

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

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

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-22-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cardinal Avenue 3rd Floor George Town Grand Cayman Cayman Islands	Opened
8-22-05	Fulton Bank Lancaster Lancaster County	2747 Century Boulevard Wyomissing Berks County	Opened
8-24-05	Graystone Bank (In Organization) Lancaster Lancaster County	361 West Main Street Leola Lancaster County	Filed
8-24-05	Graystone Bank (In Organization) Lancaster Lancaster County	112 Market Street Harrisburg Dauphin County	Filed
8-26-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Spring House Village Plaza Bethlehem Pike Spring House Montgomery County	Authorization Rescinded

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-25-05	Lancaster Postal Employees Credit Union Lancaster Lancaster County	An amendment to Article 8 provides for a change in language from: "employees of the United States Postal Service of Lancaster County, PA;" to: "employees of the United States Postal Service who are supervised or paid from Harrisburg."	Approved and Effective

##### Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-24-05	TruMark Financial Credit Union Trevose Bucks County	515 Old York Road Jenkintown Montgomery County	Filed

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1678. Filed for public inspection September 9, 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0088226 (Sew)	South Woodbury Township 125 North Road New Enterprise, PA 16664	Bedford County South Woodbury Township	Yellow Creek/11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0045969 IW	Sunoco Partners & Marketing Terminals LP 525 Fritztown Road Sinking Spring, PA 19608	Northumberland County Point Township	UNT to Susquehanna River 5E	Y
PA0112747 SP	Mahaffey Borough P. O. Box 202 Mahaffey, PA 15757-0113	Clearfield County Mahaffey Borough	West Branch Susquehanna River 8B	Y

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

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

**Application No. PA 0087718**, Industrial Waste, SIC Code 2421, **Crystal Springs Hardwood, Inc.**, P. O. Box 34, Crystal Springs, PA 15536. This facility is located in Brush Creek Township, **Fulton County**.

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

The receiving stream, Little Brush Creek, is in Watershed 13-B and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Saxton Municipal Water Authority located on the Raystown Branch Juniata River, approximately 49 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0001 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>
pH	from 6.0 to 9.0 inclusive	
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Total Zinc	Monitor and Report	Monitor and Report
Total Copper	Monitor and Report	Monitor and Report

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

The EPA waiver is in effect.

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

**PA0228923**, Sewerage SIC 4952, **Pine Cradle Lake Campground**, P. O. Box 113, Rome, PA 18837. This proposed facility will be located in Rome Township, **Bradford County**.

Description of Proposed Activity: The applicant proposes the construction of a 5,000 gpd sewage treatment plant that will serve the existing 100 campsites, 65 proposed expansion sites and the owner's existing residence. This system will be the replacement for a failed onlot system.

The receiving stream, a UNT to Parks Creek, is in the State Water Plan watershed 4D and is classified for CWF. The nearest downstream public water supply intake is the Danville Municipal Water Authority at Danville located on the Susquehanna River, 138 river miles below the discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 mgd:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10		20
TSS	20		40
pH	within the range of 6.0 to 9.0		
Fecal Coliforms	200 col/100 ml as a geometric mean		

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

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

**PA0216739**, Industrial Waste, SIC, 4953, **Allegheny Ludlum Corporation, Inc.**, 100 River Road, Brackenridge, PA 15014. This application is for renewal of an NPDES permit to discharge groundwater from a residual waste landfill in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributary of the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Harrison Township Water Authority, located at Harrison Township, 3 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.020 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30		60
Oil and Grease			15		30
Hexavalent Chromium*			0.012	0.024	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
Nickel				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

\*Hexavalent Chromium will have "Monitor and Report" requirement for the first 3 years of the permit at Outfalls 001 and 002. The numeric limits for Hexavalent Chromium will go into effect 3 years after the effective date of the permit.

*Outfall 002*: existing discharge, design flow of 0.009 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Hexavalent Chromium*			0.013	0.026	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
pH				Monitor and Report	

\*Hexavalent Chromium will have "Monitor and Report" requirement for the first 3 years of the permit at Outfalls 001 and 002. The numeric limits for Hexavalent Chromium will go into effect 3 years after the effective date of the permit.

*Outfall 003*: existing discharge, design flow of 0.005 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Hexavalent Chromium			0.013	0.026	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
pH				Monitor and Report	

*Outfall 004*: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Hexavalent Chromium				Monitor and Report	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
pH				Monitor and Report	

The EPA waiver is in effect.

**PA0217573**, Industrial Waste, SIC, 5311, **Oxford Development Company**, 120 Fifth Avenue, 2nd Floor, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge untreated cooling water from Penn Avenue Place in City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, located at Neville Island, 5.33 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 1.728 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)					110
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)**

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

**WQM Permit No. 3605408**, Sewerage, **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for the construction/operation of a submersible pumping station and approximately 1,900 linear feet of 4-inch diameter epoxy lined ductile iron force main. This proposed project will collect and convey wastewater from the proposed Cheltenham Subdivision.

**WQM Permit No. 0105201**, Sewerage, **Oxford Township**, 780 Hanover Street, New Oxford, PA 17350. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Application for the construction/operation of a new pump station to the New Oxford Municipal Authority sewage treatment plant.

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

**WQM Permit No. 0805401**, Sewerage SIC 4952, **Pine Cradle Lake Campground**, P. O. Box 113, Rome, PA 18837. This proposed facility will be located in Rome Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes the construction of a 5,000 gallon per day sewage treatment plant that will serve the existing 100 campsites, 65 proposed expansion sites and the owner's existing residence. This system will be the replacement for a failed onlot system.

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

**WQM Permit No. 0405403**, Sewerage, **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066. This proposed facility is located in Daugherty Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence, small flow sewage treatment facility.

**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**

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024805020	Ashley Development Corp. 559 Main Street Bethlehem, PA 18018	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S0581R	Pocono Mts. Industries, Inc. 556 Main St. Stroudsburg, PA 18360	Monroe	Coolbaugh Township and Mt. Pocono Borough	Red Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036705001	Thomas H. Gemmill 21577 Barrens Road South Stewartstown, PA 17363	York	Hopewell Township	UNT to Leibs Creek/HQ-CWF
PAI032805008	Grove Manitowac Crane Group 1565 Buchanan Trail East Greencastle PA 17225	Franklin	Antrim Township	Muddy 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	<b>Leisure Living Retirement Home</b>
Municipality	Dublin Township
County	<b>Fulton</b>
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.

**Application No. 0605512 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Muhlenberg Township Authority</b>
Municipality	Muhlenberg Township
County	<b>Berks</b>
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.

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

**Application No. 3007226-MA6, Minor Amendment**

Applicant **Zelienople Borough**  
 Township or Borough Zelienople Borough, **Butler County**  
 Responsible Official Jill Stedina, Assistant Borough Manager  
 Type of Facility PWS  
 Application Received Date 8/24/2005  
 Description of Action Installation of a second meter to allow recording of flow from Marion Township.

**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:

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

**Sneider Residence**, Millersburg Borough, **Dauphin County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of the Estate of Jean Sneider, c/o Benjamin B. Schmick, 675 Saint Johns Drive, Camp Hill, PA 17011-1304, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil. The applicant proposes to remediate the site to the Statewide Health Standard. Future use of the site will continue to be used as a residential property.

**Drumheller Property**, Oley Township, **Berks County**. American Resource Consultants, Inc., 1000 West Broad Street, Quakertown, PA 18951, on behalf of Ethel Drumheller, 552 Bertolet Mill Road, Oley, PA 19547, and J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline from an unregulated storage tank. The applicant proposes to remediate the site to the Statewide Health Standard. Future use of the site will likely be nonresidential.

**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.*

**40-305-026: Lang Filter Media** (603 South Church Street, Hazleton, PA 18201) for construction of a coal processing plant and associated air cleaning device at their facility in Hazleton, **Luzerne County**.

**58-310-007: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for construction of a stone crushing plant and associated air cleaning device at their Clifford Plant, on Route 374, P. O. Box 280, Clifford Township, **Susquehanna County**.

**48-313-096: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) for construction of a blending and grinding mill and granular system and the associated air cleaning devices at their facility in Easton, **Northampton County**.

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

**19-320-005: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) for construction

of a heatset web offset lithographic printing press in Scott Township, **Columbia County**.

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

**26-00559A: Marwas Steel Co.** (18 Mount Pleasant Road, Scottdale, PA 15683) for installation of heavy duty steel grating process dip tank at Laurel Steel Division in Everson Borough, **Fayette 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.*

**15-0094A: Metallurgical Products Co.** (810 Lincoln Avenue, West Chester, PA 19381) for installation of a fiber bed filter mist eliminator in West Goshen Township, **Chester County**. This installation of the fiber bed filter mist eliminator may result in the emissions of 15.02 tons per year of particulate matter and 7.21 tons per year of phosphoric acid. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within applicable air quality requirements.

**PA-09-0174: Liberty Coating Co., LLC.** (21 South Steel Road, Morrisville, Falls Township, **Bucks County**) for installation of a surface coating operation at an existing facility. This facility is a minor for NOx and VOC. Total VOC emissions are 12.9 tpy and PM emissions are 0.034 tpy controlled by a dust collector. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and applicable air quality requirements.

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

**PA No. 13-302-024: Altadis USA** (1000 Tresckow Road, McAdoo, PA 18237) for installation and operation of a 1,500 hp Johnston Boiler for their facility in Banks Township, **Carbon County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval No. 13-302-024 to Altadis USA, 1000 Tresckow Road, McAdoo, PA 18237 for their facility in Banks Township, Carbon County. This plan approval will be incorporated into the Title V operating permit No. 13-00005 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan approval No. 13-302-024 is for the installation and operation of 1,500 hp Johnston Boiler. The designed rated heat input to each boiler will be 62.76 mmBtu/hr. The boiler will fire No. 6 fuel oil as a primary fuel using a forced draft low NOx burner.

The facility is located in an area designated as a marginal nonattainment area for O<sub>3</sub>. The project area is also included in the northeast Ozone Transport Region. The facility is currently a major source for SOx emissions only. The proposed net emission increases from the facility will be 39.9 tpy of NOx emissions, which is below



the NSR applicability triggering thresholds from the proposed new source. Thus, the addition of new boiler will not subject the facility to the provisions of NA NSR for NO<sub>x</sub>. Emissions of SO<sub>2</sub>, CO, NO<sub>x</sub> TSP, PM<sub>10</sub>, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds associated with the proposed project will be below the PSD significant emission rates, and thus are not subject to PSD review. The following emission limitations are set for new boiler.

NO<sub>x</sub> emissions—From BAT, 300 PPM @ 3%O<sub>2</sub> when firing with No. 6 fuel oil.

CO emission—From BAT, 100 PPM at 3% O<sub>2</sub>.

Additionally the sulfur contained in fuel oil will be limited to 0.5 % by weight.

The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons who wish to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed permit No. 13-302-024; and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines that notification by the telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

**PA No. 40-399-055: Cascade Tissue Group, PA, Inc.** (901 Sathers Drive, Voglebacher Industrial Park, Pittston, PA 18640) for their plant in Pittston Township, **Luzerne County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval No. 40-399-055 to Cascade Tissue Group, PA Inc., 901 Sathers Drive, Voglebacher Industrial Park, Pittston, PA 18640 for their plant located in Pittston Township, Luzerne County. The facility currently has Title V Permit No. 40-00019. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

The company has proposed to obtain a Plantwide Applicability Limit (PAL) in accordance with the requirements of 40 CFR 51.165 and Federally Enforceable Emission Cap (FEEC) for the criteria pollutant from the facility.

To show compliance with the applicable standards, the Department will place the following conditions in the Plan Approval:

1. Under the requirements of 40 CFR 52.21(aa) the following PAL is established for emissions of pollutants from all sources at the facility.

a. PAL Emission Limitation for VOCs from the facility is 62.29 tpy expressed as a 12-month rolling sum, calculated monthly.

2. This Plan Approval establishes a FEEC for emissions of VOCs from all sources at the facility in accordance with 25 Pa. Code § 127.448.

3. The total actual emissions from sources at the facility shall not exceed the FEEC of 62.29 tpy of VOCs on a 12-month rolling sum. Any change that would result in an increase over the FEEC would be subject to the NSR requirements specified in 25 Pa. Code Chapter 127, Subchapter E.

4. The company shall show that the sum of the monthly emissions from each source including emissions from startup, shutdowns and malfunctions under the PAL and FEEC for the previous 12-consecutive months is less than the PAL or FEEC (12-month sum, rolled monthly) respectively. To determine the compliance with the PAL or FEEC, the calculated pollutants emissions for the month shall be added to the previous 11 months calculated pollutants emissions for the total facility.

