township Luzerne County	PAG2004005026	Dorchester Land Development Cross Creek Pointe Suite 307 1065 Highway 315 Wilkes-Barre, PA 18702	Toby Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004005019	EAM Mosca 675 Jaycee Drive West Hazleton, PA 18201-1155	Black Creek Basin CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lower Mt. Bethel Township Northampton County	PAG2004805015	Lower Mt. Bethel Township 2004 Hutchinson Ave. P. O. Box 257 Martins Creek, PA 18063	Mud Run CWF	Northampton Co. Cons. Dist. (610) 746-1971
Williams Township Northampton County	PAG2004805018	Joseph Venini 130 Rattlesnake Rd. Kintnersville, PA 18930	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Towamensing Township Carbon County	PAG2001305007	Palmerton School District Attn: Mark Meinhart 3533 Fireline Rd. Palmerton, PA 18071	Pohopoco Creek CWF and Hunter Creek CWF	Carbon Co. Cons. Dist. (610) 377-4894
West Cocalico Township Lancaster County	PAG2003605098	West Cocalico Mennonite School 4008 Conrad Weiser Parkway Womelsdorf, PA 19567	Harnish Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAG2003605104	Geoffrey Rohrer Poultry Oprn. 3392 Blue Rock Rd. Lancaster, PA 17603	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003605105	Lancaster Counter Convention Ctr. Auth. 8 N. Queen St. Suite 1102 Lancaster, PA 17603	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003605106	Armstrong World Industries 2500 Columbia Ave. Lancaster, PA 17604	UNT Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605108	Paul Brown 55 North Water St. Lititz, PA 17543	UNT Bachman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Jackson Township York County	PAG2006705037	Jay Daniel Stelfox 8804 Orchard Road Spring Grove, PA 17362	Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006705084	Colonial Woods Junior Morgan Colonial Woods Builders South 2nd Street Gratz, PA 17030	Unt to Fishing Creek N/A	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAG2006705048	Quentin's Meadow Cornerstone Development Group 1 Marketway East York, PA 17401	Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006705028	York Town Center LP Ken Hornbeck 1853 William Penn Way Lancaster, PA 17605-0008	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Montour County Liberty Township	PAG2004705003	Sunland Assoc. 197 Point Township Dr. Northumberland, PA 17857	Maus Creek CWF Beaver Run WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tioga County Wellsboro Borough	PAG2005905006	Robwood Consulting 703 South Elmer Ave. Sayre, PA 18840	Kelsey Creek WWF W. Br. Susquehanna River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 101
Cambria County Richland Township	PAG2001105016	Johnstown-Cambria County Airport Authority 479 Airport Road Suite 1 Johnstown, PA 15904	UNT to Solomon Run (WWF) and UNT to Clapboard Run (WWF)	Cambria County CD (814) 472-2120
Fayette County Georges Township	PAG2002605022	Fayette Industrial Fund P. O. Box 2101 Uniontown, PA 15401-1701	Georges Creek (WWF)	Fayette County CD (724) 438-4497
Indiana County White Township	PAG2003205014	Michael T. Clark Wolf Run Crossing, LP 832 Philadelphia Street Indiana, PA 15701	UNT McCarthy Run (CWF)	Indiana County CD (724) 463-8547
Washington County Mt. Pleasant Township	PAG2006305030	Faye Sampson Keepsake Arabians, LP 4696 Christy Road Murrysville, PA 15668	Chartiers Run (WWF)	Washington County CD (724) 228-6774
Westmoreland County Hempfield Township	PAG2006505020	S & A Custom Built Homes 501 Rolling Ridge Drive Suite 200 State College, PA 16801-7667	Tributary to Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006505029	Donald Ivill 15 Artentzen Blvd. Charleroi, PA 15022	Long Hollow (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006505037	Anna M. Shumaker 1019 Route 519 Bldg. 5 Eighty Four, PA 15330	Middle Monongahela (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006505047	US Food Service, Inc. Hempfield Industrial Park P. O. Box 86 Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Murrysville	PAG2006505050	J. Crowley Golden Triangle 5615 William Penn Hwy. Export, PA 15032	UNT to Turtle Creek (CWF)	Westmoreland County CD (724) 837-5271
Butler County Butler Township	PAG2001005007	Wyn Crest Development, Inc. 375 Golfside Drive Wexford, PA 15090	Little Connoquenessing Creek CWF	Butler Conservation District (724) 284-5270
Butler County Adams Township	PAG2001005013	Brookstone Subdivision S & A Custom Built Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16801	Breakneck Creek WWF	Butler Conservation District (724) 284-5270

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County West Manchester Township	PAR803681	Leffler Energy 225 East Main Street Richland, PA 17087	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County South Lebanon Township	PAR143525	Curwood Specialty Films, Inc. 5 Keystone Drive Lebanon, PA 17042-9791	UNT to Quittapahilla Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR233546	Roberts Oxygen Company, Inc. P. O. Box 5507 Rockville, MD 20855	Little Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Greenfield Township	PAR803682	Everett Railroad Company 424 2nd Street Duncansville, PA 16635	Beaverdam Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Spring Garden Township	PAR213542	Glen-Gery Corporation 1090 East Boundary Avenue P. O. Box 2903 York, PA 17405-0227	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Latrobe Westmoreland County	PAR206148	H. C. Stark 2045 Main Drive Latrobe, PA 15650-5206	UNT of Loyalhanna Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Canton Township Washington County	PAR606109	General Alloys, Inc. 135 West Wylie Avenue Washington, PA 15301-2205	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Vernon Township Crawford County	PAR808309	Crawford County Regional Airport Authority 903 Diamond Park Meadville, PA 16335	UNT to VanHorne Creek and Watson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Silver Lake Township Susquehanna County	PAG042216 and WQG012216	Keith L. Underwood P. O. Box 105 Brackney, PA 18812	UNT to Choconut Creek WWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Fairview Township Erie County	PAG049190	David A. Hudson 3585 Sheramy Drive Fairview, PA 16415	UNT to Bear Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Middlesex Township Butler County	PAG048703	Brenda Lee and Gregory J. Clifford 380 Glade Mill Road Valencia, PA 16059	UNT to Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048709	James B. Eaton 415 Cubham Park Road Warren, PA 16365	UNT to Wolcott Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG049189	Edward Sherman 25866 Mount Pleasant Road Cambridge Springs, PA 16403	UNT of Little Conneauttee	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Finleyville Borough Washington County	PAG056208	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Peters Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Ephrata Borough Lancaster County	PAG083565 PAG083566 PAG073508	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	James W. Shirk Farm Clay Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Plum Creek Township Armstrong County	PAG086110	Eastern Armstrong County Municipal Authority P. O. Box 262 Elderton, PA 15736	Smith Farm Biosolids Site	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9**Facility Location &
County/Municipality*

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Somerset Township Somerset County	PAG096108	Thomas Scott Zimmerman Pile's Concrete Prod. Co., Inc. 115 Pickett Lane Friedens, PA 15541	Sechler-Winters Farm Biosolids Site	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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. 1505506, Public Water Supply.

Applicant	Chester Water Authority P. O. Box 467 Chester, PA 19016
Township	New London
County	Chester
Type of Facility	PWS
Consulting Engineer	Russell C. William P. E. Chester Water Authority P. O. Box 467 Chester, PA 19016-0467
Permit to Construct Issued	August 22, 2005

Operations Permit issued to: **American Aqueduct, Inc.**, 8027 Old York Road, Elkins Park, PA 19027, (PWSID #1516532) City of Philadelphia, **Philadelphia County** on August 17, 2005 for the operation of facilities approved under construction permit No. 1516532.

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

Permit No. 2105504 , Public Water Supply.	
Applicant	Pennsylvania-American Water Company (PAWC)
Municipality	Lemoyne Borough and Lower Allen Township
County	Cumberland
Type of Facility	Construction of the Camp Hill and Slate Hill Booster Pump Stations.
Consulting Engineer	Gene C Koontz, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	8/17/2005

Permit No. 2105506 MA, Minor Amendment, Public Water Supply.

Applicant	North Middleton Authority
Municipality	North Middleton Township and Middlesex Township
County	Cumberland
Type of Facility	North Middleton Authority's interconnection with Middlesex Township Municipal Authority.
Consulting Engineer	Peter Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Construct Issued:	7/25/2005

Operations Permit issued to: **Exelon Nuclear—Peach Bottom Atomic Power Station**, 7670905, Delta Borough, **York County** on 8/5/2005 for the operation of facilities approved under Construction Permit No. 6704516 MA.

Operations Permit issued to: **Penn Township Municipal Authority**, 7500015, Penn Township, **Perry County** on 8/17/2005 for the operation of facilities approved under Construction Permit No. 5004506.

Operations Permit issued to: **Pennsylvania American Water**, 7210029, Fairview Township, **York County** on 8/10/2005 for the operation of facilities approved under Construction Permit No. 6704508 MA.

Operations Permit issued to: **HQ Carlisle Barracks**, 7210010, Federal-US Army Carlisle Barracks, **Cumberland County** on 8/17/2005 for the operation of facilities approved under Construction Permit No. 2104505 MA.

Operations Permit issued to: **GSP Management**, 3060032, Tilden Township, **Berks County** on 8/9/2005 for the operation of facilities approved under Construction Permit No. 0600507 MA.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Glendon Borough	24 Franklin Street Glendon, PA 18042	Northampton

Plan Description: The Plan proposes construction of new sanitary sewer systems to service approximately 45 equivalent dwelling units (EDUs) in Sewage District I and 75 EDUs in Sewage District IIIA as depicted on Figure 14 in the Plan, and implementation of an Onlot Sewage Management Program for the residential area of Sewage District IV. The sewage from Glendon Borough will be conveyed to the City of Easton's existing sewer system for treatment at Easton Area Joint Sewer Authority's existing treatment facility.

The Department's review has found that the Plan is acceptable, except for the proposed alternative for Sewage District IIIA. Except for Sewage District IIIA, the submission is consistent with the planning requirements given in Chapter 71 of the Department's rules and regulations and the Department hereby grants planning approval.

With regard to the proposed alternative for Sewage District IIIA, the Department's review has found that the Plan fails to provide funding methods available to finance all aspects of the proposed alternative, including establishment of the financial alternative of choice and a contingency financial plan to be used if the preferred method of financing is not able to be implemented; and it fails to provide the municipal commitments necessary to implement the proposed alternative. Therefore, the Department must disapprove the Plan with regard to Sewage District IIIA.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Southampton Township	P. O. Box 352 705 Municipal Dr. Shippensburg, PA 17257	Franklin

Plan Description: The approved plan provides for a small flow treatment facility with discharge to Muddy Run to serve an existing single-family residential dwelling previously served by a malfunctioning onlot sewage disposal system. The project is located at 10595 Stonewall Road. Flows will be 400 gallons per day. Operation and maintenance will be the responsibility of the owner. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. WQM Permits must be obtained in the name of the Owner.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cecil Township	3599 Millers Run Road Cecil, PA 15321	Washington

Plan Description: The approved plan provides for construction of a 400 gallon per day single residence sewage treatment plant to serve the Rodney Jeannette single family home. The property is located on Morganza Road, 500 feet north of the intersection of Morganza and Baker Roads. The proposed discharge point is a UNT of Chartiers Creek, classified as a WWF. 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 applicant as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Coolspring Township	852 North Perry Highway Mercer, PA 16137	Mercer

Plan Description: The approved plan provides for the extension of public sewers to serve areas of existing need in Coolspring Township, Mercer County. Areas to be sewerred include Route 19, Route 62, Tripplewood, and Maple View Drives and Cornell and Fredonia Roads. Sewage will be conveyed to the Mercer Boro STP for treatment.