5. The facility is not subject to the major NSR requirements of 25 Pa. Code Chapter 127, Subchapter E for VOC emissions so long as the permittee complies with the terms and conditions specified for the FEEC in this Plan Approval. Any increase in VOC emissions above this FEEC will subject the facility to the major NSR requirements.

6. The issuance of this Plan Approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this Plan Approval shall not be construed to limit the Department's enforcement authority.

7. In accordance with 25 Pa. Code §§ 127.448(a) and 127.448(d)(1), the permittee shall notify the Department in writing at least 7 days prior to making any changes or modifications to sources at the facility, which result in an emission trade. This 7-day notice requirement applies to any changes or modifications, which do not subject the facility to major NSR requirements under Title I of the Federal Clean Air Act. In addition to the written notification requirements in 25 Pa. Code § 127.448(b), the notice shall also indicate how the proposed emission increases and decreases will comply with the terms and conditions in the plan approval.

8. The permittee may not construct or modify a new source at the facility unless the "new source," as defined in 25 Pa. Code § 121.1, meets the Best Available Technology requirements established by the Department under section 6.6(c) of the Air Pollution Control Act and 25 Pa. Code § 127.11.

9. At no time (during or after the PAL and FEEC effective period) are emissions reductions of a PAL and FEEC pollutant, which occur during the PAL and FEEC effective period, creditable as decreases for purposes of offsets unless the level of the PAL and FEEC are reduced

by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL and FEEC.

10. The affected sources subject to VOC ERCs is Source Id No. 105 (Corrugated Box Printer).

11. Cascade Tissue group is granted 0.11 ton of VOC ERCs from the shutdown of corrugated box printer.

12. The ERCs generated in this approval shall expire if not consumed within 10 years after the sources ceased emitting the ERC generating emissions.

13. Cascade Tissue group and any subsequent user of these credits shall comply with the requirements of 25 Pa. Code §§ 127.206—127.208 regarding ERC use and transfer requirements.

14. Any future VOC emission from this facility must comply with the New Source Review regulations under 25 Pa. Code Chapter 127, Subchapter E.

15. (a) A person may not permit the emission into the outdoor atmosphere of VOCs from a rotogravure or flexographic printing press subject to this section and must meet the following limitation:

(1) The volatile fraction of the ink, as applied to the substrate, contains 25% or less by volume of VOC and 75% or more by volume of water.

16. The permittee shall maintain records in accordance with recordkeeping requirements of 25 Pa. Code § 129.95, except that these records shall be retained in accordance with General Title V Requirement. The permittee shall keep on hand and make available to the Department upon request the following:

(1) Chemical composition data for all of the material used at the facility, to include all materials used in the flexographic printing process.

(2) The permittee shall keep comprehensive records indicating VOC materials used at the facility. Specifically for the flexographic printing process and adhesives converting lines and core machines. These records shall be in a format showing compliance with emission limitation, for flexographic printing, and indicate VOC emissions for the entire facility on a 12-month rolling sum basis.

(3) The permittee shall keep on hand all calculations to clearly demonstrate that the requirements of 25 Pa. Code §§ 129.91—129.94 are met. The file shall include, but not be limited to: a record of all VOC containing compounds used at the facility as well as calculations on the entire facility's VOC emissions updated on a 12-month rolling sum.

17. The company shall maintain a file containing all records and other data that are required to be collected under the various provisions of this plan approval. The file shall include, but not be limited to: all air pollution control systems performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this plan approval. All measurements, records and other data required to be maintained by the company, including a determination of each emissions unit 12-month rolling total emissions and other records required by 40 CFR 52.21(aa)(13), shall be retained for at least 5 years following the date on which the measurements, records or data are recorded.

18. The company shall comply with the recordkeeping and certification requirements in accordance with 40 CFR 60.46c(e), 60.42c(h) and 60.48c(f)(1). Reports shall be submitted on a quarterly basis unless no excess emissions

occurred. If there are no excess emissions, the company shall semiannually report that no excess emissions occurred during the semi-annual reporting period.

19. The company shall maintain an emission tracking system to document compliance with the PAL and FEEC for the facility, as specified in Condition No. 002 of this Plan Approval. The tracking system shall record on a monthly basis fuel usage, emission rates and total monthly emissions for the pollutants from all the sources at the facility. Compliance with the PAL and FEEC shall be determined through the use of total monthly ink/adhesive usage multiplying with VOC content in each ink/adhesive.

20. The company shall maintain adequate records of changes made to the sources at the facility under this Plan Approval so as to ensure proper recordkeeping and reporting and shall update the facility emitting source list at the time of permit renewal.

21. The permittee shall maintain records demonstrating compliance with the emission limit of this source group. The records shall include the monthly VOC emissions, all calculation, chemical composition data for all the inks used in each process, and shall record on a daily basis the amount of these inks and any VOC solvent usage for each process. The records shall be kept on hand for a period of no less than 5 years and be made available to the Department upon request.

22. The permittee will report on a quarterly basis the total facility VOC emissions based on a 12-month rolling sum. This report will be in a format showing the 12-month rolling sum of VOC emissions from the flexographic operations, adhesives converting lines, adhesive core machines, and any other material which contains VOCs. The report is due within 1 month of the end of each quarter. (April, July, October, January).

23. The company must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in this permit.

24. The company shall report unauthorized, accidental or emergency releases of air pollutants; malfunctions of equipment, the maintenance of which is necessary to meet plan approval requirements or emission limitations; instances of exceeding permit terms or conditions or regulatory requirements found during routine plant maintenance, whether or not the Department is aware of the situation; instances of exceeding permit terms or conditions or regulatory requirements recorded by continuous monitoring equipment; or other departures from the requirements of the act, regulations adopted under the act, terms or conditions of operating permits or plan approvals, or Department orders within 1 hour of having knowledge of the occurrence of such an event. The reporting of an event shall include the probable cause of the events and corrective actions or preventive measures taken to address the events. A written report describing the event and the preventative or corrective actions taken to address the event shall be submitted to the Department within 5 working days following the event. The Department may take enforcement action for any violations of the applicable provisions of the Air Pollution Control Act, regulations adopted under the Act, terms or conditions of operating permits or plan approvals and Department orders. This reporting requirement in no way supercedes or eliminates any other applicable Federal or State reporting requirements.

25. Any changes in the location of the source, or any changes in the process or control equipment would be considered a modification and would require the submittal of an amended application for plan approval in accordance with the provisions of 25 Pa. Code §§ 127.11 and 127.12.

26. The company shall submit semi-annual report to the Department within 30 days of the end of each reporting period. This report shall contain the following:

(A) The identification of owner and operator and the permit number.

(B) Total annual emissions (tons/year) based on a 12-month rolling sum for each month in the reporting period.

(C) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(D) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(E) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(F) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate and the calculation of the emissions of the pollutant.

(G) A signed statement by the responsible official (as defined by the applicable title V operating permit) certifying the truth, accuracy and completeness of the information provided in the report.

27. Any deviation shall be reported as per the requirements of 40 CFR 52.21(14)(ii).

28. Under the requirement of 40 CFR 52.21(14)(iii) the company shall submit to the Department the results of any revalidation test or method within 3 months after completion of the test or method.

29. Any notification as a result of any condition herein should be directed to Thomas A. DiLazaro, Air Quality Program Manager, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

30. The company shall maintain and operates sources in accordance with the manufacturer specification and with good engineering practice.

31. The permittee shall maintain and operate equipment in accordance with accepted industry practices to optimize efficiency and good air pollution control practices.

32. The company shall not impose conditions upon or otherwise restrict the Department's access to the sources and/or any associated air cleaning devices and shall allow the Department to have access at any time to said sources and associated air cleaning devices with the measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

33. PAL is effective from the date of issuance of this plan approval and expires after 10 years from the date of issuance of this approval. The company shall submit an

application to renew the PAL at least 6 month prior to, but not earlier than 18 months from, the date of expiration of the PAL. If the renewal application is submitted within this time period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until the Department issues a revised PAL permit. The renewal application shall be submitted in accordance with the requirement of 40 CFR 52.21(aa)(10).

34. During the effective period, the Department may reopen the permit to:

(1) Correct typographical/calculation errors made in setting the PAL and FEEC or reflect a more accurate determination of emissions used to establish the PAL and FEEC.

(2) Reduce the PAL and FEEC if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets.

(3) Revise the PAL and FEEC to reflect an increase in the PAL and FEEC.

(4) Reduce the PAL and FEEC to reflect newly applicable Federal requirements with compliance dates after the PAL and FEEC effective date.

(5) Reduce the PAL and FEEC consistent with any other requirement, that is enforceable as a practical matter, and that the Department may impose on the major stationary source.

(6) Reduce the PAL and FEEC if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public. Except for the permit reopening for the correction of typographical/calculation errors, all other reopening shall be carried out in accordance with the public participation requirements of 40 CFR 52.21(aa)(5).

35. If the PAL expires and is not renewed, the company shall submit an application to comply with the requirement listed in 40 CFR 52.21(aa)(9) to the Department for review and approval.

36. To increase the PAL during effective period, the company shall submit an application to comply with the requirement listed in 40 CFR 52.21(aa)(11) to the Department for review and approval.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons who wish to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit No. 40-399-055; and concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the

*Pennsylvania Bulletin* or by telephone when the Department determines that notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

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

**47-00001B: PPL Montour LLC** (P. O. Box 128, Washingtonville, PA 17884) for the installation of flue gas desulfurization systems on two bituminous coal-fired electric utility boilers (Units 1 and 2) and the construction of two 500 horsepower diesel-fired engines at the Montour Steam Electric Station in Derry Township, **Montour County**.

A Title V operating permit (No. 47-00001) has been issued for this facility.

The proposed flue gas desulfurization systems will have the ability to remove 70% to 97% of the SO<sub>x</sub> generated by the respective boilers, depending upon boiler load. This will not however necessarily result in a 70% to 97% reduction in the current level of SO<sub>x</sub> emissions from the respective boilers (126,978.1 tons in 2004 for both boilers combined) due to the fact that the existence of the flue gas desulfurization systems will allow the use of higher sulfur coal in the boilers than can currently be used.

No change is expected in the emission rate of any other air contaminant from the boilers as a result of the flue gas desulfurization system installations.

PPL Montour LLC will also be constructing a new exhaust stack for the boilers, the exit of which will be no less than 540 feet above grade.

The air contaminant emissions from the proposed 500 horsepower diesel-fired engines are not expected to exceed 3.8 tons of NO<sub>x</sub>, 1.1 tons of CO, .56 ton of total hydrocarbons, .42 ton of SO<sub>x</sub> and .22 ton of particulate matter, including PM<sub>10</sub> per year.

The Department of Environmental Protection's (Department) review of the information submitted by PPL Montour LLC indicates that the boilers should comply with applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the proposed flue gas desulfurization systems. Likewise, the Department has determined that the proposed diesel-fired engines should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology provision of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue plan approval for the installation of the flue gas desulfurization systems on the respective boilers as well as for the construction of the proposed diesel-fired engines. Additionally, if the boilers and flue gas desulfurization systems are subsequently determined by the Department to be operating in compliance with all applicable plan approval conditions and regulatory requirements following flue gas desulfurization system installation and if the diesel-fired engines are also subsequently determined by the Department to be operating in compliance with all applicable plan approval conditions and regulatory requirements following their construction, the conditions of the plan approval will be incorporated into Title V Operating Permit 47-00001 by means of administrative

amendment in accordance with the requirements specified in 25 Pa. Code § 127.450.

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

1. The emission of SO<sub>x</sub> (expressed as sulfur dioxide) from Unit 1 shall not exceed .85 pound per million Btu of heat input (3-hour block average) once a flue gas desulfurization system has been installed on Unit 1.

2. The emission of SO<sub>x</sub> (expressed as SO<sub>2</sub>) from Unit 2 shall not exceed .85 pound per million Btu of heat input (3-hour block average) once a flue gas desulfurization system has been installed on Unit 2.

3. Following the installation of a flue gas desulfurization system on Unit 1 or Unit 2, the respective boiler shall exhaust to the atmosphere at a height of no less than 540 feet above grade. Additionally, the inside diameter of the flue for each of these two units shall be no greater than 30.68 feet at the point of exhaust.