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 analy-

sis. 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.

Parkside Amoco Station, Parkside Borough, **Delaware County**. Mark Genua, Powell~Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Kilgannon Prop., East Coventry Township, **Chester County**. Joseph Diamadi, Jr., P. G., Marshall Geoscience, Inc., 170 E. First Ave., Collegeville, PA 19426 on behalf of David Kilgannon, P. O. Box 34, Parker Ford, PA 19457 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Jose Torres Residence, Bethlehem Township, **Northampton County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Bethlehem, PA 18020 has submitted a Final Report (on behalf of his client, Jose Torres, 8th Street, Bethlehem Township, PA 18020) concerning the remediation of soil found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former underground storage tank on the property. The report was submitted to document attainment of the residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

Former Olin Microelectronics Materials, Inc., Plainfield Township, **Northampton County**. Michael J. Bellotti, Principal Remediation Specialist, Olin Corporation, P. O. Box 248, 1186 Lower River Road, NW, Charleston, TN 37310-0248 has submitted both a Cleanup Plan and a Final Report concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with inorganics as the result of historic site operations. The reports were submitted in partial fulfillment of the Site-Specific Standard.

Luciw Farm Leak Site, Salem Township, **Luzerne County**. Jennifer L. Huha, P. G., Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 has submitted a Final Report (on behalf of Sunoco Inc., Post Road and Blueball Avenue, Marcus Hook, PA 19061) concerning the remediation of site groundwater found or suspected to have been con-

taminated with petroleum hydrocarbons. The report was submitted to document attainment of the residential Statewide health standard.

Novick Chemical Co. Inc, City of Scranton, **Lackawanna County**. Marty Gilgallon, P. G., PA Tectonics Inc, 826 Main Street, Peckville, PA 18452, submitted a Final Report (on behalf of his client, Novick Chemical Co., 705 Davis Street, Scranton, PA 18505) concerning the remediation of site soils found to have been contaminated with chlorinated solvents and other solvents as the result of previous site operations. The report was submitted in fulfillment of a combination of the nonresidential, nonuse aquifer Statewide Health and Site-Specific Standards.

Tax Parcels 65-24-2 and 65-25-1.4 (SR 209), Borough of Tamaqua, **Schuylkill County**. Marguerite Murray, Project Environmental Scientist, Gilmore & Associates, Inc, 350 East Butler Ave, New Britain, PA 18901 submitted a Baseline Environmental Report for a property (on behalf of her client, Robert Craze, St. Luke's Miners Memorial Hospital, Coaldale, PA 18218) concerning the characterization of soil and groundwater on a former industrial property that manufactured lightweight concrete and more recently staged construction and waste materials. The report was submitted in partial fulfillment of the Special Industrial Area standard.

Former Holtzman Petroleum Company, Borough of East Stoudsburg, **Monroe County**. Letterle & Associates, Beta Building, Suite 203, 4084 Mt. Royal Boulevard, Allison Park, PA 15101 has submitted a combined Remedial Investigation Report and Final Report (on behalf of their client, Richard Burroughs, Holtzman Petroleum Company Liquidating Trust, 2940 Woods Hollow Lane, Allentown, PA 18103) concerning the characterization and remediation of soils and groundwater found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former aboveground storage tank on the property. The applicant proposes to meet a combination of the Statewide Health and Site-Specific Standards.

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

Anna E. Kirchoff Property, Manheim Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Anna E. Kirchoff, c/o Judith Hoar, Esq., Trout, Ebersole & Groff, LLP, 1705 Oregon Pike, Lancaster, PA 19601-4200, submitted a Final Report concerning remediation of site soils contaminated with leaded and unleaded gasoline from a nonregulated underground storage tank. The report is intended to document remediation of the site to the residential 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.

Symphony House, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Assoc., Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 19, 2005.

Elliot Res., Lower Pottsgrove Township, **Montgomery County**. Heath Brown, Environmental Standards, Inc., 1140 Valley Forge Rd., P. O. Box 810, Valley Forge, PA 19482 on behalf of Dennis Elliott, 567 Evans Rd., Pottstown, PA 19464 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 17, 2005.

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

Dumitru and Viccaro Residences, Borough of Stroudsburg, **Monroe County**. Alana Kopicz, Environmental Scientist, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of Adrian Dumitru and Anthony Viccaro, both of Lee Avenue, Stroudsburg, PA 18360) concerning the remediation of soils found or suspected to have been impacted by an accidental release of home heating oil. The report demonstrated attainment of the residential Statewide health soil standard and was approved on July 28, 2005.

Former Penn Fuel Gas Manufactured Gas Plant—Ashland site, Ashland Borough, **Schuylkill County**. John Mahfood, Corporate Environmental Solutions, 260 Millers Run Road, Bridgeville, PA 15017 submitted a combined Risk Assessment Report and Cleanup Plan (on behalf of his client, PPL Gas Utilities, Inc, Two North Ninth St., Allentown, PA 18101) concerning the risk assessment of and proposed remediation for soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The reports were submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards, and were approved on August 17, 2005.

Former Allen Hardware (1941 Hamilton Street), City of Allentown, **Lehigh County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their client, St. Luke's Hospital, 801 Ostrum Street, Bethlehem, PA 18015) concerning the remediation of soils and groundwater found or suspected to have been contaminated with gasoline constituents presumably as the result of leakage from underground storage tanks related to historical site operations. The report document attainment of the Statewide Health Standard and was approved on August 3, 2005.

PPL Distribution Pole No. 64751S47824 (corner of Glendale & Keystone Avenues), Bethlehem Township, **Lehigh County**. Jennifer Sedora, PPL Services, Two North 9th Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of soils found or suspected to have been contaminated with PCB Arochlor 1260 oil as the result of an accidental release. The report documented attainment of the residential Statewide Health Standard and was approved on August 8, 2005. The report was submitted within 90 days of the May 2, 2005 release.

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

Agway Lebanon Surplus Property, West Lebanon Township, **Lebanon County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway, Inc., 333 Butternut Drive, Syracuse, NY, 13214, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater impacted by petroleum hydrocarbons, pesticides, herbicides, and coal tar. The site is being remediated to a Site Specific Standard. The Department on August 15, 2005, approved the report.

Turkey Hill Store 185, West Earl Township, **Lancaster County**. Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401, on behalf of Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The report had been submitted within 90 days

of a release. The final report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department on August 18, 2005.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous and residual waste storage and treatment facility

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

Permit No. PAD000739672. U. S. Steel Corporation, South Taylor Environmental Park, located at 555 Delwar Road, Pittsburgh, PA 15236. The postclosure care of a hazardous waste landfill in West Mifflin Borough, **Allegheny County**. Permit renewal and modification issued in the Regional Office on August 18, 2005.

RESIDUAL WASTE GENERAL PERMITS

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), and residual waste regulations for a General Permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

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

General Permit No. WMGR104. Vortex Recycling, 526 South Jefferson Street, New Castle, PA 16101. The processing is limited to separation of waste oil and used oil filters and mechanical processing of used oil filters. The processing leads to beneficial use of scrap metal and waste oil. The permit was issued by Central Office on June 15, 2005.

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

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. WMGR090R047. Conewago Township Board of Supervisors, 490 Copenhaffer Road, York, PA 17404.

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 August 15, 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.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), and residual waste regulations for a General Permit to operate residual waste processing facilities and/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.

General Permit No. WMGR081D002. Abington Metals Refining & Manufacturing Co., Inc., 4924 Wellington Street, Philadelphia, PA 19135. For the recycling of various uncontaminated and source-separated electronic equipment and components electronics equipment by sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only). The Department approved the determination of applicability on August 16, 2005.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, 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.

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.

09-302-085GP: Archdiocese of Philadelphia (222 North 17th Street, Philadelphia, PA 19103) on August 12, 2005, to operate two boiler combustion units in Warminster Township, **Bucks County**.

23-302-141GP: PQ Corp. (P. O. Box 840, Valley Forge, PA 19482) on August 17, 2005, to operate a No. 4 furnace boiler in City Of Chester, **Delaware County**.

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

39-312-050GP2: Sunoco Partners Marketing and Terminals, LP (1801 Market Street, Philadelphia, PA

19103) on August 18, 2005, to construct and operate of an ethanol storage tank at the facility specified as the Fullerton Terminal, 2480 Main Street, Whitehall Township, **Lehigh County**.

40-312-045GP2: Sunoco Partners Marketing and Terminals LP (1801 Market Street, Philadelphia, PA 19103) on August 18, 2005, to construct and operate an ethanol storage tank at their facility at 60 South Wyoming Avenue, Edwardsville Borough, **Luzerne County**.

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

GP9-22-03013: Pinnacle Health Systems (218 South 2nd Street, Harrisburg, PA 17104) on August 16, 2005, for diesel or No. 2 fuel-fired internal combustion engines under GP9 in City of Harrisburg, **Dauphin County**.

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

GP5-32-00386A: Dominion Exploration and Production, Inc. (16945 Northchase Drive, Suite 1750, Houston, TX 77060) on August 18, 2005, to operate one (10 196 bhp Caterpillar natural gas-fired Compressor Engine at their Trimarchi Compressor Station located in Armstrong Township, **Indiana County**.

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

GP-16-146: Cooltech Hydrocarbon LLC—Marienville (State Route 66, Leeper, PA 16233) on August 31, 2005, to operate a natural gas fired compressor engine in Farmington Township, **Clarion County**.

GP-10-281: II-VI, Inc. (375 Saxonburg Road, Saxonburg, PA 16056) on August 31, 2005, to operate an internal fired combustion engine in Clinton Township, **Butler 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.

09-0134B: Reed Minerals (905 Steel Road S, Fairless Hills, PA 19030) on August 22, 2005, to operate a coal-fired boiler in Falls Township, **Bucks County**.

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

54-318-016: Pleasant Valley Modular Homes (P. O. Box 88, Pine Grove, PA 17963) on August 18, 2005, to construct adhesive and sealant application processes at their facility in Pine Grove Township, **Schuylkill County**.

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

17-00055A: River Hill Power Co., LLC (94 Spruce Street, Indiana, PA 15701-8424) on July 21, 2005, to construct a 290 megawatt electric generating facility in Karthaus Township, **Clearfield County**, including a

2,871 mmBtu/hr waste coal fired circulating fluidized bed (CFB) boiler, a steam turbine generator, a No. 2 fuel oil fired auxiliary boiler for CFB start-up, a mechanical draft wet cooling tower, a diesel fired generator, a diesel fired fire pump, a 50,000 gallon No. 2 fuel oil aboveground storage tank, as well as materials handling, preparation and storage systems for coal, limestone and ash controlled by several baghouses. The air contaminant emissions from the CFB boiler will be controlled by a limestone injection system with humidified fly ash in-duct recirculation, low NOx burners, selective noncatalytic reduction (SNCR), and a fabric filter baghouse.

55-00010A: National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842) on August 17, 2005, to construct 14 conveyors and install a water spray dust suppression system associated with the conveyors at their Paxtonville Quarry in Franklin Township, **Snyder County**.

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

30-00099C: Allegheny Energy Supply Co. (800 Cabin Hill Drive, Greensburg, PA 15601) on August 19, 2005, to install a dust suppression system on the existing coal unloading and handling operations at their Hatfield's Ferry Power Station located in Monongahela Township, **Greene 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.

23-0001Z: Sunoco, Inc.—R and M (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on August 19, 2005, to operate four auxiliary boilers in Marcus Hook Borough, **Delaware County**.

23-0066A: PyroPure, Inc.—T. A. Pyromet (5 Commerce Drive, Aston, PA 19014) on August 19, 2005, to operate three crucible and three rotary furnaces in Chester Township, **Delaware County**.

23-0089: FPL Energy Marcus Hook, LP (P. O. Box 426 Delaware Avenue and Green Street, Marcus Hook, PA 19061) on August 19, 2005, to operate a 750 megawatt combined cycle in Marcus Hook Borough, **Delaware County**.

23-0094: CCL Label LLC (1515 Garnet Mine Road, Boothwyn, PA 19061) on August 19, 2005, to operate a rotogravure printing press in Bethel Township, **Delaware County**.

46-0112B: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on August 15, 2005, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

46-0221: Upper Moreland Hatboro Joint Sewer Authority (P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090) on August 19, 2005, to operate a tri-mer odor scrubbers in Upper Moreland Township, **Montgomery County**.

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

31-05011C: U. S. Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) on August 17, 2005, to modify an existing fluid bed dryer to use additional fuels of No. 4 oil, No. 6 oil and recycled oil at their Mapleton Depot Plant in Brady Township, **Huntingdon County**. This facility is subject to 40 CFR 60.4, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

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

14-00002F: Graymont—PA, Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on July 25, 2005, to approve a revision in the exhaust system design to the fabric collector (consolidation of dust pickups and use of equipment enclosures) and to increase the capacity of three product silos for the pulverized limestone system in Spring Township, **Centre County**. There will be no emission increases as a result of these changes.

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

25-025E: General Electric (2901 East Lake Road, Erie, PA 16531) on August 31, 2005, to construct an emergency boiler in Lawrence Park Township, **Erie County**.

10-235A: Sunshine Greenhouses (915 Ekastown Road, Saxonburg, PA 16056) on September 30, 2005, to operate a boiler in Clinton Township, **Butler County**.

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

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

01-05023: Carmeuse Lime, Inc. (Highway 31 S, P. O. Box 37, Saginaw, AL 35137) on August 11, 2005, to operate their dolomitic lime production facility in Oxford Township, **Adams County**. This is a renewal of the Title V Operating Permit.

67-05018: Yorktowne, Inc. (100 Redco Avenue, Red Lion, PA 17356-0231) on August 16, 2005, to operate the high quality wood custom kitchen cabinet manufacturing facility in Red Lion Borough, **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.

43-00310: Duferco Farrell (15 Roemer Blvd, Farrell, PA 16121) on August 15, 2005, to issue the Title V Operating Permit in Farrell Township, Mercer County. The initial permit was originally issued on May 4, 2000. Duferco owns two steam boilers, three slab reheat furnaces, 60" hot strip mill, 60" hot strip hand scarfing, No. 21 slitter, No. 2 shot blast, No. 7 pickle line, No. 4 tandem mill, twelve anneal furnaces, No. 28 tamper mill, No. 2 shear, No. 26 slitter, No. 1 tension leveler, slab cutting torch, emergency diesel engine, No. 35 temper mill and IT building standby generator. As a result of potential emissions of NOx and VOC, the facility is minor for NOx but is major for VOC, 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

(CAM) under 40 CFR Part 64. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

46-00244: Acme Corrugated Box Co., Inc. (2700 Turnpike Drive, Hatboro, PA 19040) on August 19, 2005, to operate a vapor power boiler and cold degreaser to the facility Natural Minor Operating Permit in Upper Moreland Township, **Montgomery County**.

09-00108: Bucks County Water and Sewer Authority (1275 Almshouse Road, Warrington, PA 18976) on August 19, 2005, to operate an odor control scrubber to the facility Natural Minor Operating Permit in Bensalem Township, **Bucks County**.

09-00139: Safety-Kleen Systems, Inc. (1140 Greenhill Rd., West Chester, PA 19380) on August 16, 2005, to operate a drum washing and solvent recovery to the facility Natural Minor Operating Permit in Falls Township, **Bucks County**.

09-00077: Exelon Generation Co. (3901 North Delaware Avenue, Philadelphia, PA 19137) on August 15, 2005, to operate two combustion turbines that convert landfill gas into electric power when the demand is high to the facility Synthetic Minor Operating Permit in Falls Township, **Bucks County**.

15-00068: Spring City Electrical Manufacturing Co. (Hall and Main Streets, P. O. Box 19, Spring City, PA 19475) on August 16, 2005, to operate a Synthetic Minor Operating Permit in Spring City Borough, **Chester County**.

15-00115: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on August 16, 2005, to operate a Synthetic Minor Operating Permit in West Goshen Township, **Chester County**.

15-00111: Safety-Kleen Systems, Inc. (1140 Greenhill Road, West Chester, PA 19380) on August 16, 2005, to operate a drum washing and solvent recovery facility Natural Minor Operating Permit in West Goshen Township, **Chester County**.

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

39-000-64B: Howmet Castings—an Alcoa Business (2175 Avenue C, Bethlehem, PA 18017) on August 22, 2005, to operation an aluminum investment casting operation and associated air cleaning devices at their facility in Bethlehem, **Lehigh County**.

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

49-00030: Sunbury Textile Mills, Inc. (P. O. Box 768, Sunbury, PA 17801) on August 4, 2005, a State-only (Synthetic Minor) operating permit for their broad-woven cotton textile facility in the City of Sunbury, **Northumberland County**. The facility's main sources include two natural gas/No. 2 fuel oil fired boilers. The facility has taken restrictions to limit potential SOx emissions below

Title V thresholds. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

43-00276: Mercer Area School District, Elementary School (301 Lamor Road, Mercer, PA 16137) on August 16, 2005, for a Natural Minor Permit to operate two coal and gas fired boilers, one hot water heater and one diesel fueled emergency generator in Mercer Borough, **Mercer County**.

43-00260: Mercer Area School District, High School (545 W. Butler Street, Mercer, PA 16137) on August 16, 2005, for a Natural Minor Permit to operate one coal fired boiler, two natural gas fired boilers, one hot water heater and one emergency diesel generator in Mercer Borough, **Mercer County**.

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

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

49-00007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on August 1, 2005, to issue a revised operating permit, Revision No. 7, for their pharmaceutical, pesticide and chemical manufacturing facility in Riverside Borough, **Northumberland County**. The revision of this permit is to incorporate into the operating permit allowance for up to 87 hours of oxidizer downtime in any 12-consecutive month period when producing Trityl Losartan. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

15-00027: Johnson Matthey, Inc./Catalyst Systems Div. (456 Devon Park Drive, Wayne, PA 19087-1816) On August 17, 2005, located in Treddyfrin Township, **Chester County**.

The company operates a catalytic converter manufacturing research and development facility. The permit is being amended to incorporate changes approved under plan approval PA-15-0027F for the modification to an existing powder handling/wash coat batching system, which supports coating lines 7, 10 and 11 and the installation of the following sources:

- (i) One bag unloader
- (ii) Two powder addition systems
- (iii) Two dust collectors

The revised Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The conditions from the plan approvals that have been addressed in the amended Title V Permit are outlined below:

Wash Coat Batching Dust Collectors Nos. 1 and 2 (Source ID: CO13A & CO13B)

- Condition No. 001—Emission Restriction condition that limits the emission of particulate matter from each dust collector to 0.02 grain per dry standard cubic foot;

[Compliance with this more stringent, streamlined condition ensures compliance with 25 Pa. Code § 123.13].

- Condition No. 002—Monitoring Requirement condition for the pressure drop across the dust collectors on a daily basis when this device is operating.

- Condition No. 003—Recordkeeping Requirement condition for the pressure drop across the dust collectors on a daily basis when this device is operating.

- Condition No. 004—Work Practice Standard condition to ensure that the dust collectors are both equipped with a device to monitor the pressure differential.

- Condition No. 005—Work Practice Standard condition requiring the permittee to maintain a pressure drop of 2"-4" (w.g.) across each dust collector.

- Condition No. 006—Work Practice Standard condition requiring the permittee to maintain, on site, a sufficient supply of spare fabric filters for each dust collector.

- Condition No. 007—Work Practice Standard condition requiring the permittee to minimize fugitive emissions from the dust collectors through good housekeeping and good air pollution practices.

The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The Administrative Amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00025: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) On August 17, 2005, to modify the pressure drop across the acid gas absorber serving the thermal oxidizer to the existing Title V Operating Permit in Upper Merion Township, **Montgomery County**.

23-00058: Haverford College (370 Lancaster Avenue, Haverford, PA 19041) On August 17, 2005, to modify three generators from 6.9 pr/hp to 6.9 gr/hp-hr. to an existing synthetic minor operating permit in Haverford Township, **Delaware County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

26743202 and NPDES Permit No. 0069736. Fayette Coal & Coke, LLC (2611 Memorial Blvd., Connellsville, PA 15426). Transfer permit from Carbon Fuel Resources, Inc. for continued operation and reclamation of a coal

refuse reprocessing surface mine, located in Dunbar and North Union Townships, **Fayette County**, affecting 113 acres. Receiving streams: UNTs to Rankin Run and Rankin Run. Transfer application received: January 21, 2005. Transfer permit issued: August 19, 2005.

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

17040103 and NPDES No. PA0243744. Hepburnia Coal Company (P. O. Box 1, Grampian, PA 16838), commencement, operation and restoration of a bituminous surface mine permit in Lawrence Township, Clearfield County affecting 53.3 acres. Receiving stream: UNT No. 1 to Little **Clearfield Creek**. Application received May 13, 2004. Permit issued August 3, 2005.

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

54851601R3. Superior Coal Preparation Co-Op, LLC (59 Main Street, Joliette-Tremont, PA 17981), renewal of an existing anthracite coal preparation plant operation in Hegins & Hubley Townships, Schuylkill County affecting 19.0 acres, receiving stream: none. Application received March 14, 2001. Renewal issued August 12, 2005.

54851601T. Superior Coal Preparation Co-Op, LLC (59 Main Street, Joliette-Tremont, PA 17981), transfer of an existing anthracite coal preparation plant operation in Hegins & Hubley Townships, Schuylkill County affecting 19.0 acres, receiving stream: none. Application received February 2, 2004. Transfer issued August 12, 2005.

Noncoal Permits Actions

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

26840402 and NPDES Permit No. PA0588075. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425-9503). NPDES permit renewal issued for continued operation and reclamation of a noncoal surface mining site located in Connellsville Township, **Fayette County**, affecting 234.7 acres. Receiving streams: Connell Run and UNTs to Connell Run. Application received: June 17, 2005. NPDES Renewal issued: August 17, 2005.

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

43020305. Development of Sharpsville Furnace, LTD (1127 Main Street, Sharpsville, PA 16150). Transfer of an existing slag operation in Sharpsville Borough, **Mercer County** affecting 32.8 acres. Receiving streams: Shenango River. Transfer from SQP Industries. Application received: May 26, 2005. Permit issued: August 18, 2005.

16052804. Star Mining Corporation (8100 Oho River Blvd. Emsworth, PA 15202). Commencement, operation and restoration of a small noncoal sand and gravel operation in Perry Township, **Clarion County** affecting 8.0 acres. Receiving streams: Allegheny River. Application received: February 16, 2005. Permit Issued: August 12, 2005.

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

53050801. Brian Cowburn (482 Cowburn Road, Ulysses, PA 16948). Commencement, operation and restoration of a small industrial minerals (shale) permit in Ulysses Township, **Potter County** affecting 5.0 acres. Receiving stream: UNT to Ludington Run. Application received March 19, 2005. Permit issued August 9, 2005.