4. The permittee shall install, certify, maintain and operate continuous monitoring systems for NO<sub>x</sub> emissions (expressed as NO<sub>2</sub>) and sulfur oxides emissions (expressed as SO<sub>2</sub>) and volumetric flow on the exhaust of Unit 1 and on the exhaust of Unit 2 in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual."

5. The continuous emission monitoring and flow monitoring systems associated with each of the two units (Units 1 and 2) shall be installed and capable of operation before startup of the flue gas desulfurization system on the respective unit and before the respective unit is exhausted to the atmosphere through its new stack. No new continuous emission monitoring system or flow monitoring system may however be installed unless Phase I approval has first been obtained from the Department.

6. The permittee shall submit a Phase I application to the Department for all new continuous emission and flow monitoring systems to be associated with each of the two units (Unit 1 and Unit 2) at least 6 months before the startup of the flue gas desulfurization system on the respective unit.

7. The NO<sub>x</sub> and SO<sub>x</sub> emission monitoring systems shall be capable of monitoring the NO<sub>x</sub> and SO<sub>x</sub> emission rates expressed in pounds per million btu of heat input as well as in pounds per hour. They shall also be capable of monitoring the total emission of the respective air contaminant from the respective unit in any 12-consecutive month period (expressed in tons per year).

8. Neither Unit 1 nor Unit 2 shall be exhausted to the new stack for any reason unless the NO<sub>x</sub> and SO<sub>x</sub> continuous emission monitoring systems and flow monitoring system associated with the respective unit has received Phase I approval from the Department and has subsequently been installed and made operational in accordance with the conditions of this plan approval. Furthermore, the continuous emission monitoring systems and flow monitoring system associated with each unit shall be operated in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139, as well as with all the applicable requirements specified in the Department's "Continuous Source Monitoring Manual," any time the respective unit is operating.

9. Relative accuracy testing shall be completed on the continuous emission monitoring systems and flow moni-

toring system associated with a unit, and the respective monitoring systems shall be fully certified, in accordance with all applicable requirements specified in the Department's "Continuous Source Monitoring Manual" within 180 days of startup of the flue gas desulfurization system on the respective unit.

10. The air contaminant emissions from each of the diesel-fired engines shall not exceed 6.9 grams of NO<sub>x</sub> (expressed as NO<sub>2</sub>) per brake horsepower-hour and 1.9 tons in any 12-consecutive month period, 2.0 grams of CO per brake horsepower-hour and .55 ton in any 12-consecutive month period, 1.0 gram of total hydrocarbons per brake horsepower-hour and .28 ton in any 12-consecutive month period, and .4 gram of particulate matter, including PM<sub>10</sub> per brake horsepower-hour and .11 ton in any 12-consecutive month period.

11. Each diesel-fired engine shall not be operated more than 500 hours in any 12-consecutive month period.

12. The diesel engines shall only be fired on virgin diesel fuel or No. 2 fuel oil to which no reclaimed or reprocessed oil or other waste materials have been added. Additionally, the sulfur content shall not, at any time, exceed .2% (by weight).

13. The permittee shall maintain comprehensive and accurate records of the number of hours that each diesel-fired engine operates each month as well as the amount and type of fuel used in each diesel-fired engine each month.

14. Within 15 days of the selection of specific diesel-fired engines to be constructed at this site, the permittee shall submit specifications for the engines to the Department as well as vendor-supplied, unit-specific air contaminant emission data for the engines.

#### 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.*

**23-00071: Giant Construction, Inc.** (260 Bridgewater Road, Aston, PA 19014) for a Non-Title V Facility, State-only, Natural Minor Permit in Montgomery Township, **Montgomery County**. The source of emissions is a concrete plant with a filter vent. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00100: Moyco Precision Abrasives** (200 Commerce Drive, Montgomeryville, PA 18936) for a Non-Title V Facility, State-only, Synthetic Minor Permit in Montgomery Township, **Montgomery County**. The sources of emissions are space heaters, surface coating operations and thermal oxidizer. The facility has a potential to emit VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00077: Hanson Aggregates—Downingtown formerly Milestone Materials** (1609 Sullivan Trail, Easton, PA 18044) for a Non-Title V Facility, State-only, Natural Minor Permit in East Caln Township, **Chester County**. The source of emissions is a stone crushing plant consisting of crushers, screens, conveyors, baghouses and wet suppression system. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**40-00034: Schott Glass Technologies, Inc.—Duryea Plant** (400 York Avenue, Duryea, PA 18642) for operation of nine continuous melting furnaces, melting pots, presses, silos, space heaters, water heaters, various bins and their associated air-cleaning devices at their facility in Duryea, **Luzerne County**. The major emission is of NO<sub>x</sub>. This action is for the Title V Operating Permit to be issued.

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

**08-00003: CraftMaster Manufacturing, Inc.** (Shiner Road, P. O. Box 311, Towanda, PA 18848) for their facility in Wysox Township, **Bradford County**. The respective facility is a major facility for which a Title V operating permit (TVOP 08-00003) has been issued. Under 25 Pa. Code §§ 127.521 and 127.541 (Significant Operating Permit Modification), the Department of Environmental Protection (Department) intends to issue a revised Title V operating permit incorporating the requirements of the following plan approvals: 08-302-039, 08-00004A, 08-316-014, 08-318-024A and 08-316-013A. The plan approvals have been issued for the construction or modification of the following sources: construction of a 242.4 mmBtu/hr wood/natural gas fired boiler and associated multicyclone, electrostatic precipitator and wood fuel handling equipment, a throughput increase to coating line No. 2, increased production from the die form press, construction of a resin blending facility and associated fabric collector and two cyclones and modification of the line No. 2 press to allow for the production of trimboard affecting the board saws, board-forming line and lap siding surface coating line. The revision also incorporates the following insignificant emissions sources exempted from the Department's plan approval requirements: two-side sander; trim surface coating brush machine and associated fabric collector; a die form coating wetting booth; an A-1 tool machine; and associated brush machine. There is no increase in air contaminant emissions as a result of this significant operating permit modification.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling Kathy Arndt, (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

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

**40-00091: America's Body Co., Inc.** (275 West Union Street, Nanticoke, PA 18634) for motor vehicle and car painting plant in the City of Nanticoke, **Luzerne County**. The facility's main sources of emissions include two spray paint booths and one spray gun parts washer. The potential to emit PM, VOCs, HAPs, NO<sub>x</sub>, SO<sub>x</sub> and

CO are below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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

**18-00025: Moriarty-Dutcavich Funeral Home** (112 East Church Street, Lock Haven, PA 17745) for operation of a crematory facility in the City of Lock Haven, **Clinton County**.

The crematory facility incorporates a crematory incinerator in which human remains are incinerated. The incinerator is equipped with an integral secondary combustion chamber which is used to minimize air contaminant emissions. The air contaminant emissions from this facility are not expected to exceed 1.09 tons of NO<sub>x</sub>, .16 ton of CO, .36 ton of SO<sub>x</sub>, .038 ton of total organic compounds and .036 ton of particulate matter including PM<sub>10</sub> per year.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously existing in Operating Permit 18-301-009. These previously-existing conditions include a particulate matter emission limitation of .08 grain per dry standard cubic foot of effluent gas (corrected to 7% oxygen), a condition prohibiting the incineration of anything other than human remains and associated containers, a condition requiring a secondary combustion chamber temperature of at least 1,800 F upon any occasion when the incinerator is in use and a condition requiring the secondary combustion chamber temperature to be continuously monitored and recorded whenever the incinerator is in use.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

### *Coal Applications Received*

#### *Effluent Limits*

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

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

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

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

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

**63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in Amwell Township, **Washington County** to install the South West Mains No. 3 air shaft and boreholes. Surface Acres Proposed 11.8. Receiving stream, Redd Runn, classified for the following use: TSF. Application received July 1, 2005.

**30841320 and NPDES Permit No. PA0213861, Dana Mining Company of PA, Inc.** (P. O. Box 1170, Morgantown, WV 26507), to renew the permit for the Dooley Run Mine in Dunkard Township, **Greene County** and related NPDES permit. No additional discharges. Application received July 29, 2005.

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

**Permit No. 56930104 and NPDES Permit No. PA 0212415. Future Industries Inc.,** P. O. Box 157, Meyersdale, PA 15552, permit revision-land use change on Merrill Enterprises Inc. property from forest to cropland in Brothersvalley Township, **Somerset County**, affecting 129 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.

**Permit No. 32000109 and NPDES No PA0248827. Britt Energies Inc.,** 2450 Philadelphia St., Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface, auger and sandstone mine in White Township, **Indiana County**, affecting 33.5 acres. Receiving streams: UNTs to/and Yellow Creek, classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received August 17, 2005.

**32000105 and NPDES No. PA0235326. DJ & W Mining, Inc.,** P. O. Box 425, Indiana, PA 15701-0425, permit renewal for the continue operation and restoration of a bituminous surface-auger mine in Washington Township, **Indiana County**, affecting 121.0 acres. Receiving streams: UNTs to/and South Branch of Plum Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Reliant Energy's Keystone Station. Application received August 18, 2005.

**56950110 and NPDES No. PA0213217. Ritchie Trucking & Excavating, Inc.,** 19709 Winner View Terrace, Frostburg, MD 21532, permit renewal for the con-

tinued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 166.8 acres. Receiving streams: UNT to/and Flag Run; UNT to/and Casselman River, Crab Run classified for the following uses: CWF, CWF; WWF, CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 19, 2005.

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

**03743055 and NPDES Permit No. PA061690. Terry Reddinger** (Box 58, Distant, PA 16223). Renewal application for NPDES of a bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 96.7 acres. Receiving stream: UNT to Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 22, 2005.

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

**16050110 and NPDES Permit No. PA0257982. H. W. Truitt Coal Company, Inc.** (77 Truitt Lane, Fairmount City, PA 16224). Commencement, operation and restoration of a bituminous surface strip and auger operation in Redbank Township, **Clarion County** affecting 67.0 acres. Receiving streams: seven UNTs to Pine Creek and Pine Creek, classified for the following uses: CWF. The first downstream potable water supply intakes from the point of discharge are Hawthorn Municipal Authority and Redbank Valley Municipal Authority. Application to include a land use change from forestland and forestland (now abandoned surface mine) to land occasionally cut for hay on the R. Joseph Truitt and George William Truitt properties. Application received: August 23, 2005.

**33050103 and NPDES Permit No. PA0257991. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 63.5 acres. Receiving streams: Nicely Run and UNTs, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 23, 2005.

**1380-33050103-E-1. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Application for a stream encroachment to conduct mining and construct erosion and sedimentation controls within a 100-foot stream barrier of Nicely Run in Perry Township, **Jefferson County**. Receiving streams: Nicely Run and UNTs, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 23, 2005.

*Noncoal Applications Received*

*Effluent Limits*

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

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

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

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

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

**50890301C4 and NPDES Permit No. PA0594431. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Buffalo Township, **Perry County**, receiving streams: UNT to Susquehanna River, classified for the following use: WWF. Application received August 24, 2005.

**6875SM5C2 and NPDES Permit No. PA0595128. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oliver Township, **Mifflin County**, receiving streams: UNT to Strodes Run, classified for the following use: CWF. Application received August 24, 2005.

**6174SM5A2C9 and NPDES Permit No. PA0594423. Meckley's Limestone Products, Inc.** (R. R. 1 Box 1682, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County**, receiving stream: Upper Fiddler Run, classified for the following use: WWF. Application received August 25, 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

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

**E56-337. Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To replace an existing bridge in Jenner Township, **Somerset County**, Pittsburgh ACOE District (Boswell, PA Quadrangle N: 4.1 inches; W: 5.9 inches and Latitude: 40° 08' 51"—Longitude: 79° 02' 33"). The applicant proposes to remove the existing structure and to construct and maintain a bridge having a normal clear span of 68.09 feet and an underclearance of 10.35 feet across Quemahoning Creek (CWF) located on SR 0030, Section 010, Segment 0110, Offset 0000. The project includes construction of a temporary bridge having a clear span of 76 feet and an underclearance of 13.9 feet.

## 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



<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

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

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096971 Industrial Waste	West Carroll Township Water & Sewer Authority P. O. Box 328 Elmora, PA 15737-0374	Cambria County West Carroll Township	Tributary to West Branch Susquehanna River	Y
PA0218367 Industrial Waste	Saint Francis College P. O. Box 600 Loretto, PA 15940-0600	Cambria County Loretto Borough	UNT to Chest Creek	Y

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

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

**NPDES Permit No. PA0252905**, CAFO, **Klejka Dairy**, 381 Deans Road, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Individual NPDES permit for existing CAFO known as Klejka Dairy.