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

58050821. Tammy Lynn Norton (R. R. 2, Box 135C, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: DuBois Creek. Application received May 12, 2005. Permit issued August 15, 2005.

64050801. Glenna Novak and Joan Decker (177 Sherman Road, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres. Receiving stream: Sherman Creek, tributary to West Branch of Delaware River. Application received June 9, 2005. Permit issued August 16, 2005.

6276SM2A1C8 and NPDES Permit No. PA0594512. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), depth correction and NPDES revision of an existing quarry operation in East Earl Township, **Lancaster County** affecting 232.0 acres, receiving stream: Conestoga Creek. Application received July 12, 2005. Correction issued August 17, 2005.

6575SM1C6 and NPDES Permit No. PA0119229. Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving stream: Mill Creek. Application received June 22, 2005. Renewal issued August 18, 2005.

7973SM6A1C8 and NPDES Permit No. PA0120979. Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Mill Creek. Application received June 22, 2005. Renewal issued August 18, 2005.

ABANDONED MINE RECLAMATION

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

Bond Forfeiture	BF 487-101.1
Contract Awarded	
Location	Beccaria Township Clearfield County
Description	Act 181, Bond Forfeiture Reclamation, Hamilton Brothers Coal, Inc., SMP# 17930116
Contractor	E. P. Bender Coal Co., Inc. 198 South Main Street P. O. Box 594 Carrolltown, PA 15722
Amount	\$146,300.22
Date of Award	August 16, 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.

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

26054008. Penn Development Services (732 McClellandtown Road, Uniontown, PA 15401). Permit issued for construction of Target retail center located in South Union Township, **Fayette County**, with an expected duration of one year. Permit issued: August 15, 2005.

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

21054156. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Crossroads School Estates in West Pennsboro Township, **Cumberland County** with an expiration date of August 30, 2006. Permit issued August 12, 2005.

21054157. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Village of Brandywine Sewer Project in Hampden Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued August 12, 2005.

35054113. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Glenn Maura Corp. in Moosic Borough, **Lackawanna County** with an expiration date of August 8, 2006. Permit issued August 12, 2005.

39054113. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510), construction blasting for Boulder West in Upper Macungie Township, **Lehigh County** with an expiration date of August 8, 2006. Permit issued August 12, 2005.

45054134. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Dairy Hill in Smithfield Township, **Monroe County** with an expiration date of August 2, 2006. Permit issued August 12, 2005.

45054135. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for South Ridge Estates in Price Township, **Monroe County** with an expiration date of August 17, 2006. Permit issued August 12, 2005.

45054136. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Sunrise Village in Smithfield Township, **Monroe County** with an expiration date of August 12, 2006. Permit issued August 12, 2005.

46054131. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Rene Road in Appaloosa Development in Lower Merion Township, **Montgomery County** with an expiration date of August 31, 2005. Permit issued August 12, 2005.

52054111. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a garage in Lackawaxen Township, **Pike County** with an expiration date of January 1, 2006. Permit issued August 12, 2005.

52054112. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Lust Wood Working in Shohola Township, **Pike County** with an expiration date of March 28, 2006. Permit issued August 12, 2005.

52054113. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Route 590 road project in Lackawaxen Township, **Pike County** with an expiration date of August 1, 2006. Permit issued August 12, 2005.

36054145. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Ringler Manure Pit in Caernarvon Township,

Lancaster County with an expiration date of October 30, 2005. Permit issued August 15, 2005.

28054016. Fayetteville Contractors, Inc. (P. O. Box FCI, Fayetteville, PA 17222), construction blasting at Cam Superline Warehouse Addition, Lot 2 in Washington Township, **Franklin County** with an expiration date of August 31, 2006. Permit issued August 15, 2005.

48054007. MF Ronca & Sons (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at LVIP VI Lot 7 in Bethlehem Township, **Northampton County** with an expiration date of September 12, 2006. Permit issued August 15, 2005.

48054008. Eastern Blasting Co., Inc. (1292 Street Road, New Hope, PA 18938), construction blasting for Freedom High School Expansion in Bethlehem Township, **Northampton County** with an expiration date of January 31, 2007. Permit issued August 15, 2005.

67054040. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Green Ridge Subdivision in East Manchester Township, **York County** with an expiration date of August 1, 2006. Permit issued August 15, 2005.

67054041. ABEL Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting at Wellington Greens Phase 4 in West Manchester Township, **York County** with an expiration date of January 31, 2006. Permit issued August 15, 2005.

01054113. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Cedar Ridge in Hamilton Township, **Adams County** with an expiration date of August 30, 2006. Permit issued August 16, 2005.

15054121. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting for Atwater in East Whiteland Township, **Chester County** with an expiration date of July 15, 2006. Permit issued August 16, 2005.

38054120. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Beckley's Corner in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2006. Permit issued August 16, 2005.

40054116. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Greek Orthodox Monastery in Whitehaven Borough, **Luzerne County** with an expiration date of August 22, 2006. Permit issued August 17, 2005.

40054117. DC Guelich Explosives, Inc. (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting for Sugar Notch Reclamation Project in Sugar Notch Borough, **Luzerne County** with an expiration date of August 8, 2006. Permit issued August 17, 2005.

21054158. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Foxwood Development in Silver Spring Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued August 18, 2005.

67054128. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Logan Meadows in Carroll Township, **York County** with an expiration date of December 30, 2005. Permit issued August 18, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-193. Fairmount Park Commission. One Parkway, 10th Floor, 1515 Arch Street, Philadelphia, PA 19102, City and County of Philadelphia, ACOE Philadelphia District.

This is in reference to the information submitted to our office on April 5, 2005, requesting an amendment to Permit No. E51-193, which authorized the Fairmount Park Commission to construct and maintain the Schuylkill River Park project in the City and County of Philadelphia.

Be advised that the request has been approved, and Permit No. E51-193 is hereby amended to authorize the construction and maintenance of a 10-foot by 45-foot floating dock, 40-foot by 3-foot gangway and associated appurtenances located just north of the Chestnut Street Bridge and connecting to the Schuylkill River Park. Attached, also find your copy of the Submerged Lands License Agreement for this activity.

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)).

All conditions specified in the original permit remain in effect and are to be complied with as part of this amendment.

E23-449. Chester Downs and Marina, LLC, c/o Harrah's Entertainment, Inc., 777 Harrah's Boulevard, Atlantic City, NJ 08401, City of Chester, Delaware County, ACOE Philadelphia District.

To redevelop the former Sun Shipbuilding and Dry Dock Company facility, an approximately 65-acre site, into a new 5/8-mile harness racetrack and casino gaming and entertainment facility (a/k/a Harrah's Chester Casino and Racetrack) situated along the Delaware River waterfront.

Work will include:

1. To construct and maintain a 5/8 mile Oval Harness Racetrack, a portion of which lies within the 100-year floodway of the Delaware River.

2. To modify Pier 1 and Pier 2 by constructing and maintaining an approximately 37,508 square foot concrete pile-supported, high deck platform to support the racetrack overtop a tidally flowed slip (former Wet Dock No. 1) located within the Delaware River (WWF, MF).

3. To construct and maintain the following stormwater outfalls:

(a) Five 24-inch and one 48-inch diameter HDPE stormwater outfalls with riprap outlet protection along and discharging into Ridley Creek (WWF, MF).

(b) Two 24-inch stormwater HDPE outfalls with riprap outlet protection along and discharging into the Delaware River.

(c) One 18-inch, one 24-inch and one 30-inch stormwater HDPE outfalls discharging into the tidal Wet Dock (slip).

4. To place and maintain fill in 0.24 acre of wetland (PEM) and approximately 940 linear feet of riprap bank protection below the high tide line and along the perimeter of previously filled submerged lands. Work will also include minor grading and riparian corridor improvements.

5. To remove several old industrial structures within the Delaware River, including two crane rail supports, a sunken steel barge, a steel dock, and pile-supported timber low deck structure (Pier No. 3). Also, to remove approximately 0.59 acre of structure and fill for conversion to open water, including 0.38 acre of inter-tidal shallow water wetland. These activities are being performed as compensation for shading impacts for the new high deck racetrack support platform.

6. To maintain an existing dock and three 24-foot diameter breasting dolphins extending into the Delaware River at the mouth of Ridley Creek.

7. To maintain a bridge crossing of Ridley Creek between the racetrack and the adjacent Penn Ship Facility.

This authorization will replace all licenses previously granted by the Commissioners of Navigation to the Sun Shipbuilding Company and their predecessors.

The site is located at One Morton Avenue on the Delaware River Waterfront, just west of Ridley Creek, which forms the municipal boundary with Eddystone Borough (Bridgeport, PA-NJ, Quadrangle N: 18.0 inches; W: 14.0 inches) in the City of Chester, Delaware County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E35-382. Putter Pub, LLC d/b/a Scranton Municipal Golf Course, P. O. Box 3515, Scranton, PA 18505. Jefferson Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To expand and maintain the reservoir of an off-stream nonjurisdictional dam with work consisting of removing accumulating sediment and expanding the surface area of the reservoir by approximately 1.75 acres for the purpose of improving the golf course irrigation system. The project is located on the east side of Golf Club Road approximately 0.5 mile south of I-84 near Green No. 14 of the Scranton Municipal Golf Course (Olyphant, PA Quadrangle N: 4.2 inches; W: 2.1 inches).

E52-200. John S. and Patricia J. McKay, 112 Mast Hope Avenue, Lackawaxen, PA 18435. Lackawaxen Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 2-span private bridge, having an overall span of 80 feet and an underclearance of approximately 8 feet, across Masthope Creek (HQ-CWF). The mid pier will be located outside of the normal flow channel. The crossing will replace an existing ford crossing. The project is located approximately 2,000 feet upstream of the confluence of Masthope Creek and the Delaware River (Narrowsburg, NY-PA Quadrangle N: 7.0 inches; W: 4.4 inches). (Subbasin: 1A)

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

E21-364: James H. and Mary C. Slyder, 439 Chestnut Street, Mount Holly Springs, PA 17065 in Mount Holly Springs Borough, **Cumberland County**, ACOE Baltimore District.

To construct and maintain four duplex housing units on 0.9 acre of land located within the detailed floodway of Mountain Creek (TSF), located approximately 200 feet upstream of the Mill Street Bridge (Mount Holly Springs, PA Quadrangle N: 22.05 inches; W: 8.75 inches) in Mount Holly Springs Borough, Cumberland County.

E36-794: BGT Realty Limited Partnership, P. O. Box 476, Ephrata, PA 17522 in Ephrata Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a grass-lined swale outfall from a stormwater detention basin and a new roadway within the 100-Year Floodway of Indian Run (TSF) for the purpose of connecting Dutchland Avenue with Trout Run Road and SR 272 (Ephrata, PA Quadrangle N: 12.3 inches; W: 7.3 inches) in Ephrata Township, Lancaster County. 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)).

E67-773: York County Board of Commissioners, One West Marketway, 4th Floor, York, PA 17401, Springfield Township, **York County**, ACOE Baltimore District.

To replace and existing low head dam with a cross rock vane, remove a section of gabion basket wall and construct and maintain 2 in-stream rock vanes and place 35 linear feet rip rap bank protection within a UNT to East branch Codorus Creek (CWF) at a point where the tributary flows through Nixon Park (York, PA Quadrangle N: 1.6 inches; W: 14.9 inches) in Springfield Township, York County.

E67-779: North Delta, Inc., 2700 Philadelphia Road, Edgewood, MD 21040-1120 in Peach Bottom Township, **York County**, ACOE Baltimore District.