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

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

**WQM Permit No. 4705401**, Sewerage, **Brent A. and Joann Kach**, 205 Liberty Valley Road, Danville, PA 17821. This proposed facility is located in Valley Township, **Montour County**.

Description of Proposed Action/Activity: Single residence small flow treatment facility consisting of a septic tank, sand filter and chlorination disinfection.

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

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

Description of Proposed Action/Activity: Construction and operation of a pump station and force main to serve the Upper Scotts Run Watershed.

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

**WQM Permit No. WQG018401**, Sewerage, **James E. and Teresa M. Morrison**, 3502 Fuller Road, Brookville, PA 15825. This proposed facility is located in Pine Creek Township, **Jefferson County**.

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

#### **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**

#### **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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township Northampton County	PAG20048040361	David Sell Reen Development 1348 Hamilton Blvd. Allentown, PA 18102	Martins Creek TSF-MF	Northampton Co. Cons. Dist. (610) 746-1971
Mahoning Township Carbon County	PAG2001304007	Wal-Mart Stores, Inc. c/o Tom Oppenheim 2001 SE. 10th St. Bentonville, AR 72716	Mahoning Creek CWF and Lehigh River TSF	Carbon Co. Cons. Dist. (610) 377-4894
Hazle Township Luzerne County	PAG2004005014(1)	CAN DO, Inc. 1 South Church St. Hazleton, PA 18201	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991

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

PAG2005405019

Clark A. Reiner  
Reiner Poultry Farm  
376 Valley Rd.  
Pitman, PA 17964Little Mahanoy Creek  
CWFSchuylkill Co.  
Cons. Dist.  
(570) 622-3742Dudley-Carbon-  
Coalmont Joint  
Municipal  
Authority—Phase II  
Sanitary Sewer  
Extension  
Little Valley, Risbon  
Hill and Black  
Farm Roads  
Carbon Township  
Huntingdon County

PAG200310401

Mary Gates  
P. O. Box 276  
Dudley, PA 16634House Run  
WWFHuntingdon County  
Conservation District  
R. D. 1, Box 7C  
Rt. 26 S  
Huntingdon, PA 16652Carbon Township,  
Huntingdon County

PAG2003104001

Mary Gates  
P. O. Box 276  
Dudley, PA 16634House Run  
WWFHuntingdon County  
Conservation District  
R. D. 1, Box 7C  
Rt. 26 S  
Huntingdon, PA 16652Straban Township  
Adams County

PAG20001030091

Robert J. Monahan, Jr.  
for Gettysburg Historic  
Holdings, Inc.  
131 Carlisle Street  
Gettysburg, PA 17325UNT to Rock Creek  
WWFAdams County  
Conservation District  
670 Old Harrisburg Rd.  
Suite 201  
Gettysburg, PA 17325  
(717) 334-0636Shippensburg  
Borough  
Cumberland County

PAG2002105024

Schreiber Foods, Inc.  
502 North Madison  
Street  
Green Bay, WI 54301Middle Spring Creek  
CWFCumberland County  
Conservation District  
43 Brookwood Ave.  
Carlisle, PA 17013  
(717) 240-7812Bedford Township  
Bedford County

PAG2000505005

Wal-Mart Stores East,  
LP  
2001 Southeast 10th  
Street  
Bentonville, AR 72716UNT to Dunning Creek  
WWFBedford County  
Conservation District  
702 West Pitt Street  
Suite 4  
Bedford, PA 15522  
(814) 623-7900, Ext 4Clinton County  
Wayne Township

PAG2001805003

First Quality Products  
P. O. Box 270  
McElhattan, PA 17748UNT W. Br.  
Susquehanna River  
CWFClinton County  
Conservation District  
45 Cooperation lane  
Mill Hall, PA 17751  
(570) 726-3798Northumberland  
County  
Point Township

PAG2004904008

Stone School Manor  
Ridge Road  
Northumberland, PA  
17857UNT Johnson's Creek  
CWFNorthumberland County  
Conservation District  
R. R. 3, Box 238C  
Sunbury, PA 17801  
(570) 286-7114, Ext. 4*General Permit Type—PAG-3**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Falls Township  
Bucks County

PAR220002

Land & Sea Forest  
Products Corp.  
400 Rock Run Rd.  
Fairless Hills, PA 19030

Rock Run-2E Watershed

Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970City of Philadelphia  
Phila County

PAR600086

Tam T. Ly d/b/a T & E  
Auto Parts  
6912 W. Passyunk Ave.  
Philadelphia, PA 19153Schuylkill River-3F  
WatershedSoutheast Regional Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County York City	PAR403503	Envirite of Pennsylvania, Inc. 730 Vogelsong Road York, PA 17404-1725	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Greene Township	PAR10M145R	Terry Wagner Set—Greens Phase VI P. O. Box 400 Scotland, PA 17254	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Franklin County Guilford Township	PAR10M222R	Craig Nittershouse WCN-2 2294 Molly Pitcher Hwy. S. Chambersburg, PA 17201	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Lancaster County West Lampeter Township	PAR10O481R	Willow Valley Retirement Community 100 Willow Valley Lakes Willow Street, PA 17584	UNT Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Valley Township Montour County	PAG045197	Brent A. and Joann Kach 205 Liberty Valley Road Danville, PA 17821	UNT to Mause Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Westmoreland County Hempfield Township	PAG046221	Paul M. Barr, Jr. 2474 Long Street Greensburg, PA 15601-5552	Tributary to Slate Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Indiana Township	PAG046220	Charles A. Warden Suite 500 336 4th Avenue Pittsburgh, PA 15222	UNT to Little Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pinecreek Township Jefferson County	PAG049193	James E. and Teresa M. Morrison 3502 Fuller Road Brookville, PA 15825	UNT to Sandy Lake Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Lower Towamensing Township Carbon County	PAG082211 PAG083567 PAG083565 PAGB1G9903 PAG08-2203 PAG07-0003 PAG08-0008 PAG08-0003 PAG08-3502 PAG08-3522 PAG08-3542 PAG08-3551 PAG08-0006 PAG08-3540 PAG08-9903 PAG08-9905 PAG08-2201 PAG07-0005 PAG08-3515 PAG08-3501 PAG08-3825 PAG08-0002 PAG08-3547 PAG08-3506 PAG08-3518 PAG08-3535 PAG08-9904 PAG08-3517	Synagro Mid-Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Guy Seifert Lower Towamensing Township Carbon County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
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**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**

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

**Permit No. 6405501**, Public Water Supply.

Applicant	<b>Fox Ledge, Inc.</b> R. R. 1, Box 522 Honesdale, PA 18431
Borough or Township	Preston Township
County	<b>Wayne County</b>
Type of Facility	Bulk Water Hauling
Consulting Engineer	Michael J. Propst, P. E. Keystone Consulting & Associates
Permit to Construct Issued	August 24, 2005

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

**Operations Permit** issued to: **North Middleton Authority**, 7210049, North Middleton Township & Middlesex Township, **Cumberland County** on 8/24/2005 for the operation of facilities approved under Construction Permit No. 2105506 MA.

**Permit No. 5005501**, Public Water Supply.  
 Applicant **Sherman's Valley LP**  
 Municipality Tyrone Township  
 County **Perry**  
 Type of Facility New public water system for Sherman's Valley Apartments served by a groundwater well.  
 Consulting Engineer Edward M. Lesny, P. E.  
 Hydro-Geo Services, Inc.  
 1542 Bridge St.  
 New Cumberland, PA 17070  
 Permit to Construct Issued: 8/24/2005

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

**Permit No. M.A.—Construction** Public Water Supply.  
 Applicant **Hamilton Township Municipal Authority**  
 Township or Borough Hamilton Township  
 County **Tioga**  
 Responsible Official Ralph Bender  
 P. O. Box 236  
 Morris Run, PA 16939  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer William S. Bray, P. E.  
 Civil Engineering  
 P. O. Box 535  
 Wellsboro, PA 16901  
 Permit Issued Date 8/25/05  
 Description of Action Proposing the chlorine contact piping in the clearwell tank and addition of soda ash, caustic soda, and aqua-mag.

**Permit No. 4496031-Amendment 16—Construction and Operation** Public Water Supply.  
 Applicant **Tulpehocken Spring Water, Inc.**  
 Township or Borough Rockefeller Township  
 County **Northumberland**  
 Responsible Official Gary L. Troutman  
 Tulpehocken Spring Water, Inc.  
 R. R. 1, Box 114T  
 Northumberland, PA 17857  
 Type of Facility Public Water Supply—Construction and Operation  
 Consulting Engineer Louis Vittorio, P. G. and Thomas Pullar, P. E.  
 Earthres Group, Inc.  
 7137 Old Easton Road  
 P. O. Box 468  
 Pipersville, PA 18947  
 Permit Issued Date 8/25/05

Description of Action Authorizing the use of James M. Rodichok's permitted source, Egg Harbor Spring, located in Porter Township, Schuylkill County, as an additional raw water source at the existing Oak Park Bottling Plant.

**Permit No. MA—Operation** Public Water Supply.  
 Applicant **Columbia Investment Corporation**  
 Township or Borough Main Township  
 County **Columbia**  
 Responsible Official Frank Baker  
 Columbia Investment Corporation  
 6009 Columbia Boulevard  
 Bloomsburg, PA 17815-8800  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 8/25/05  
 Description of Action Operation of the ultraviolet light.

**Permit No. MA—Operation** Public Water Supply.  
 Applicant **Columbia Investment Corporation**  
 Township or Borough Main Township  
 County **Columbia**  
 Responsible Official Frank Baker  
 Columbia Investment Corporation  
 6009 Columbia Boulevard  
 Bloomsburg, PA 17815-8800  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 8/25/05  
 Description of Action Operation of the finished water storage tank, transmission lines and booster pumps.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
West Manheim Township	31 Fairview Drive Hanover, PA 17331	York

*Plan Description:* High Point at Rojen Farms, Phase I South Section, A3-67964-180-3. The approved plan provides for an 87 lot single-family residential subdivision on 419.639 acres with one residual tract. Total estimated sewage flows are 30,450 gpd, and they will be tributary to public sewer currently being extended to the Oak Hills Drive and Kimberly Drive areas, and ultimately, will flow to the Penn Township Wastewater Treatment Plant. The proposed subdivision is located on the northwestern side of Sunset Drive, behind existing properties on Oak Hills

Drive, and at the ends of Oak Hills Drive and Kimberly Drive in West Manheim Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Montgomery Township	12868 Fort Loudon Rd. Mercersburg, PA 17236	Franklin

*Plan Description:* The approved plan, entitled Whitetail Resort Community, provides for 958 homes, town homes, condominiums, a 150-room hotel and conference center, a 300-room hotel, a 10-room bed and breakfast, a clubhouse and a water park, with total flows of 395,500 gallons per day to be served by a proposed new wastewater treatment plant. The proposed development is located along Blairs Valley Road. Operation and maintenance will be the responsibility of the Whitetail Resort Community Homeowner's Association. 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 Whitetail Resort Community Homeowner's Association.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in

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

The Department has received the following plans and reports:

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

**PPL Pole No. 35730S27867**, Rapho Township, **Lancaster County**. PPL Services Corporation, Two North Ninth Street, GENTW17, Allentown, PA 18101-1179 submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to the Statewide Health Standard.

**Internet Site**, East Hempfield Township, **Lancaster County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of the County of Lancaster, 50 North Duke Street, Lancaster, PA 17603, has submitted a revised Final Report concerning the remediation of site soils contaminated with heavy metals and PAHs. The report is intended to document remediation of the site to the Site-Specific Standard.

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

**Hull's Landing Restaurant**, 27 SR 442, Muncy, PA 17756, Muncy Creek Township, **Lycoming County**. Earth Tec, 2 Market Plaza Way, Mechanicsburg, PA 17055 has submitted a Final Report concerning groundwater contaminated with benzene, toluene, ethylbenzene, BTEX, MTBE and naphthalene. This Final Report is intended to demonstrate attainment of the Background Standard.

**Former AMP, Inc. Selinsgrove Facility (Tyco Electronics Corp)**, Selinsgrove Borough, **Snyder County**. Science Applications International Corp., has submitted a Final Remedial Investigation/Risk Assessment Report concerning groundwater and soil contaminated with volatile organic compounds. This Final Report is intended to delineate the extent of contamination and determine the potential risk to human health and the environment.

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

**Amer Ref Group Bradford, Crude Tank Farm**, Foster Township, **McKean County**. Dayne Crowley, MACTEC Eng. & Consulting, 700 N. Bell Avenue, Suite 200, Carnegie PA 15106 on behalf of Steve Sherk, American Refining Group, Inc., 77 N. Kendall Avenue, Bradford PA 16701, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with crude oil. The report is intended to document remediation of the site to meet the Site Specific Standards.

**National Church Residences, Eastlake Woods**, Harborcreek Township, **Erie County**. Korin Giles, Urban Engineers of Erie, 1319 Sassafras Street, Erie PA 16501 on behalf of Thomas Herlihy, Owner, National Church Residences, 2335 North Bank Drive, Columbus OH 43220 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethyl Benzene and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health, Site Specific Standards.

**Redevelopment Authority of the City of Meadville (Former Talon Plant 7 Site)**, City of Meadville, Crawford County. Mark B. Miller, Moody & Assoc., 11548 Cotton Rd., Meadville PA 16335 on behalf of Andy Walker, Director of Community Development, Redevelopment Authority of the City of Meadville, 764 Bessemer Street, Meadville PA 16335, has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with chlorinated solvents, inorganics and other organics and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The report is intended to document remediation of the site to meet the Special Industrial Area Standards.

## 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:

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

**Bellefonte School District, Middle School**, 100 North School Street, Bellefonte, PA 16823, Bellefonte Borough, **Centre County** has submitted a Final Report concerning soils and groundwater contamination resulting from a methanol release. The Final Report demonstrated attainment of the Statewide Health Standard—Residential and was approved by the Department on August 10, 2005.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of applicability for General Permit approved 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. WMGR019D005. Blackwood, Inc.**, P. O. Box 639, Wind Gap, PA 18091. General Permit No. WMGR019D005 for the beneficial use of waste foundry sand as roadway construction material or as an ingredient in the manufacturing of concrete or asphalt products. Central Office approved the determination of applicability on August 24, 2005.

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

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit modification deemed complete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 101649. Phoenix Resources Inc.**, P. O. Box 38, 248 Main Street, Blossburg, PA 16912-1100, located in Duncan Township, **Tioga County**. The major permit modification for a lateral expansion of the Construction/Demolition landfill was deemed complete by the Williamsport Regional Office on August 22, 2005.



Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

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

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

**AQ-SE-0021: Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507) on August 25, 2005, to operate a portable crusher in West Nantmeal Township, **Chester County**.

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

**GP5-65-00923: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) on August 23, 2005, to operate one 810 bhp Caterpillar natural gas-fired Compressor Engine, Model No. G3512TALE, at their Latrobe Compressor Station in Unity Township, **Westmoreland County**.

**GP5-30-00151A: CNX Gas Co., LLC** (1800 Washington Road, Pittsburgh, PA 15241) to construct and operate a dehydrator and an Amine Plant at their existing Pine Bank facility in Center Township, **Greene 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.**

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

**36-05081A: Lancaster County Solid Waste Management Authority** (1299 Harrisburg Pike, Lancaster, PA 17604-4425) on August 22, 2005, to construct a landfill gas collection and control system at their Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**.

**67-05004I: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-1000) on August 22, 2005, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **York County**.

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

**56-00287B: Friends To End, Inc.** (5491 Somerset Pike, Hollsopple, PA 15935) on August 23, 2005, to install a dual chambered animal crematory in Jenner Township, **Somerset 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.*

**46-313-057E: Republic Environmental System of PA Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on August 23, 2005, to operate a hazardous waste TSD in Hatfield Township, **Montgomery County**.

**23-0056: Honeywell International Inc.** (6100 Philadelphia Pike, Claymont, PA 19703) on August 25, 2005, to operate a fluosulfonic acid manufacturing in Marcus Hook Borough, **Delaware County**.

**46-0005M: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on August 25, 2005, to operate a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

**46-0108B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on August 24, 2005, to operate a crusher and screen—quarry in Marlborough Township, **Montgomery County**.

**46-0146A: Republic Environmental System of PA Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on August 23, 2005, to operate a waste storage tank in Hatfield Township, **Montgomery County**.

**46-0166: M and M Stone Co.** (P. O. Box 189, Telford, PA 18969-0189) on August 23, 2005, to operate a batch asphalt plant in Lower Salford Township, **Montgomery County**.

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

**18-315-001: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17815) on August 16, 2005, to correct a material usage limitation and to operate a paper machine (No. 1 paper machine) and associated equipment on a temporary basis until December 14, 2005, in Castanea Township, **Clinton County**. The plan approval has been extended.

**41-318-048: Keystone Leather Distributors, LLC** (2100 Reach Road, Williamsport, PA 17701) on August 23, 2005, to operate a leather shoe sole waterproofing operation on a temporary basis until December 21, 2005, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

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

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

**09-00014: Bake Rite Rolls—Division of Northeast Foods** (603-19 South Bond Street, Baltimore, PA 21231) on August 24, 2005, to operate limitation of emissions of VOCs to the existing facility Title V Operating Permit in Bensalem Township, **Bucks County**.

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

**28-05040: Industrial Power Generation Corp.—INGENCO** (5416 Buchanan Trail West, Greencastle, PA 17225-9382) on August 22, 2005, for their electric generating facility in Peters Township, **Franklin County**.

**67-05018: Yorktowne, Inc.** (100 Redco Avenue, Red Lion, PA 17356-0231) on August 16, 2005, for operation of 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.

**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.**

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

**06-03071: Wolfe Dye and Bleach Works, Inc.** (25 Ridge Road, Shoemakersville, PA 19555) on August 19, 2005, for their dyeing and bleaching facility in Perry Township, **Berks County**. This is a renewal of their operating permit.

**07-05040: Lumax Industries, Inc.** (Chestnut Avenue and 4th Street, Altoona, PA 16603) on August 17, 2005, to operate their manufacturing facility in the City of Altoona, **Blair County**.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19041; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**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**.

**15-00027: Johnson Matthey, Inc.—Catalyst Systems Division** (456 Devon Park Drive, Wayne, PA 19087-1816) on August 17, 2005, to incorporate changes approved under plan approval PA-15-0027F for modification to an existing powder handling/wash coat batching system, which supports coating lines 7, 10 and 11 and installation of the following sources located in Treddyfrin Township, **Chester County**. The company operates a catalytic converter manufacturing research and development facility.

- (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 as follows:

**Wash Coat Batching Dust Collectors Nos. 1 and 2 (Source ID: CO13A and 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, onsite, 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**.

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

**28-05020: T. B. Woods, Inc.** (440 North 5th Avenue, Chambersburg, PA 17201-1778) on August 19, 2005, to install a table blast machine and sand reclamation system controlled by a fabric collector in Chambersburg Borough, **Franklin County**. This Operating Permit was administratively amended to incorporate plan approval 28-05020A. This is revision No. 1.

**36-03135: Shared Mail Acquisitions LLC d/b/a Doodad** (72 Industrial Circle, Lancaster, PA 17601-5928) on August 18, 2005, to operate presses at their printing facility in Upper Leacock Township, **Lancaster County**. This Operating Permit was administratively amended to incorporate plan approval 36-05135C. This is Revision No. 2.

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

**30-00072D: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241). On August 25, 2005, this Title IV was administratively amended to incorporate the requirements of Plan Approval PA-30-00072D. PA-30-00072D was issued on November 10, 2003, to allow upgrades to the refuse conveyor system and wash plant expansion at the Bailey Mine Complex located in Richhill Township, **Greene County**.

**Operating Permits denied, terminated, suspended or revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**46-00043: Glasgow, Inc.—Ivy Rock** (1200 Conshohocken Road, Conshohocken, PA 19428) on August 19, 2005, to revoke the facility's State-Only (Synthetic Minor) Operating Permit for their two batch asphalt plants in Plymouth Township, **Montgomery County**. The facility last operated in September 2003 and is intended to remain permanently shut down. All or parts of the two-batch asphalt plants may eventually be transferred to another sites but currently still remain at the facility.

## 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

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

**56000102 and NPDES No. PA0235237. Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 197.6 acres. Receiving streams: Piney Run and its UNTs and UNTs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2005. Permit issued August 22, 2005.

**11040101 and NPDES No. PA0249661. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, revision of an existing bituminous surface-auger mine to request a variance on the 100 ft. barrier of a UNT to Powell Run for the purpose of upgrading, using, and maintaining an existing access road and to install a stream crossing culvert in Reade Township, **Cambria County**, affecting 69.0 acres. Receiving streams: UNTs to/and Powell Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 12, 2005. Permit issued August 22, 2005.

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

**03020114 and NPDES Permit No. 0250287. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650). Transfer of permit formerly issued to D.J. & W. Mining, Inc., for continued

operation and reclamation of a bituminous surface mining site located in Kiskiminetas Township, **Armstrong County**, affecting 44.8 acres. Receiving stream: UNT to Crooked Creek. Application received: February 22, 2005. Transfer permit issued: August 22, 2005.

### Noncoal Permits Actions

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

**26052802. T & B Excavating, Inc.** (3336 Old McClellandtown Road, McClellandtown, PA 15458). Permit issued for commencement, operation and reclamation of a small noncoal (sandstone) surface mining operation located in Jefferson Township, **Fayette County** affecting 8.9 acres. Receiving streams: Little Redstone Creek to Monongahela River. Application received: February 8, 2005. Permit issued: August 23, 2005.

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

**58050818. Paul Van Dyke** (R. R. 2, Box 2581, Nicholson, PA 18446-9101), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Tributary to Monroe Creek. Application received April 27, 2005. Permit issued August 23, 2005.

**58050827. William H. Liepinis** (R. R. 1, Box 145A, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Tributary to Salt Lick Creek. Application received May 25, 2005. Permit issued August 25, 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.*

**02054006. Controlled Demolition, Inc.** (2737 Merymans Mill Road, Phoenix, MD 21131). Blasting activity permit for demolition of the Garfield Towers, located in the City of Pittsburgh, **Allegheny County**, with an expected duration of 30 days. Permit issued: August 25, 2005.

**02054007. Mashuda Corporation** (21101 Rt. 19, Cranberry Township, PA 16066). Blasting activity permit for the construction of Fayette Farms subdivision, located in North Fayette Township, **Allegheny County**, with an expected duration of 1 year. Permit issued: August 25, 2005.

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

**42054001. National Earth Service, Inc.** (245 Butler Avenue, Lancaster, PA 17601). Blasting activity permit to blast at McKean County Landfill to create or extend a new cell in Sergeant and Hamlin Townships, **McKean County**. This blasting activity permit will expire on January 22, 2006. Application received: August 17, 2005. Application Issued: August 22, 2005.

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

**39054006. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Integrated Health Campus in South Whitehall and Upper Macungie Townships, **Lehigh County** with an expiration date of August 24, 2006. Permit issued August 22, 2005.

**39054005. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC (P. O. Box 20412, Bethlehem, PA 18002), construction blasting on Washington Street in the City of Allentown, **Lehigh County** with an expiration date of December 20, 2005. Permit issued August 22, 2005.

**01054114. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for The Links at Gettysburg in Mt. Joy Township, **Adams County** with an expiration date of August 30, 2006. Permit issued August 22, 2005.

**52054114. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Saw Creek Estates in Lehman Township, **Pike County** with an expiration date of July 31, 2006. Permit issued August 22, 2005.

**67054129. Fitz & Smith, Inc.** (P. O. Box 178, Dalstown, PA 17313), construction blasting for Northern Heights in East Manchester Township, **York County** with an expiration date of August 27, 2006. Permit issued August 22, 2005.

**67054130. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a single dwelling in Newberry Township, **York County** with an expiration date of December 30, 2005. Permit issued August 22, 2005.

**09054108. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for The Arbours at Morgan Creek in Richland Township, **Bucks County** with an expiration date of December 23, 2005. Permit issued August 23, 2005.

**35054114. ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting for South Abington Sewer in South Abington Township, **Lackawanna County** with an expiration date of August 30, 2006. Permit issued August 23, 2005.

**36054146. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for utilities in Mt. Joy Borough, **Lancaster County** with an expiration date of October 30, 2005. Permit issued August 23, 2005.

**45054138. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Evergreen Estates in Middle Smithfield Township, **Monroe County** with an expiration date of September 2, 2006. Permit issued August 23, 2005.

**46054532. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting for Christ's Church of the Valley in Upper Providence Township, **Montgomery County** with an expiration date of August 15, 2006. Permit issued August 23, 2005.

**46054133. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Montgomery Avenue Sewer Project in Montgomery Township, **Montgomery County** with an expiration date of August 30, 2006. Permit issued August 23, 2005.

**52054115. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Pocono Mountain Lakes Estates in Delaware Township, **Pike County** with an expiration date of January 1, 2006. Permit issued August 23, 2005.