To construct and maintain: (1) an 11-foot wide by 40-foot long breakaway truss pedestrian bridge over Scott Creek (TSF); (2) a 4-foot wide by 64-foot long wooden boardwalk elevated by concrete pilings over a UNT to Scott Creek and associated PFO wetlands; (3) an 8-inch water line crossing of a UNT to Scott Creek; (4) a 6-inch sewer force main crossing of Scott Creek and associated PEM wetlands; (5) a 6-inch sewer force main crossing of Scott Creek and an associated PSS wetland; (6) replace an existing culvert under Split Rock Drive with a 88.1 linear foot 24-inch HDPEP; (7) 8-inch PVC water line and an 18-inch storm sewer under Split Rock Road; (8) 2 outfall swales to UNTs to Scott Creek; (9) 8-inch PVC water line crossing of Scott Creek at Dooley Road; and (10) an 8-inch PVC water line crossing under an existing 54-inch CMP under Line Road. The proposed Delta Ridge subdivision is located adjacent to the town of Delta and is bordered by Bunker Hill Road and Line Road (Delta, PA Quadrangle Latitude 39/43/36.8 and Longitude 76/20/12.3) in Peach Bottom Township, York County. The wetlands are considered of exceptional value in accordance with 25 Pa. Code § 105.17(1)(iii). The project impacts total 0.11 acre of temporary wetland impacts, 0.02 acre of permanent wetland impacts, 4,275 square feet of temporary stream impacts and 105 linear feet of permanent stream impacts, for which compensatory mitigation is not required.

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

E02-1458. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To rehabilitate a bridge and to construct a bridge both in Forward Township, **Allegheny County**, Pittsburgh ACOE District. To rehabilitate, operate and maintain the existing Pangburn Hollow Bridge No. 3 having a span of 14.0 feet with a minimum underclearance of 5.9 feet across the channel of Perry Mill Run (WWF) and to remove the existing structure (Pangburn Hollow Bridge No. 4) and to construct and maintain a box culvert having a span of 16.0 ft. with a minimum underclearance of 6.0 ft. (1.0 foot depressed below the stream bed) in the channel of Perry Mill Run (WWF) for the purpose of improving highway safety. Pangburn Hollow Bridge No. 3 consists of replacing the existing superstructure on the existing abutments and is located on Pangburn Hollow Road, approximately 2,000 feet north from the intersection of Pangburn Hollow Road and Sadler Road (Monongahela, PA Quadrangle N: 21.8 inches; W: 5.1 inches and Latitude: 40° 14' 42"—Longitude: 79° 54' 42"). Pangburn Hollow Bridge No. 4 is

located on Pangburn Hollow Road approximately 350 feet north from the intersection of Pangburn Hollow Road and Sadler Road (Monongahela, PA Quadrangle N: 21.1 inches; W: 5.5 inches and Latitude: 40° 14' 42"—Longitude: 79° 54' 42").

E02-1494. Plum Borough Municipal Authority, 4555 New Texas Road, Pittsburgh, PA 15239-1197. To construct a bridge in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 13.4 inches; W: 12.2 inches and Latitude: 40° 26' 56"—Longitude: 79° 42' 47"). To construct and maintain a bridge having a span of 40.0 feet with an underclearance of 12.5 feet across the channel of Abers Creek (TSF) for the purpose of providing access to the Holiday Park Sewage Treatment Plant located approximately 650 feet west from the intersection of Kane Road and New Texas Road in Plum Borough and will impact approximately 15 feet of stream channel. This permit also authorizes the construction and maintenance of a 6-inch diameter utility line under the bed and across the channel of said stream located just upstream from the proposed bridge.

E02-1500. Gary A. Pugliano, 1808 Golden Mile Highway, Route 286, Plum Borough, PA 15239. To construct a bridge in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 13.22 inches; W: 12.33 inches and Latitude: 40° 26' 52"—Longitude: 79° 42' 49"). To construct and maintain a bridge having a span of 47.5 feet with an underclearance of 9.5 feet across the channel of Abers Creek (TSF) for the purpose of providing access to a proposed parking lot. The project is located approximately 1,300 feet south from the intersection of New Texas Road and SR 286 in Plum Borough and will impact 150 linear feet of stream channel. This permit also authorizes the construction and maintenance of a utility line stream crossing under the bed and across the channel of said stream located just upstream from the proposed bridge.

E03-431. Department of Transportation, Engineering District 10, P. O. Box 429, 2550 Oakland Avenue, Indiana, PA 15701-0429. To impact wetland in Plumcreek Township, **Armstrong County**, Pittsburgh ACOE District (Whitesburg, PA Quadrangle N: 12.3 inches; W: 5.2 inches and Latitude: 40° 41' 34"—Longitude: 79° 24' 45"). To impact 0.23 acre of PEM wetland for the purpose of constructing approximately 3.00 acres of wetland habitat within advanced wetland compensation site located on SR 2005 and along Cherry Run (CWF).

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

E10-406. Springfield Partners, L. P., P. O. Box 449, Mars, PA 16046. Springfield Mannor Planned Residential Subdivision, in Cranberry Township, **Butler County**,

ACOE Pittsburgh District (Baden, PA Quadrangle, Latitude: 40° 42' 55"; Longitude: 80° 07' 59").

To eliminate 0.57 acre of PEM wetlands as part of the construction process of the planned residential subdivision located at the intersection of Unionville and Graham School Roads. The permittee is required to provide 0.57 acre of replacement wetlands.

ENVIRONMENTAL ASSESSMENTS

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

D43-005EA. Grove City Borough, P. O. Box 110, Grove City, PA 16127. Borough of Grove City, **Mercer County**, ACOE Pittsburgh District.

Project proposes to breach and remove Cunningham Memorial Dam across Wolf Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream 1,200 feet to a free flowing condition. The project will restore approximately 1,200 feet of stream channel. The dam is located approximately 250 feet northeast of the intersection of SR 173 and Main Street (SR 58) (Grove City, PA Quadrangle at N: 5.5 inches W: 11.7 inches).

D06-342EA. Borough of Shillington, 2 East Lancaster Avenue, P. O. Box 247, Shillington, PA 19607. Cumru Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Mohnton Pump Station Dam located across Wyomissing Creek (HQ-CWF) to eliminate a threat to public safety and to restore 450 linear feet of stream channel to free-flowing conditions. The dam is located approximately 150 feet southeast of the intersection of Wyomissing Road and Rudloff Lane, southwest of the town of Mohnton (Reading, PA Quadrangle N: 5.8 inches; W: 16.25 inches).

DAM SAFETY

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

D22-104. King Drive Corporation, 4503 North Front Street, Harrisburg, PA 17110. To operate and maintain Felicita Dam—Pond No. 4. Harrisburg East, PA Quadrangle N: 21.70 inches; E: 4.10 inches Middle Paxton Township, **Dauphin County**. The 401 Water Quality Certification is not approved.

D22-105. King Drive Corporation, 4503 North Front Street, Harrisburg, PA 17110. To operate and maintain Felicita Dam—Pond No. 6. Harrisburg East, PA Quadrangle N: 22.20 inches; E: 3.65 inches in Middle Paxton Township, **Dauphin County**. The 401 Water Quality Certification is not approved.

SPECIAL NOTICES

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

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

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

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

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

Act 101, Section 901 Planning Grant

Region	County	Applicant	Project Description	Grant Award
Southcentral	Perry	Perry County	Plan Revision	\$87,751

Categorical Exclusion

Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Location: **Mahanoy Township, Schuylkill County.** Mahanoy City Sewer Authority, 130 East Centre Street, Mahanoy City, PA 17948.

Description: The Mahanoy City Sewer Authority (MCSA) is planning to complete upgrades to the 25 year old Wastewater Treatment Plant (WWTP) located in Mahanoy Township, Schuylkill County. The project involves replacing malfunctioning and outdated WWTP equipment, located at the headworks, sludge digester, clarifiers and sludge drying reed beds. Other improvements include electrical upgrades, installation of flow meters, utility water system improvements and administrative and laboratory office upgrades. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project has not identified any significant, adverse environmental impacts resulting from the proposal. The Department hereby categorically excludes the project from the State Environmental Review Process.

Pennsylvania Wetland Replacement Project Public Notice

The Department of Environmental Protection (Department) has approved the following wetland restoration project for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the following project is anticipated to begin in the Fall 2005. Contact Shelby Reisinger, Department of Environmental Protection, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or shreisinger@state.pa.us for further information.

Project No. D01C52-001

The primary objective of the landowner and Ducks Unlimited sponsored 0.5 acre wetland creation in Subbasin 1 of the Delaware River Basin is to provide habitat for waterfowl and improve water quality of the East Branch of Bridge Creek and the East Branch Wallenpaupack watershed by intercepting runoff from upland slopes and trapping nutrients and sediment. The wetland project will expand an existing wetland and will be surrounded by a large buffer area. The project is located in Green Township, Pike County (Newfoundland, PA Quadrangle, N: 10.75 inches, W: 6.25 inches).

[Pa.B. Doc. No. 05-1641. Filed for public inspection September 2, 2005, 9:00 a.m.]

Availability of General Permit for Processing/Beneficial Use of Nonliquid Spent Mushroom Substrate (WMGR100)

The Department of Environmental Protection (Department) has issued General Permit WMGR100 for the processing (transfer, composting, storage) and beneficial use of nonliquid spent mushroom substrate. This general permit authorizes the transfer and composting, prior to beneficial use, of spent mushroom substrate and, where applicable, the management of the resulting wastewater through the construction and operation of wastewater storage and land application. This is a Statewide general permit. This general permit is issued under the authority of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and the regulations implementing the laws.

Under the terms and conditions of the residual waste general permit, persons who are permitted to transfer and compost, and beneficially use the compost produced,

will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act and conformance with isolation distances and conservation plans.

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 (relating to authorization for general permit) to issue general permits for any category of beneficial use or processing that results in the beneficial use of residual waste on a Statewide basis when the Department determines that the use will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined spent mushroom substrate transfer and composting can be adequately regulated using standard conditions.

Persons operating under and in compliance with an approved Mushroom Farm Environmental Management Plan (MFEMP) prior to the effective date of this general permit shall submit an application to register under this general permit within 180 days after the effective date of this general permit, unless otherwise approved in writing by the authorized conservation district in the county where the facility is located. Persons that propose to operate under the terms and conditions of this general

permit after the effective date of this general permit shall submit an application to register under this general permit to the authorized conservation district in the county where the facility will be located at least 45 days prior to constructing or otherwise operating a facility in accordance with this general permit. The following minimum information will be required to be submitted on forms provided by the Department to register:

- a. Name and address of the applicant.
- b. Name and location of the facility/generators of the waste.
- c. Number and title of the general permit
- d. Proof that proposed transfer and composting activities are consistent with the general permit.
- e. A signed statement accepting all conditions of the general permit.
- f. A MFEMP approved by the Department or an authorized county conservation district.
- g. Proof of municipal notification.
- h. Proof of identification of interests.
- i. Compliance history information.
- j. An application fee in the amount required under 25 Pa. Code § 287.643(b) (relating to registration) made payable to the "Commonwealth of Pennsylvania."
- k. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will conduct transfer and composting activities.
- l. A copy of the facility's Preparedness, Prevention and Contingency Plan.
- m. Proof that a Pennsylvania Natural Diversity Inventory review of the facility has been completed.

The notice for public comment on the proposed General Permit WMGR100 was published at 34 Pa.B. 4075 (July 31, 2004) with a 60-day public comment period, which concluded on September 29, 2004. There were two commentators to the proposal, and the comments have been addressed in a comment and response document.