**64054109. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Sterling Township, **Wayne County** with an expiration date of December 31, 2005. Permit issued August 23, 2005.

**21054008. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for Area A/B Sanitary Sewer Extension in North Middleton Township, **Cumberland County** with an expiration date of April 30, 2006. Permit issued August 24, 2005.

**46054017. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at The Villages at Trewelbyn in Lower Gwynedd Township, **Montgomery County** with an expiration date of August 10, 2006. Permit issued August 24, 2005.

**01054115. TJ Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting for a home on Chestnut Hill Road in Union Township, **Adams County** with an expiration date of August 8, 2006. Permit issued August 25, 2005.

**15054523. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Bailey Station in Caln Township, **Chester County** with an expiration date of August 29, 2006. Permit issued August 25, 2005.

**21054159. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Ridge Road development in Middlesex Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued August 25, 2005.

**28054148. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Salem Lutheran Church Cemetery in Guilford Township, **Franklin County** with an expiration date of August 31, 2006. Permit issued August 25, 2005.

**38054521. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a home in North Londonderry Township, **Lebanon County** with an expiration date of September 30, 2005. Permit issued August 25, 2005.

**45054537. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Great Bear Estates in Middle Smithfield Township, **Monroe County** with an expiration date of August 31, 2006. Permit issued August 25, 2005.

**58054102. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Harford Township, **Susquehanna County** with an expiration date of December 31, 2005. Permit issued August 25, 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**

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

**E02-1495. Lowe's Home Improvement Center, Inc.,** P. O. Box 1111, North Wilkesboro, NC 28656. To place fill in wetlands in Richland Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 21.5 inches; W: 9.9 inches and Latitude: 40° 37'

6"—Longitude: 79° 56' 47"). To place and maintain fill in 0.22 acre of wetlands as part of a proposed Lowe's Home Improvement Center located at the Richland Mall. The project is located along the west side of the Route 8 and Pioneer Road Intersection. To mitigate for the wetland impacts the applicant has made a payment into the wetland replacement fund.

**SPECIAL NOTICES**

**Certified Emission Reduction Credits in the Commonwealth's ERC Registry**

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally-enforceable emission reductions used to offset emission increases of NOx, VOCs and the following criteria pollutants: CO, lead (Pb), SOx, particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Commonwealth ERC registry report, ERC registry application and instructions are located at [www.dep.state.pa.us](http://www.dep.state.pa.us); select subjects, "Air Quality," "Business," "Permits," "Emission Reduction Credits."

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Contact Person: Karl Henschel Telephone Number: (570) 742-6644	NOx VOCs PM-10 SOx	24.45 12.88 36.79 228.29	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Contact Person: Martin Mueller Telephone Number: (412) 762-5263	VOCs	41.70	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess Telephone Number: (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Contact Person: Garen Macdonald Telephone Number: (717) 771-7346	VOCs VOCs	12.20 2.70	06/01/2006 10/01/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Contact Person: LeRoy H. Hinkle Telephone Number: (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC Generating Facility Location: Quakertown, Bucks County Contact Person: Jesse Hackenberg Telephone Number: (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG & E Energy Trading- Power, LP ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC Generating Facility Location: Quakertown, Bucks County Contact Person: Mark Sheppard Telephone Number: (301) 280-6607	VOCs	39.84	8/1/2006	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Baldwin Hardware Corporation Source Location: Reading County: Berks Contact Person: D. David Hancock, Jr. Telephone Number: (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Contact Person: Tim Bergerstock Telephone Number: (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod Telephone Number: (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Contact Person: Keith Nagel Telephone Number: (330) 659-9165	VOCs	473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan Telephone Number: (610) 866-4600	NOx	1,054.00	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens Telephone Number: (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	2.60 1.80	12/31/2005 12/31/2006	Internal Use/ Trading
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr Telephone Number: (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler Telephone Number: (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: PG & E Energy Trading- Power, LP ERC Generating Facility: Global Packaging, Inc. ERC Generating Facility Location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG & E Energy Trading- Power, LP ERC Generating Facility: Global Packaging, Inc. ERC Generating Facility Location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero Telephone Number: (570) 833-3285	NOx VOCs PM	136.00 237.67 99.62	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer Contact Person: Richard A. Herman Telephone Number: (724) 983-6464	NOx VOCs	36.73 12.07	08/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Contact Person: William L. West Telephone Number: (216) 642-7178	NOx VOCs PM SOx CO	1,663.00 373.00 406.00 1,238.00 621.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth Telephone Number: (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx	158.68		Trading



<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini Telephone Number: (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating & Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak Telephone Number: (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Contact Person: Mark D. Restifo Telephone Number: (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat Telephone Number: (651)-778-4450	VOCs VOCs	546.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill Telephone Number: (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick Telephone Number: (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Contact Person: Donald Boisselle Telephone Number: (336) 410-7263	VOCs	24.40	9/1/2007	Trading
Recipient/Holder of ERC: Inter-Gen North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Gary Stephenson Telephone Number: (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer Telephone Number: (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Trinity Industries, Inc. Source Location: Greenville County: Mercer Contact Person: Dennis Lencioni Telephone Number: (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bristol Contact Person: Lloyd Davis Telephone Number: (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	43.00	1/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	70.00	1/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer Telephone Number: (610)-774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,341.30	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete Telephone Number: (412) 469-6122	NOx NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer Telephone Number: (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak Telephone Number: (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach Telephone Number: (724) 752-6493	VOCs	5.70	6/3/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Township County: Venango Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. Telephone Number: (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Contact Person: Trevor Woods Telephone Number: (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Contact Person: Michael Masington Telephone Number: (215) 875-2649	NOx	50.00	2/28/2007	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Contact Person: John M. Cigan Telephone Number: (610) 826-8719	NOx VOCs PM10 SOx	30.80 53.80 4.90 47.20	5/31/2006	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett Telephone Number: (412) 553-2094	NOx VOCs	48.86 736.43	Varies from 9/29/2010 to 5/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer Telephone Number: (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	VOCs	42.61	3/29/2012	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Contact Person: Terrie Blackburn Telephone Number: (918) 573-9766	NOx PM10 SOx CO	794.60 50.40 308.40 89.50	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Daniel R. Chapman Telephone Number: (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer Telephone Number: (626) 398-2773	VOCs	3.13	6/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski Telephone Number: (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss Telephone Number: (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo Telephone Number: (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett Telephone Number: (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal Telephone Number: (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman Telephone Number: (610) 522-1900	VOCs	3.56	4/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith Telephone Number: (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Gary Morrow Telephone Number: (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Gary Morrow Telephone Number: (814) 870-6782	NOx VOCs	1,235.00 943.00	9/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf Telephone Number: (607) 974-4267	NOx	1,400.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th and Wharton St. County: Philadelphia Contact Person: Mark Gardiner Telephone Number: (215) 468-7255	VOCs	12.50	3/1/2013	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	NOx	74.98	4/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	VOCs	43.72	4/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler Telephone Number: (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer Telephone Number: (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets / Trading
CMS Gilbreth Packaging Systems Source: Label and Packaging Network County: Bucks Contact Person: Patricia M Henry Unrath Telephone Number: (610) 789-2277	VOC	17.40	05/31/2008	Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher Telephone Number: (570) 326-2461, Ext 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney Telephone Number: (570) 523-2356	VOCs	82.90	03/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact person: Kimberly Scarborough Telephone Number: (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson Telephone Number: (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, L.P. Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel Telephone Number: (484) 232-4491	VOCs	12.00	02/28/2012	Trading

**Summary of ERC Transactions**

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

**ERC Generating Facility Information**

ERC Generating Facility Name: 3M Company  
 Location of Source: Bristol Township, Bucks County, PA  
 Certified ERCs (tpy): 607 of VOC  
 Amount of ERCs traded: 61 tpy of VOC  
 Date of ERCs transfer: 7/20/2005  
 ERCs available for future use: 546 tpy

**Purchaser/Recipient of ERCs**

Recipient of ERCs: Sunoco Inc.  
 Mailing Address: Ten Penn Center, 1801 Market St., Philadelphia, PA 19103  
 Amount of ERCs received: 61 tpy of VOC  
 Intended Use: Offsets  
 VOC credits available for future use: 61 tpy

**Engineering Services and Consultation: Surveying**

**C69:11-WE-103.3E and C69:11-WE-103.3W.** The Department of Environmental Protection will retain two engineering and/or surveying firms to provide topographic and cross sectional surveying throughout Eastern and Western Pennsylvania. Surveys could include, among other purposes, surveying in and along streams and floodplains with particular detail required at bridges; surveying may include first floor elevations of area structures such as houses, businesses and industrial buildings; topographic surveys to be used for project design and construction surveys of flood protection projects. For copies of the Request for Proposal, contact Mary G. Skarbelis at (717) 787-1731 or mskarbelis@state.pa.us. Proposals must be submitted to the Department of Environmental Protection; Attn: Joseph G. Capasso, Chief, Division of Project Development, 3rd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101 by October 4, 2005.

**Department:** Environmental Protection, Bureau of Waterways Engineering  
**Location:** Eastern Pennsylvania and Western Pennsylvania  
**Duration:** January 1, 2006 to December 31, 2010  
**Contact:** Joseph G. Capasso  
**Phone:** (717) 783-7723  
**E-Mail:** jcapasso@state.pa.us

[Pa.B. Doc. No. 05-1679. Filed for public inspection September 9, 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](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 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—Substantive Revision*

DEP ID: 274-3000-003. Title: Continuous Source Monitoring Manual. Description: The Bureau of Air Quality Control of the Department of Environmental Protection is revising its *Continuous Source Monitoring Manual*. The *Continuous Source Monitoring Manual* is referenced in 25 Pa. Code § 139.102 (relating to references) and contains design specifications, performance specifications, performance test procedures, data storage and reporting requirements, quality assurance criteria and administrative procedures for requesting Department approval of continuous source monitoring systems required under the Department's rules and regulations. Many of the changes in the manual serve to harmonize requirements to meet the needs of State, Federal and regional programs. Major changes include the addition of a recertification guidance attachment and new PA EDR VERSION 2.0 Record Type Formats and Reporting Instructions. Copies of this document are available on the Department's public participation website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate) and on the Bureau of Air Quality's Continuous Emission Monitoring website at [www.dep.state.pa.us/dep/deputate/airwaste/aq/cemspage/cems.htm](http://www.dep.state.pa.us/dep/deputate/airwaste/aq/cemspage/cems.htm). Written Comments: Interested persons may submit written comments on this draft technical guidance document by October 25, 2005. The Department will accept comments submitted by

e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Charles J. Zadakis, Chief, Continuous Emission Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or czadakis@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsyl-*

*vania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Charles Zadakis, (717) 772-3944.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1680. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Vapor Intrusion Subcommittee Meeting

On September 16, 2005, from 1 p.m. to 3 p.m., the Cleanup Standards Scientific Advisory Board Vapor Intrusion Subcommittee will hold a meeting to discuss the definitions used in the vapor guidance of "soil-like material" and "sand-like material" with respect to the modeling of various soil classification types, preferential pathways at small sites and the results of some preliminary field data from sites that had vapor audits.

The meeting will be held in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will also be available by speakerphone in a conference room in each of the six regional Department of Environmental Protection (Department) field offices at the following locations:

- Southeast Regional Office                      Schuylkill and Delaware Rooms, 2 East Main Street, Norristown
- Northeast Regional Office                      Susquehanna Room, 2 Public Square, Wilkes-Barre
- Southcentral Regional Office                      Susquehanna B Room, 909 Elmerton Avenue, Harrisburg
- Northcentral Regional Office                      Lycoming Room, 208 West Third Street, Williamsport
- Southwest Regional Office                      Monongahela Room, 400 Waterfront Drive, Pittsburgh
- Northwest Regional Office                      Fourth Floor Conference Room, 230 Chestnut Street, Meadville

Questions concerning this meeting should be directed to David E. Hess at (717) 783-9480 or by e-mail at dahess@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's 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 Marilyn Wooding at (717) 783-7509 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. 05-1681. Filed for public inspection September 9, 2005, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Availability of the Fiscal Year 2006 Low-Income Home Energy Assistance Program State Plan

The Department of Public Welfare (Department) is making available to the public the 2006 Low-Income Home Energy Assistance Program State Plan (State Plan). The State Plan describes how the Department plans to use block grant funds provided under the Low-Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35) (42 U.S.C.A. §§ 8621—8629), during the 2005-06 program year.

Copies of the State Plan are available for interested individuals and groups at county assistance offices or upon written request to Donna Roe, Acting Director, Division of Federal Programs and Program Management, Department of Public Welfare, Complex No. 2, Room 224, Willow Oak Building No. 42, Harrisburg, PA 17105.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay

Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 05-1682. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions; 2005 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule, and accompanying prior authorization requirements.

#### *Fee Schedule Revisions*

The Department is adding and end-dating procedure codes as a result of implementing the 2005 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The 2005 HCPCS codes are effective for dates of service on and after October 1, 2005.

In addition to the 2005 HCPCS updates, the Department is adding the following procedure codes effective for dates of service on and after October 1, 2005: D7472, D7473, D7485, D5710, D7520, E2500, E2502, E2504, E2506, E2508, E2510, 17250, 66982, 87621, 93741, 93742, 93743, 93744 and 97602. These codes are being added due to significant Program Exception requests.

Procedure Code D1110 is currently on the Fee Schedule for recipients 13 years of age and older, however due to a clarification of the definition of adult by the American Dental Association as an individual 12 years of age and older, effective for dates of service on and after October 1, 2005, this code will be compensable for eligible recipients 12 years of age and older.

Certain procedure codes currently on the Fee Schedule will now be compensable for services provided in an Ambulatory Surgical Center (ASC) and Short Procedure Unit (SPU). ASCs and SPUs may bill for the following procedure codes using an SG modifier effective for dates of service on and after October 1, 2005: 31623, 31624, 31631, 31643, and 31646.

Fees for the added procedure codes will be published in a *Medical Assistance Bulletin* that will be issued to all providers within a few weeks.

Some local procedure codes that are being end-dated are being replaced with National procedure codes. In some instances, the fee associated with the National procedure code is higher or lower than the fee associated with the local procedure code. If the fee has been reduced, it is to reflect an appropriate payment rate to comply with the State Plan requirement that Pennsylvania Medicaid fees not exceed Medicare reimbursement fees. Specific information about these fee changes can be found in the table in this notice.

#### *Prior Authorization Requirements*

The following 2005 HCPCS procedure codes for items of durable medical equipment require prior authorization under section 443.6(b)(2) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(2)), as amended by the act of July 7, 2005 (P. L. 177, No. 42), either because the item costs more than \$600, or because the item costs \$600 or less and the Department has determined to require prior authorization:

E1039 NU Transport chair, adult size, heavy duty, patient weight capacity 250 pounds or greater.

E2291 NU Back, planar, for pediatric size wheelchair including fixed attaching hardware.

E2292 NU Seat, planar, for pediatric size wheelchair including fixed attaching hardware.

E2293 NU Back, contoured, for pediatric size wheelchair including fixed attaching hardware.

E2294 NU Seat, contoured, for pediatric size wheelchair including fixed attaching hardware.

E2368 NU Power wheelchair component, motor, replacement only.

E2369 NU Power wheelchair component, gear box, replacement only.

E2370 NU Power wheelchair component, motor and gear box combination, replacement only.

E2602 NU General use wheelchair seat cushion, width 22 in. or greater, any depth.

E2603 NU Skin protection wheelchair seat cushion, width less than 22 in., any depth.

E2604 NU Skin protection wheelchair seat cushion, width 22 in. or greater, any depth.

E2605 NU Positioning wheelchair seat cushion, width less than 22 in., any depth.

E2606 NU Positioning wheelchair seat cushion, width 22 in. or greater, any depth.

E2607 NU Skin protection and positioning wheelchair seat cushion, width less than 22 inches, any depth.

E2608 NU Skin protection and positioning wheelchair seat cushion, width 22 inches or greater, any depth.

E2611 NU General use wheelchair back cushion, width less than 22 inches, any height, including any type mounting hardware.

E2612 NU General use wheelchair back cushion, width 22 inches or greater, any height, including any type mounting hardware.

E2613 NU Positioning wheelchair back cushion, posterior, width less than 22 inches, any height, including any type mounting hardware.

E2614 NU Positioning wheelchair back cushion, posterior, width 22 inches or greater, any height, including any type mounting hardware.

E2615 NU Positioning wheelchair back cushion, posterior-lateral, width less than 22 inches, any height, including any type mounting hardware.

E2616 NU Positioning wheelchair back cushion, posterior-lateral, width 22 inches or greater, any height, including any type mounting hardware.

E2618 NU Wheelchair accessory, solid seat support base (replaces sling seat), for use with manual wheelchair or lightweight power wheelchair, includes any type mounting hardware.

E2620 NU Positioning wheelchair back cushion, planar back with lateral supports, width less than 22 inches, any height, including any type mounting hardware.

E2621 NU Positioning wheelchair back cushion, planar back with lateral supports, width 22 inches or greater, any height, including any type mounting hardware.

The following 2005 HCPCS procedure codes are for orthoses and are therefore subject to prior authorization under section 443.6(b)(1) of the code:

K0630 Sacroiliac orthosis, flexible, provides pelvic-sacral support, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0631 Sacroiliac orthosis, flexible, provides pelvic-sacral support, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, custom fabricated.

K0634 Lumbar orthosis, flexible, provides lumbar support, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include pendulous abdomen design, shoulder straps, stays, prefabricated, includes fitting and adjustment.

K0635 Lumbar orthosis, sagittal control, with rigid posterior panels, posterior extends from L-1 to below L-5 vertebrae, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.



K0636 Lumbar orthosis, sagittal control, with rigid anterior and posterior panels, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0637 Lumbar-sacral orthosis, flexible, provides lumbosacral support, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0639 Lumbar-sacral orthosis, sagittal control, with rigid posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0640 Lumbar-sacral orthosis, sagittal control, with rigid anterior and posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0645 Lumbar-sacral orthosis, sagittal-coronal control, lumbar flexion, rigid posterior frame/panels, lateral articulating design to flex the lumbar spine, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, anterior panel, pendulous abdomen design, custom fabricated.

K0646 Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0647 Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, custom fabricated.

K0648 Lumbar-sacral orthosis, sagittal-coronal control, rigid shells/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xiphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid plastic and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0649 Lumbar-sacral orthosis, sagittal-coronal control, rigid shells/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xiphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is

provided by overlapping rigid plastic and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, custom fabricated.

L1932 RT, LT, 50 AFO, rigid anterior tibial section, total Carbon fiber or equal material, prefabricated, includes fitting and adjustment.

L8615 Headset/headpiece for Use with cochlear implant device, replacement.

The following 2005 HCPCS procedure codes are for orthopedic shoes and other supportive foot devices and therefore are subject to prior authorization under section 443.6(b)(6) of the code:

K0628 RT, LT, 50 For diabetics only, multiple density insert, direct formed, molded to foot after external heat source of 230°F or higher, total contact with patient's foot, including arch, base layer minimum of 1/4 inch material of shore a 35 durometer or 3/16 inch material of shore a 40 (or higher), prefabricated, each.

K0629 RT, LT, 50 For diabetics only, multiple density insert, custom molded from model of patient's foot, total contact with patient's foot, including arch, base layer minimum of 3/16 inch material of shore a 35 durometer or higher, includes arch filler and other shaping material, custom fabricated, each.

The following 2005 HCPCS procedure codes are subject to prior authorization as authorized under section 443.6(b)(7) of the code:

79005 Radiopharmaceutical therapy, by oral administration.

79101 Radiopharmaceutical therapy, by intravenous administration.

79445 Radiopharmaceutical therapy, by intra-arterial particulate administration.

B4157 BO Enteral formula, nutritionally complete, for special metabolic needs for inherited disease of metabolism, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit (over 21 years of age).

The following HCPCS procedure codes being added in addition to the 2005 HCPCS updates are for items of durable medical equipment and require prior authorization under section 443.6(b)(2) of the code either because the item costs more than \$600, or because the item costs \$600 or less and the Department has determined to require prior authorization:

E2500 NU Speech generating device, digitized speech, using prerecorded messages, less than or equal to 8 minutes recording time.

E2502 NU Speech generating device, digitized speech, using prerecorded messages, greater than 8 minutes but less than or equal to 20 minutes recording time.

E2504 NU Speech generating device, digitized speech, using prerecorded messages, greater than 20 minutes but less than or equal to 40 minutes recording time.

E2506 NU Speech generating device, digitized speech, using prerecorded messages, greater than 40 minutes recording time.

E2508 NU Speech generating device, synthesized speech, requiring message formulation by spelling and access by physical contact with the device.

E2510 NU Speech generating device, synthesized speech, permitting multiple methods of message formulation and multiple methods of device access.

**PROCEDURE CODES BEING ADDED TO THE MA PROGRAM FEE SCHEDULE AS A RESULT OF THE 2005 HCPCS UPDATES WHICH ARE EFFECTIVE AND COMPENSABLE FOR DATES OF SERVICE AS OF OCTOBER 1, 2005**

<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>
A4349	A4605	A4705	A7527
B4103	B4157 BO	B4158 BO	B4159 BO
B4160 BO	B4161 BO	B4162 BO	D2915 SG
D2934 SG	D7283 SG	D7288 SG	D7511 SG
D7521 SG	E1039 NU, RR	E2205 NU, RR	E2206 NU, RR
E2291 NU	E2292 NU	E2293 NU	E2294 NU
E2368 NU, RR	E2369 NU, RR	E2370 NU, RR	E2601 NU, RR
E2602 NU, RR	E2603 NU, RR	E2604 NU, RR	E2605 NU, RR
E1606 NU, RR	E2607 NU, RR	E2608 NU, RR	E2611 NU, RR
E2612 NU, RR	E2613 NU, RR	E2614 NU, RR	E2615 NU, RR
E2616 NU	E2618 NU	E2619 NU, RR	E2620 NU, RR
E2621 NU	G0356	G0363	G0364
G0365 26, TC	K0628 RT, LT, 50	K0629 RT, LT, 50	K0630
K0631	K0634	K0635	K0636
K0637	K0639	K0640	K0642
K0644	K0645	K0646	K0647
K0648	K0649	K0671 RR	L1932 RT, LT, 50
L8515	L8615	L8616	L8617
L8618	L8620	L8621	L8622
S0618	T4521	T4522	T4523
T4524	T4525	T4526	T4527
T4528	T4529	T4530	T4531
T4532	T4533	T4534	T4535
T4536	T4537	T4540	T4541
T4542	00561	11004 SG	11005 SG
11006 SG	11008	19296 RT, LT, 50, SG	19297 RT, LT, 50
19298 SG, RT, LT, 50	29867 SG, 80, RT, LT	31545 SG	31546 SG
31620	31636 SG	31637	31638 SG
32019 SG, RT, LT, 50	34803 80	36818 SG, RT, LT, 50	37215 RT, LT, 50

<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>
37216 RT, LT, 50	44137 80	45391 SG	45392 SG
46947 SG	50391 SG, RT, LT, 50	52402 SG	57267 SG, 80
57283 SG, 80	58356 SG	58565 SG, 80	58956 80
63050 SG, 80	63051 SG, 80	63295 80	66711 SG, RT, LT, 50
76077 26, TC	76510 26, TC, RT, LT, 50	76820 26, TC	76821 26, TC
78811 26	78812 26	78813 26	78814 26
78815 26	78816 26	79005 26, TC	79101 26, TC
79445 26, TC	82045	82656	83009
83630	84163	84166	86064
86335	86379	86587	87807
88184	88185	88187	88188
88189	88360 26, TC	88367 26, TC	88368 26, TC
90656	91034 26, TC	91035 26, TC	91037 26, TC
91038 26, TC	91040 26, TC, SG	91120 26, TC	92620
92621	92625 52	93890 26,TC	93892 26, TC
93893 26, TC	95928 26, TC	95929 26, TC	95978 SG
95979	97597 SG	97598	97605
97606			

**NATIONAL PROCEDURE CODES BEING ADDED BY THE DEPARTMENT TO THE MA PROGRAM FEE SCHEDULE AS A RESULT OF SIGNIFICANT PROGRAM EXCEPTION REQUESTS WHICH ARE EFFECTIVE AND COMPENSABLE FOR DATES OF SERVICE AS OF OCTOBER 1, 2005**

<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>
D7472	D7473	D7485	D7510
D7520	E2500 NU, RR	E2502 NU, RR	E2504 NU, RR
E2506 NU, RR	E2508 NU, RR	E2510 NU, RR	17250
66982	87621	93741 26, TC	93742 26, TC
93743 26, TC	93744 26, TC	97602 26, TC	