A copy of General Permit WMGR100, including the comment and response document, is available from the Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381, parnt@state.pa.us. A copy of General Permit WMGR100 is also available on the Department's website at www.dep.state.pa.us (DEP Keyword: DEP Waste Management).

This general permit was issued on August 27, 2005, and will expire at 12 a.m. on August 27, 2015.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1642. Filed for public inspection September 2, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of

nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—New Guidance

DEP ID: 383-3310-109. Title: Pennsylvania Drinking Water Information System (PADWIS) Inventory Users Manual. Description: This document proposes guidance on the establishment, use and maintenance of a computerized public water system inventory for management of the Safe Drinking Water Program. A previous version of this document was published as a draft on September 30, 2003, but not finalized. This revision updates the previous draft. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Written Comments: Interested persons may submit written comments on this draft technical guidance document by October 3, 2005. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail, must include the originator's name and address. Written comments should be submitted to Michael Mark, Department of Environmental Protection, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467 or mmark@state.pa.us. Contact: Michael Mark, (717) 772-4466, mmark@state.pa.us.

Final Technical Guidance—Minor Revision

DEP ID: 012-5500-001. Title: 2006 Environmental Education Grants Program Manual and Forms. Description: This manual is a guide for eligible organizations interested in applying for the Department's Environmental Education grants program. The manual provides information on eligibility and details on how to apply for a grant as well as the operational procedures required if a grant is awarded. Minor revisions are being made to this document to update the forms and deadlines contained therein for the 2006 cycle. Effective Date: October 3, 2005. Contact: Carla Hoffman, (717) 705-4086, cahoffman@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1643. Filed for public inspection September 2, 2005, 9:00 a.m.]

Recycling Fund Advisory Committee Meeting and Solid Waste Advisory Committee Meeting Cancellation

The Solid Waste Advisory Committee (SWAC) meeting scheduled for Thursday, September 15, 2005, has been canceled. Instead of the SWAC meeting, the Recycling Fund Advisory Committee (RFAC) will hold a special meeting on that date from 10 a.m. to 12:30 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The purpose of the meeting is to provide the RFAC with details of past expenditures from the Recycling Fund and to solicit input on proposed expenditures, including recycling market development.

Questions concerning this meeting should be directed to Lawrence Holley at (717) 787-7381 or lholley@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Penelope Hartman at (717) 787-7381 or through the 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. 05-1644. Filed for public inspection September 2, 2005, 9:00 a.m.]

Water Resources Advisory Committee Meeting Cancellation

The September 14, 2005, meeting of the Water Resources Advisory Committee has been cancelled. The next scheduled meeting will be held on November 9, 2005, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the November 9, 2005, meeting should be directed to Bonita Moore at (717) 787-9637 or bmoore@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-9637 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. 05-1645. Filed for public inspection September 2, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, September 21, 2005, from 9 a.m. to 4 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey at the previously referenced number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 05-1646. Filed for public inspection September 2, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Diversion

The Department of Public Welfare (Department) intends to amend the Commonwealth's Temporary Assistance for Needy Families (TANF) (42 U.S.C.A. §§ 601-619) State Plan. The proposed amendment will permit individuals or families who otherwise qualify for TANF cash assistance to receive a nonassistance diversion payment as an alternative to receiving ongoing cash assistance.

Federal regulation in 45 CFR 260.31(b) defines "nonassistance" as nonrecurrent, short-term benefits that are designed to deal with a specific crisis situation or episode of need; are not intended to meet recurrent or ongoing needs; and will not extend beyond 4 months. The Department intends to amend its TANF State Plan to create a nonassistance program known as Diversion.

Diversion will provide a nonrecurring payment to eligible individuals or families as an alternative to ongoing cash assistance. Individuals/families must be employed or have a recent work history. A recent work history is defined as having worked within the 90-day period immediately preceding the date of application. Individuals or families must also have a plan for self-support from earned or unearned income.

The purpose of this payment is to meet a specific crisis situation or episode of need that is expected to eliminate the need for ongoing cash assistance. A diversion payment is equal to the Family Size Allowance (FSA) for 1, 2 or a maximum of 3 months, depending upon a family's need (55 Pa. Code Chapter 183, Appendix B, Table 3). An

eligible family may receive a maximum amount equal to 3 months of the FSA within a 12-month period.

Services and/or items that may be purchased with this payment include:

- Work expenses such as uniforms and tools.
- Mortgage, rent or other housing expenses.
- Car repairs, inspections, payments, insurance premium payments and other transportation costs.
- Child care.
- Costs to relocate to secure employment.

To be eligible for this initiative, the individual or family must:

- Meet the income/resource requirements and definitive conditions for TANF which are minor child, specified relative and deprivation.
- Be employed or have a recent work history.
- Have a specific crisis situation or episode of need that, if met, eliminates the individual's or family's need for ongoing TANF cash assistance.
- Have a verified plan for ongoing self-support from earned or unearned income.

This notice and subsequent State Plan Amendments do not create a duty or obligation upon the Department to continue, renew or extend availability of Diversion. Continuation or renewal of the program is subject to availability of funds.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081. Comments received within 30-calendar days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-435. No fiscal impact; (8) recommends adoption. Implementation of this notice will generate savings to the General Fund beginning in Fiscal Year 2005-2006 of \$5.661 million.

[Pa.B. Doc. No. 05-1647. Filed for public inspection September 2, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

David L. Craig v. DEP and Mountainview Thoroughbred Racing Association—Penn National of Grantville, Permittee; EHB Doc. No. 2005-258-K

David L. Craig has appealed the issuance by the Department of Environmental Protection (Department) of an NPDES permit to Mountainview Thoroughbred Racing

Association—Penn National of Grantville for a facility in East Hanover Township, Dauphin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-1648. Filed for public inspection September 2, 2005, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Recommendation to Develop a Regulatory Proposal to Reduce Mercury Emissions

On August 9, 2004, the Environmental Quality Board (Board) received a rulemaking petition submitted on behalf of the Citizens for Pennsylvania's Future (PennFuture), PennEnvironment, Pennsylvania Federation of Sportsmen's Clubs, Pennsylvania NOW, Pennsylvania State Building and Construction Trades Council, Pennsylvania Trout, Planned Parenthood Pennsylvania Advocates, Sierra Club Pennsylvania Chapter, Women's Law Project, WomenVote PA and an additional 39 copetitioners requesting the Board adopt regulations to reduce mercury emissions from electric utilities located in this Commonwealth. This petition was accepted by the Board in October 2004 (See 34 Pa.B. 5992 (October 30, 2004)).

Based on an analysis prepared by the Department of Environmental Protection (Department) and on comments received from the petitioners, the Department recommended that rulemaking to reduce mercury emissions be developed for the Board's consideration and that during the development of the regulatory proposal, the Department confer with various stakeholders, including, but not limited to, Pennsylvania Chamber of Business & Industry, Pennsylvania Chemical Industry Council, Associated Petroleum Industries of Pennsylvania, Pennsylvania Manufacturers Association, Industrial Energy Users of Pennsylvania, Electric Power Generation Association, Pennsylvania Coal Association, United Mine Workers of America, Air Quality Technical Advisory Committee, the

Citizens Advisory Council, the petitioners and other representatives of the regulated community. The Board accepted the Department's recommendation on August 16, 2005.

The previously referenced petition and subsequent reports are available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA

17105-8477, (717) 787-4526 or by accessing the Department's website at www.dep.state.pa.us (DEP Keyword: EQB).

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-1649. Filed for public inspection September 2, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

2005 Commission Approved Boating Safety Education Courses for Residents and Nonresidents

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents or both. The following boating safety education courses are Commission-approved courses for residents and nonresidents. Commonwealth residents are reminded that under 58 Pa. Code § 91.6 (relating to Boating Safety Education Certificates), they are required to possess a Boating Safety Education Certificate that is issued by the Commission. Upon proper application and payment of the appropriate fee, the Commission will issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes one of the courses in the following list.

Commission-Approved Boating Safety Education Courses for Residents

The following boating safety education courses are Commission-approved courses for Commonwealth residents.

Course	Name of Course
A B Seas Boat School	The A B Seas of Recreational Boating Basics
American Safety Council	American Safety Council—Florida Boating Safety Course
American Sailing Association	ASA Basic Keelboat Sailing Course
Berbarie Marine	Corky's Boating Basics
Boat Safe Martha's Vineyard	Boating Safety Basics—Boat Safe Martha's Vineyard
Boating Safety Institute of America	Boating/PWC Basics
Boatwise	Boatwise Boating Basics
Canadian Power & Sail Squadrons	The Boating Course
Canadian Power & Sail Squadrons	The Boat Pro Manual
CaptainForHire.com	Boating Education
Charles F. Chapman School of Seamanship	Florida Boating Basics Course
Coast Boating School	Coast Boating School—A Guide to Responsible Boating
Coastal Yachting Academy	Practical Boating Safety, Seamanship & Navigation
Connecticut Coastal Safe Boating	Connecticut Safe Boating
Don Fleming Yacht Services	Basic Safe Boating Course—CT
Duxbury Bay Maritime School	DBMS Boating Safety
Dyno Time	Dyno Time Performance Boating Basics
Empire Safety Council	Boating Safety Course
Florida Sailing & Cruising School	Basic Powerboat Handling
Florida Sailing & Cruising School	Powerboat First Mate
Glowing Screen Productions	Smart Boating with Capt. Steve
International Jet Boat Safety Association	PWC Safety and Anti-Collision Training Top Gun Safety Course
Lighthouse Marine Service	Boat America: A Course on Responsible Boating for North Carolina
Lighthouse Marine Service	Boating Course for South Carolina
Lighthouse Marine Service	Lighthouse Marine Service Basic Boating Course
Longshore Sailing School & Greenwich Community Sailing	Boat Connecticut—A Course on Responsible Boating
Marine Resource Center	Boating Safety and Practical Seamanship
MMOC Safe Boating Instruction	SBC & PWCO Certification, Connecticut
New England Maritime	New England Maritime Boating Safety Course
Outdoor Empire Publishing, Inc	Boating Basics—A Guide to Responsible Boating
Professional Fleet LLC	Professional Marine Education
Safe Boating Institute	Basic Boating Safety
Safety Resources	Connecticut Basic Boating Safety and PWC
Sea Coast Boating Safety	Safe Boating and Personal Watercraft Course—Sea Coast Boating
Sound Sailing Center	Basic Keelboat
US Coast Guard Auxiliary	Boating Skills/Seamanship (12th Edition)
US Coast Guard Auxiliary	Boating Safety
USFWS Aquatic Resources Training	Motorboat Operator Certification Course, U. S. Dept. of Interior
US Sailing Association	Safe Powerboat Handling
US Sailing Association	Small Boat Sailing Instructor Level 1 Instructor Course
US Sailing Association	Basic Keelboat Instructor Course
US Sailing Association	Basic Keelboat Student Course

Course

US Power Squadrons
 US Power Squadrons
 US Power Squadrons
 Vineyard Maritime
 Watercraft Training Center

State Courses

Alabama
 Alaska
 Arizona
 Arkansas
 California
 Colorado
 Connecticut
 Delaware
 Delaware
 District of Columbia
 Florida
 Florida
 Georgia
 Hawaii
 Idaho
 Illinois
 Indiana
 Indiana
 Iowa
 Kansas
 Kentucky
 Louisiana
 Maine
 Maryland
 Maryland
 Massachusetts
 Michigan
 Minnesota
 Mississippi
 Missouri
 Montana
 Nebraska
 Nevada
 New Hampshire
 New Jersey
 New Mexico
 New York
 North Carolina
 North Dakota
 Ohio
 Oklahoma
 Oregon
 Pennsylvania
 Pennsylvania
 Pennsylvania
 Puerto Rico
 Rhode Island
 South Carolina
 South Dakota
 Tennessee
 Texas
 Utah
 Utah
 Vermont
 Virgin Islands
 Virginia
 Virginia
 Washington
 West Virginia
 Wisconsin
 Wyoming

Name of Course

Boat Smart
 America's Boating Course
 Squadron Boating Course
 Safe Boating Course
 Watercraft Training Center Boat Safe Training Manual

Name of State Course

Alabama Boating Basics
 Alaska Water Wise—A Course for Alaskan Boaters
 Boat Arizona
 Boat Arkansas
 California Boating—A Course for Safe Boating
 Boat Colorado—Boating Safely in Colorado
 Boat Connecticut—A Course on Responsible Boating
 Delaware Boating Basics
 Boat Delaware—A Course on Responsible Boating
 DC Boating Basics
 How to Boat Smart—Florida Boating Safety Course
 Florida Boating Safety Course
 Boat Georgia—A Course on Responsible Boating
 Hawaii Boating Basics
 Boat Idaho—A Course on Responsible Boating
 Boating Basics
 Indiana Boating Basics
 Boat Indiana
 Iowa Boating Basics
 Kansas Boater Safety Course
 The Kentucky Boating Safety Manual
 Boat Louisiana—A Course on Responsible Boating
 Boating Basics
 Maryland Boating Basics
 Boat Maryland—A Course on Responsible Boating
 Boat Massachusetts—Your Guide to Responsible Boating
 BoatEd Inc: Boat Michigan
 Minnesota Boating Education Course
 Boat Mississippi (Dept. Wildlife/Fisheries & Parks)
 Boat Missouri: A Course on Responsible Boating
 Montana Safe Boating Manual
 Boat Nebraska—A Course on Responsible Boating
 Boat Nevada—A Course on Responsible Boating
 Boat New Hampshire—A Course on Responsible Boating
 New Jersey Boating Basics
 New Mexico Boating Basics
 New York State Safe Boating
 Boat North Carolina—A Course on Responsible Boating
 Boating Basics
 Ohio Boating Education Course
 Boat Oklahoma—A Course on Responsible Boating
 Boat Oregon—A Course on Responsible Boating
 Pennsylvania Basic Boating
 Pennsylvania Boating & Water Safety Awareness
 Boat PA: A Course on Responsible Boating
 A Course on Responsible Navigation
 Boat Rhode Island
 Boat South Carolina
 South Dakota Boating Basics
 Boat Tennessee—A Course on Responsible Boating
 Boat Texas: A Course for Responsible Boating
 Utah's Boating Course
 Utah's Personal Watercraft Education Course
 Boat Vermont—A Course on Responsible Boating
 Boating Smart Virgin Islands
 Boat Virginia—A Course on Responsible Boating
 PWC in Virginia
 Adventures in Boating
 West Virginia Boating Basics
 Wisconsin Boating Basics
 Wyoming Boating Basics

The following boating safety education courses are Commission-approved for nonresidents.

Approved Boating Safety Education Courses for Nonresidents

Course	Name of Course
A B Seas Boat School	The A B Seas of Recreational Boating Basics
American Boating Education	American Boat Operators Course
American Safety Council	American Safety Council—Florida Boating Safety Course
American Sailing Association	ASA Basic Keelboat Sailing Course
Berbarie Marine	Corky's Boating Basics
BoatEd	Boat America: A Course on Responsible Boating
BoaterExam.com	The BoaterExam.com Boating Safety Certification Course
Boat Safe Martha's Vineyard	Boating Safety Basics—Boat Safe Martha's Vineyard
Boating Safety Institute of America	Boating/PWC Basics
BoatUS Foundation	BoatU.S. Foundation Online Boating Safety Course
Boatwise	Boatwise Boating Basics
Canadian Power & Sail Squadrons	The Boating Course
Canadian Power & Sail Squadrons	The Boat Pro Manual
CaptainForHire.com	Boating Education
Charles F. Chapman School of Seamanship	Florida Boating Basics Course
Coast Boating School	Coast Boating School—A Guide to Responsible Boating
Coastal Yachting Academy	Practical Boating Safety, Seamanship & Navigation
Code 4 Public Safety Education Association	Code 4 Boating Ed Internet Course
Connecticut Coastal Safe Boating	Connecticut Safe Boating
Delaunay Communications	PWCSafetySchool.com
Don Fleming Yacht Services	Basic Safe Boating Course—CT
Duxbury Bay Maritime School	DBMS Boating Safety
Dyno Time	Dyno Time Performance Boating Basics
Empire Safety Council	Boating Safety Course
Florida Sailing & Cruising School	Basic Powerboat Handling
Florida Sailing & Cruising School	Powerboat First Mate
Glowing Screen Productions	Smart Boating with Capt. Steve
International Jet Boat Safety Association	PWC Safety and Anti-Collision Training Top Gun Safety Course
Lighthouse Marine Service	Boat America: A Course on Responsible Boating for North Carolina
Lighthouse Marine Service	Boating Course for South Carolina
Lighthouse Marine Service	Lighthouse Marine Service Basic Boating Course
Longshore Sailing School & Greenwich Community Sailing	Boat Connecticut—A Course on Responsible Boating
Marine Resource Center	Boating Safety and Practical Seamanship
Marine University	Boater 101
MMOC Safe Boating Instruction	SBC & PWCO Certification, Connecticut
Nautical Know How, Inc.	Boating Basics Online.Com
Nautical Know How, Inc.	Boat Safe.Com
New England Maritime	New England Maritime Boating Safety Course
Outdoor Empire Publishing, Inc	Boating Basics—A Guide to Responsible Boating
Professional Fleet LLC	Professional Marine Education
Safe Boating Institute	Basic Boating Safety
Safety Resources	Connecticut Basic Boating Safety and PWC
Sea Coast Boating Safety	Safe Boating and Personal Watercraft Course—Sea Coast Boating
Sound Sailing Center	Basic Keelboat
Tennessee Boaters Education	Tennessee Boaters Education Boating Safety Course
US Coast Guard Auxiliary	Boating Skills/Seamanship (12th Edition)
US Coast Guard Auxiliary	Boating Safety
USFWS Aquatic Resources Training	Motorboat Operator Certification Course, U. S. Dept. of Interior
US Sailing Association	Safe Powerboat Handling
US Sailing Association	Small Boat Sailing Instructor Level 1 Instructor Course
US Sailing Association	Basic Keelboat Instructor Course
US Sailing Association	Basic Keelboat Student Course
US Power Squadrons	Boat Smart
US Power Squadrons	America's Boating Course
US Power Squadrons	Squadron Boating Course
Vineyard Maritime	Safe Boating Course
Watercraft Training Center	Watercraft Training Center Boat Safe Training Manual
State Courses	Name of Course
Alabama	Alabama Boating Basics
Alaska	Alaska Water Wise—A Course for Alaskan Boaters
Arizona	Boat Arizona
Arkansas	Boat Arkansas
California	California Boating—A Course for Safe Boating

State Courses

Colorado
 Connecticut
 Delaware
 Delaware
 District of Columbia
 Florida
 Florida
 Georgia
 Hawaii
 Idaho
 Illinois
 Indiana
 Indiana
 Iowa
 Kansas
 Kentucky
 Louisiana
 Maine
 Maryland
 Maryland
 Massachusetts
 Michigan
 Minnesota
 Mississippi
 Missouri
 Montana
 Nebraska
 Nevada
 New Hampshire
 New Jersey
 New Mexico
 New York
 North Carolina
 North Dakota
 Ohio
 Oklahoma
 Oregon
 Pennsylvania
 Pennsylvania
 Pennsylvania
 Puerto Rico
 Rhode Island
 South Carolina
 South Dakota
 Tennessee
 Texas
 Utah
 Utah
 Vermont
 Virgin Islands
 Virginia
 Virginia
 Washington
 West Virginia
 Wisconsin
 Wyoming

Name of Course

Boat Colorado—Boating Safely in Colorado
 Boat Connecticut—A Course on Responsible Boating
 Delaware Boating Basics
 Boat Delaware—A Course on Responsible Boating
 DC Boating Basics
 How to Boat Smart—Florida Boating Safety Course
 Florida Boating Safety Course
 Boat Georgia—A Course on Responsible Boating
 Hawaii Boating Basics
 Boat Idaho—A Course on Responsible Boating
 Boating Basics
 Indiana Boating Basics
 Boat Indiana
 Iowa Boating Basics
 Kansas Boater Safety Course
 The Kentucky Boating Safety Manual
 Boat Louisiana—A Course on Responsible Boating
 Boating Basics
 Maryland Boating Basics
 Boat Maryland—A Course on Responsible Boating
 Boat Massachusetts—Your Guide to Responsible Boating
 BoatEd Inc: Boat Michigan
 Minnesota Boating Education Course
 Boat Mississippi (Dept. Wildlife/Fisheries & Parks)
 Boat Missouri: A Course on Responsible Boating
 Montana Safe Boating Manual
 Boat Nebraska—A Course on Responsible Boating
 Boat Nevada—A Course on Responsible Boating
 Boat New Hampshire—A Course on Responsible Boating
 New Jersey Boating Basics
 New Mexico Boating Basics
 New York State Safe Boating
 Boat North Carolina—A Course on Responsible Boating
 Boating Basics
 Ohio Boating Education Course
 Boat Oklahoma—A Course on Responsible Boating
 Boat Oregon—A Course on Responsible Boating
 Pennsylvania Basic Boating
 Pennsylvania Boating & Water Safety Awareness
 Boat PA: A Course on Responsible Boating
 A Course on Responsible Navigation
 Boat Rhode Island
 Boat South Carolina
 South Dakota Boating Basics
 Boat Tennessee—A Course on Responsible Boating
 Boat Texas: A Course for Responsible Boating
 Utah's Boating Course
 Utah's Personal Watercraft Education Course
 Boat Vermont—A Course on Responsible Boating
 Boating Smart Virgin Islands
 Boat Virginia—A Course on Responsible Boating
 PWC in Virginia
 Adventures in Boating
 West Virginia Boating Basics
 Wisconsin Boating Basics
 Wyoming Boating Basics

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

[Pa.B. Doc. No. 05-1650. Filed for public inspection September 2, 2005, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, September 7, 2005, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m., Mandated Benefits Committee Meeting—3 p.m.; Thursday, September 8, 2005, Council Meeting—10 a.m. The meetings will be held in the conference room, Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 05-1651. Filed for public inspection September 2, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

American Independent Insurance Company; Private Passenger Automobile Rate Revisions; Rate Filing

On August 18, 2005, the Insurance Department (Department) received from American Independent Insurance

Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.1% decrease amounting to \$0.066 million annually, to be effective October 1, 2005, for new business and November 1, 2005, for renewal business.

Unless formal administrative action is taken prior to October 17, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is 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, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1652. Filed for public inspection September 2, 2005, 9:00 a.m.]

Keystone Health Plan West; Conversion Rates; Rate Filing

By Filing No. 1-Conv-05-KHPW, Keystone Health Plan West requests approval to increase the premium rates for its conversion product. The filing requests an average increase of about 2%. This filing will affect about 700 contract holders and will produce additional premium income of about \$4,400 annually. The filing requests the following changes to the current benefit:

Benefit	Current Coverage	New Coverage
Deductible (Individual/Family)	\$100/\$200	\$250/\$500
Routine GYN	\$15 copay per visit	\$25 copay per visit
Diagnostic Services	100% after deductible	—Advanced Imaging \$100 copay per date of service not subject to deductible —All other diagnostic services 100% after deductible
		<ul style="list-style-type: none"> • Standard Imaging • Pathology/Laboratory • Allergy Testing • Other Diagnostic Medical

The requested effective date of the change is January 1, 2006.

Unless formal administrative action is taken before November 16, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1653. Filed for public inspection September 2, 2005, 9:00 a.m.]

Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the act (40 P. S. § 1303.743).

The claims information must be reported to the MCARE Fund and to the Department. The following calendar year 2004 claims information is due to the MCARE Fund and the Insurance Department by October 15, 2005:

- The aggregate amount of premium earned.
- The aggregate amount of losses paid.
- The aggregate amount of losses incurred.
- The aggregate amount of loss reserves outstanding.
- The aggregate amount of loss adjustment expenses paid.
- The aggregate amount of loss adjustment expenses incurred.
- The aggregate amount of loss adjustment expense reserves outstanding.
- A table showing separately by accident year and county the number of claims first reported (or arising) in 2004.
- A table showing separately by accident year and disposition (that is, judgment of arbitration panel, judgment of court, settlement or other) the number of claims closed by county (or disposed) in 2004.
- A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2004 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. A letter has been mailed instructing medical malpractice carriers to submit their 2004 data.

Medical malpractice carriers who have not received a letter should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717)

787-6968, bzorkic@state.pa.us. Questions should be directed to Bojan Zorkic.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1654. Filed for public inspection September 2, 2005, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for Milk Marketing Area No. 1

Under the Milk Marketing Law (1 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on November 2, 2005, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2004 and 2005; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; and a reasonable rate of return to milk dealers. In accordance with OGO A-927, evidence and testimony will also be considered regarding the fuel cost adjuster.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons that may be affected by the Board order fixing prices in Area No. 1 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on October 7, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on October 7, 2005, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the

parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on October 12, 2005, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 26, 2005, each party shall file and serve as set forth in paragraph (1) information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 5, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 05-1655. Filed for public inspection September 2, 2005, 9:00 a.m.]

Hearing and Presubmission Schedule for Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on November 2, 2005, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2004 and 2005; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and

stores. In accordance with OGO A-927, evidence and testimony will also be considered regarding the fuel cost adjuster.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons that may be affected by the Board order fixing prices in Area No. 2 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on October 7, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on October 7, 2005, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on October 12, 2005, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 26, 2005, each party shall file and serve as set forth in paragraph (1) information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 5, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 05-1656. Filed for public inspection September 2, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 26, 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.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00122031 (Corrected). Warren L. Smith (14 Jordan Drive, Ronks, Lancaster County, PA 17572)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00122042. Barry C. Jackson, t/a V-Day Van Service (2208 Noras Court, N. Wales, Montgomery County, PA 19454)—persons in paratransit service, from points in the City and County of Philadelphia, and the Counties of Delaware, Montgomery, Chester and Bucks, to all State and Federal Correctional Institutions, located in Pennsylvania, and return.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-00120443, Folder 1, Am-A. Accurate Limousine, LLC (12 Raintree Road, Chadds Ford, Chester County, PA 19317), a corporation of the Commonwealth—persons, between points in the County of Chester, and from points in said county, to points in Pennsylvania, and return: *So As To Permit* the transportation of persons, in limousine service, between points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-00122041. Joel Frank Rasper t/a Acorn Moving Company (P. O. Box 284, Northumberland, Northumberland County, PA 17857)—household goods in use, between points in the County of Northumberland, and from points in said county, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1657. Filed for public inspection September 2, 2005, 9:00 a.m.]

Telecommunications

A-310633F7014. Level 3 Communications, LLC and Buffalo Valley Telephone Company. Joint petition for approval of an interconnection agreement between Level 3 Communications, LLC and Buffalo Valley Telephone Company under section 252(e) of the Telecommunications Act of 1996.

Level 3 Communications, LLC and Buffalo Valley Telephone Company, by its counsel, filed on August 12, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Level 3 Communications, LLC and Buffalo Valley Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1658. Filed for public inspection September 2, 2005, 9:00 a.m.]

Telecommunications

A-310633F7015. Level 3 Communications, LLC and Conestoga Telephone and Telegraph Company. Joint petition for approval of an interconnection agreement between Level 3 Communications, LLC and Conestoga Telephone and Telegraph Company under section 252(e) of the Telecommunications Act of 1996.

Level 3 Communications, LLC and Conestoga Telephone and Telegraph Company, by its counsel, filed on August 12, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Level 3 Communications, LLC and Conestoga Telephone and Telegraph Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1659. Filed for public inspection September 2, 2005, 9:00 a.m.]

Telecommunications

A-310633F7006. Level 3 Communications, LLC and Denver and Ephrata Telephone and Telegraph Company. Joint petition for approval of an interconnection agreement between Level 3 Communications, LLC and Denver and Ephrata Telephone and Telegraph Company under section 252(e) of the Telecommunications Act of 1996.

Level 3 Communications, LLC and Denver and Ephrata Telephone and Telegraph Company, by its counsel, filed on August 12, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Level 3 Communications, LLC and Denver and Ephrata Telephone and Telegraph Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1660. Filed for public inspection September 2, 2005, 9:00 a.m.]

Telecommunications

A-311378F7001. Verizon North, Inc. and Arch Wireless Operating Company, Inc. Joint petition for approval of adoption of an interconnection agreement between Verizon North, Inc. and Arch Wireless Operating Company, Inc. under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Arch Wireless Operating Company, Inc., by its counsel, filed on August 12, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an adoption of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon North, Inc. and Arch Wireless Operating Company, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1661. Filed for public inspection September 2, 2005, 9:00 a.m.]

Telecommunications

A-311155F7001. Verizon North, Inc. and Easton Telecom Services. Joint petition for approval of an interconnection agreement between Verizon North, Inc. and Easton Telecom Services, LLC under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Easton Telecom Services, LLC, by its counsel, filed on August 18, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an adoption of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Easton Telecom Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1662. Filed for public inspection September 2, 2005, 9:00 a.m.]

Telecommunications

A-311155F7000. Verizon Pennsylvania, Inc. and Easton Telecom Services, LLC. Joint petition for approval of an interconnection agreement between Verizon Pennsylvania, Inc. and Easton Telecom Services, LLC under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Easton Telecom Services, LLC, by its counsel, filed on August 18, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an adoption of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Easton Telecom Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1663. Filed for public inspection September 2, 2005, 9:00 a.m.]

Water Service

A-210121. Valley Run Water Company, LLC. Application of Valley Run Water Company, LLC for a certificate of public convenience to offer, furnish or provide water service to the public in a portion of Washington Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 19, 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: Valley Run Water Company, LLC

Through and By Counsel: Thomas J. Sniscak, Esquire, William T. Hawke, Esquire, Rikardo J. Hull, Esquire, Hawke, McKeon, Sniscak and Kennard, LLP, 100 North Tenth Street, Harrisburg, PA 17105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1664. Filed for public inspection September 2, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-070.S, Submerged Oil Dragging—On Call for Various PRPA Piers, until 2 p.m. on Tuesday, September 13, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available September 6, 2005. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-1665. Filed for public inspection September 2, 2005, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Jonathan R. Krum; Doc. No. 1969-60-2004; File No. 2004-60-08720

On June 13, 2005, the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) issued an adjudication and order in which it revoked the vehicle salesperson license of Jonathan R. Krum, license number MV-148055-L, and levied a civil penalty of \$3,000.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

EDWIN K. GALBREATH, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1666. Filed for public inspection September 2, 2005, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 27, 2005	Alfred C. Nelson (D) (Retirement Option Selection of Deceased Member)	1 p.m.
September 29, 2005	Dolores M. Stefanick (Annuity Overpayment)	1 p.m.
October 18, 2005	Monir S. Girgis (Benefit Recalculation)	1 p.m.
October 20, 2005	Milo D. Clinton (Annuity Overpayment)	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be

held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,
Secretary

[Pa.B. Doc. No. 05-1667. Filed for public inspection September 2, 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

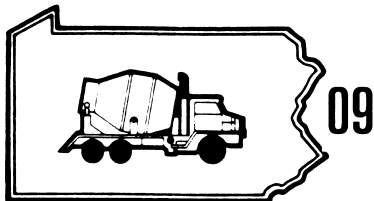
DO BUSINESS WITH STATE AGENCIES

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.patreaury.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

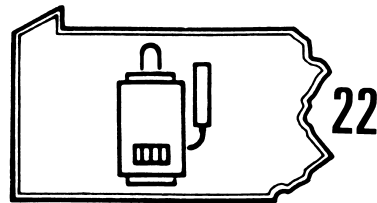
SERVICES



Construction & Construction Maintenance

DGS 571-27 PROJECT TITLE: Renovation of Boiler Plant. BRIEF DESCRIPTION: The scope of the project is related to the upgrade of the boiler combustion chamber to reduce particulate emissions by introducing a gas-over fire burner system over the stoker grates. The scope also includes repair of boiler internal refractory and tube components, repair and replacement of coal storage and distribution system components and abatement of hazardous materials associated with the execution of the project. ESTIMATED RANGE: 1,000,000 TO 2,000,000. HVAC and Electrical Construction. PLANS DEPOSIT: \$125.00 per set payable to: GWIN, DOBSON & FOREMAN, INC. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange the delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check per set or provide your express mail account number to the office listed below. Mail requests to: Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Suite B, Altoona, Pennsylvania 16602, Tel: (814) 943-5214. Bid Date: Wednesday, September 28, 2005 at 2:00 PM. A pre-bid conference has been scheduled for Tuesday, September 13, 2005 at 10:00 AM at the State Correctional Institution - Rockview, Human Resource Center, Benner Pike. Contact Harry Bower at SCI - (814) 355-4874 with the name & company 24 hours before pre-bid date. Any other questions, Contact: Jeff Spencer, TEL: (814) 943-5214. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference. All Bidders must be registered to secure plans and specifications. Register at: www.vendorregistration.state.pa.us.

Department: Corrections
Location: State Correctional Institution - Rockview, Rockview, Centre County, PA
Duration: 186 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding, (717) 787-3923



HVAC Services

FM 8940 This project requires the repositioning of three (3) fifty (50) hp electric motors to accommodate the practice of "change out" upon motor failure. For detailed specifications contact Helen Fuhrman 717-705-5952, by September 2, 2005.

Department: State Police
Location: Pennsylvania State Police, Headquarters Building, 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: Through November 1, 1005
Contact: Helen Fuhrman, (717) 705-5952



Real Estate Services

93886 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Probation and Parole Board with 7,440 useable square feet of office space within the City Limits of Norristown in Montgomery County, PA, with a minimum parking for 8 vehicles. Downtown locations will be considered. For more information on SFP #93886 which is due on September 19, 2005 visit ww.w.dgs.state.pa.us and click on Real Estate to download an SFP document or call (717) 787-4396.

Department: Probation and Parole Board
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396

93887 STATE-OWNED REAL ESTATE FOR SALE - LATROBE ARMORY. The Department of General Services will accept bids for the purchase of 0.32-acres of property and one building located at the northwest intersection of Ridge Avenue and Spring Street, City of Latrobe, Westmoreland County. Bids are due on September 27, 2005. Interested parties wishing to receive a copy of solicitation #93887 should view the Department of General Services' website at www.dgs.state.pa.us.

Department: General Services

Location: 505 North Office Building, Harrisburg, PA 17125

Contact: Steve Squibb, (717) 783-0228

[Pa.B. Doc. No. 05-1668. Filed for public inspection September 2, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