**NATIONAL PROCEDURE CODES BEING END-DATED FROM THE MA PROGRAM FEE SCHEDULE AS A RESULT OF THE 2005 HCPCS UPDATES AND WHICH WILL NOT BE COMPENSABLE FOR SERVICES PROVIDED AFTER SEPTEMBER 30, 2005**

*Procedure Codes*

A4324	A4325	A4347	A4525	A4526	A4527	A4528	A4531
A4532	A4609	A4610	B4151	B4156	E0176	E0177	E0178
E0179	E0192	E0454	E0962	E0963	E0964	E0965	E1012
E1013	K0023	K0024	K0059	K0060	K0061	K0081	K0114
K0115	K0016	L0476	L0478	L0500	L0510	L0515	L0520

*Procedure Codes*

L0530	L0540	L0550	L0560	L0561	L0565	L0600	L0610
L2435	L5674	L5675	L5846	35161	35162	35582	50559
78990	79000	79001	79020	79030	79035	79100	79400
79420	79900	88180	91032	91033	92589		

**LOCAL PROCEDURE CODES BEING END-DATED FROM THE FEE SCHEDULE AS A RESULT OF THE 2005 HCPCS UPDATES AND WHICH WILL NOT BE COMPENSABLE FOR SERVICES PROVIDED AFTER SEPTEMBER 30, 2005**

*Procedure Codes*

Y9895	Z0991	Z0992	Z0993	Z4614	Z4629	Z4630	Z4631
Z4632	Z4633	Z4634	Z4635	Z4636	Z4638	Z4639	Z4640
Z4641	Z9808	W6068	W6070	79898			

**NATIONAL PROCEDURE CODES PREVIOUSLY END-DATED BY CMS WHICH WILL NOT BE COMPENSABLE FOR SERVICES AFTER SEPTEMBER 30, 2005**

*Procedure Codes*

E1404	85095	85102	93737	93738
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**LOCAL PROCEDURE CODES BEING END-DATED AND REPLACED WITH NATIONAL PROCEDURE CODES AS A RESULT OF THE 2005 HCPCS UPDATES**

<i>End-Date</i>		<i>Use</i>		<i>End-Date</i>		<i>Use</i>	
<i>September 30, 2005</i>		<i>October 1, 2005</i>		<i>September 30, 2005</i>		<i>October 1, 2005</i>	
Y9895	\$3.75	A4605	\$13.12	Z0991	\$68.00	E1225	\$407.60
Z0991	\$68.00	E1226	\$407.60	Z0992	\$110.00	E2618	\$110.00
Z0993	\$110.00	E2291	\$405.64	Z0993	\$110.00	E2611	\$312.35
Z0993	\$110.00	E2612	\$422.56	Z4614	\$12.00	E0190	\$31.00
Z4629	\$.55	T4525	\$.63	Z4629	\$.55	T4526	\$.65
Z4629	\$.55	T4527	\$.72	Z4629	\$.55	T4528	\$.72
Z4629	\$.55	T4531	\$.55	Z4629	\$.55	T4532	\$.55
Z4630	\$13.00	T4536	\$13.00	Z4631	\$4.35	T4540	\$10.85
Z4632	\$.18	T4535	\$.76	Z4633	\$.47	T4535	\$.76
Z4634	\$10.85	T4537	\$10.85	Z4635	\$.19	T4542	\$.19
Z4636	\$.38	T4541	\$.38	Z4638	\$.19	T4521	\$.63
Z4638	\$.19	T4529	\$.55	Z4639	\$.25	T4522	\$.65
Z4639	\$.25	T4529	\$.55	Z4640	\$.37	T4523	\$.72
Z4640	\$.37	T4530	\$.55	Z4641	\$.42	T4524	\$.72
Z9808	\$435.00	E2611	\$312.35*	Z9808	\$435.00	E2612	\$422.56*

\*The Department is reducing the fee for this procedure code to reflect an appropriate payment rate to comply with the State Plan requirement that Pennsylvania Medicaid fees not exceed Medicare reimbursement fees.

*Fiscal Impact*

The estimated cost for Fiscal Year (FY) 2005-2006 is \$1.323 million (\$0.595 million in State funds). The estimated cost for FY 2006-2007 is \$2.268 million (\$1.029 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in subsequent revisions of this notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-441. (1) General Fund; (2) Implementing Year 2005-06 is \$595,000; (3) 1st Succeeding Year 2006-07 is \$1,029,000; 2nd Succeeding Year 2007-08 is

\$1,032,000; 3rd Succeeding Year 2008-09 is \$1,032,000; 4th Succeeding Year 2009-10 is \$1,032,000; 5th Succeeding Year 2010-11 is \$1,032,000; (4) 2004-05 Program—\$842.991 million; 2003-04 Program—\$727.979 million; 2002-03 Program—\$666.832 million; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

[Pa.B. Doc. No. 05-1683. Filed for public inspection September 9, 2005, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Pennsylvania Kings And Queens Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Kings And Queens.

2. *Price:* The price of a Pennsylvania Kings And Queens instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Kings And Queens instant lottery game ticket will contain a "DEALER'S TOTAL" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature ten "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S TOTAL" area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" in the "YOUR HANDS" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) playing card symbols. A = 11, J, Q and K = 10.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the ten prize areas are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$52\$ (FTY TWO), \$100 (ONE HUN), \$400 (FOR HUN), \$2,100 (TWYONEHUN), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$5, \$7, \$10, \$14, \$21, \$52, \$100, \$400, \$2,100, \$50,000 and \$100,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Kings And Queens instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$100,000 (ONEHUNTHO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$50,000 (FTY THO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$2,100 (TWYONEHUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$2,100.

(d) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$400 (FOR HUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play

symbol of \$100 (ONE HUN) appear in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$100 (ONE HUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$52\$ (FTY TWO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$52.

(h) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play symbol of \$21\$ (TWY ONE) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$42.

(i) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$21\$ (TWY ONE) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$21.

(j) Holders of tickets with pair of King (KING) playing card symbols in any "HAND," on a single ticket, shall be entitled to a prize of \$21.

(k) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$14\$ (FORTN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(l) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appear in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(m) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appear in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$5.

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

*The Sum of Any of Your Hands  
Beats the Dealer's Total, Win  
With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$5	\$5	10	720,000
\$7	\$7	30	240,000
\$5 × 2	\$10	120	60,000
\$5 w/PAIR OF QUEENS	\$10	60	120,000
\$10	\$10	120	60,000
\$7 × 2	\$14	60	120,000
\$7 w/PAIR OF QUEENS	\$14	120	60,000
\$14	\$14	120	60,000
\$7 × 3	\$21	600	12,000
\$7 w/PAIR OF QUEENS + \$7	\$21	200	36,000
PAIR OF KINGS	\$21	120	60,000
\$21	\$21	600	12,000
\$5 × 9 + \$7	\$52	600	12,000
\$7 × 6 + \$5 × 2	\$52	600	12,000
\$14 × 3 + \$10	\$52	300	24,000
\$14 + \$10 + \$7 + PAIR OF KINGS	\$52	300	24,000
\$21 w/PAIR OF QUEENS + \$10	\$52	300	24,000
\$52	\$52	300	24,000
\$10 × 10	\$100	1,600	4,500
\$10 × 3 + \$7 + PAIR OF KINGS × 3	\$100	1,600	4,500
\$10 w/PAIR OF QUEENS + \$10 × 8	\$100	1,600	4,500
\$100	\$100	1,600	4,500
\$100 × 4	\$400	6,000	1,200
\$100 w/PAIR OF QUEENS × 2	\$400	6,000	1,200
\$400	\$400	6,000	1,200
\$400 × 5 + \$100	\$2,100	24,000	300
\$2,100	\$2,100	24,000	300
\$50,000	\$50,000	1,200,000	6
\$100,000	\$100,000	1,200,000	6

PAIR OF QUEENS = Double the prize shown.

PAIR OF KINGS = Wins \$21 automatically.

NOTE: Only the highest prize won by each HAND will be paid.

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

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

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

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Kings And Queens or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1684. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Pennsylvania Monster Cash '05 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Monster Cash '05.

2. *Price:* The price of a Pennsylvania Monster Cash '05 instant lottery game ticket is \$5.

### 3. *Play Symbols:*

(a) Each Pennsylvania Monster Cash '05 instant lottery game ticket will contain four play areas known as Game 1, Game 2, Game 3 and Fast Cash Bonus. Each game is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: Pumpkin Symbol (PUMKIN) and X symbol (XXX).

(c) The prize play symbols and their captions located in the play area for Game 2 are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO).

(d) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" areas for Game 3 are: Hat symbol (HAT), Cat symbol (CAT), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT) and Snake symbol (SNAKE).

(e) The prize play and play symbols and their captions located in the "BONUS" area for Fast Cash Bonus are: \$13\$ (THRTN), \$31\$ (TRY ONE) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 1 are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$62\$ (SXY TWO), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO). The prize symbols and their captions located in the play area for Game 3 are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$78\$ (SVY EGT), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO).

5. *Prizes:* The prizes that can be won in Game 1 are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$62, \$310 and \$31,000. The prizes that can be won in Game 2 are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$310 and \$31,000. The prizes that can be won in Game 3 are \$5, \$6, \$7, \$10, \$13, \$78, \$310 and \$31,000. The prizes that can be won in Fast Cash Bonus are \$13 and \$31. A player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Monster Cash '05 instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$31,000 (TRYONETHO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$310 (THRHUNTEN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$62\$ (SXY TWO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$62.

(4) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$39\$ (TRY NIN) appearing

in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$39.

(5) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$31\$ (TRY ONE) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$31.

(6) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$13\$ (THRTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$13.

(7) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$7.<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$6.<sup>00</sup> (SIX DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching prize play symbols of \$31,000 (TRYONETHO) in the play area, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching prize play symbols of \$310 (THRHUNTEN) in the play area, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching prize play symbols of \$39\$ (TRY NIN) in the play area, on a single ticket, shall be entitled to a prize of \$39.

(4) Holders of tickets with three matching prize play symbols of \$31\$ (TRY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$31.

(5) Holders of tickets with three matching prize play symbols of \$13\$ (THRTN) in the play area, on a single ticket, shall be entitled to a prize of \$13.

(6) Holders of tickets with three matching prize play symbols of \$10.<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching prize play symbols of \$7.<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with three matching prize play symbols of \$6.<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(9) Holders of tickets with three matching prize play symbols of \$5.<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$31,000 (TRYONETHO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$310 (THRHUNTEN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$78\$ (SVY EGT) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$78.

(4) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$13\$ (THRTN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$13.

(5) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Fast Cash Bonus are:

(1) Holders of tickets with a \$31\$ (TRY ONE) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$31.

(2) Holders of tickets with a \$13\$ (THRTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$13.

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

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
	\$5			\$5	30	84,000
		\$5		\$5	30	84,000
			\$5	\$5	30	84,000
	\$6			\$6	60	42,000
		\$6		\$6	120	21,000
			\$6	\$6	120	21,000
	\$7			\$7	60	42,000
		\$7		\$7	120	21,000
			\$7	\$7	120	21,000
			\$5 × 2	\$10	150	16,800
	\$10			\$10	150	16,800
		\$10		\$10	120	21,000
		\$6		\$13	600	4,200
	\$6			\$13	600	4,200
	\$6	\$7		\$13	600	4,200
	\$7	\$6		\$13	600	4,200
	\$7		\$6	\$13	600	4,200
		\$7	\$6	\$13	600	4,200
\$13				\$13	25	100,800
	\$5	\$5	\$7 × 3	\$31	200	12,600
	\$13	\$13	\$5	\$31	200	12,600
\$13		\$13	\$5	\$31	200	12,600
\$13			\$6 × 3	\$31	200	12,600
	\$5	\$6	\$10 × 2	\$31	200	12,600
	\$10		\$7 × 3	\$31	200	12,600
\$31				\$31	300	8,400
\$13			\$13 × 2	\$39	600	4,200
\$13	\$6	\$7	\$13	\$39	600	4,200
	\$5	\$6	\$7 × 4	\$39	600	4,200



<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
			\$7 × 3 + \$6 × 3	\$39	600	4,200
\$31		\$39		\$39	600	4,200
	\$10	\$31		\$62	1,446	1,743
		\$10	\$10 × 3 + \$6 × 2	\$62	1,446	1,743
\$13	\$5	\$5	\$13 × 3	\$62	1,446	1,743
\$31	\$10	\$7	\$7 × 2	\$62	1,446	1,743
	\$62			\$62	1,446	1,743
\$31		\$7	\$10 × 4	\$78	12,000	210
\$31	\$31	\$10	\$6	\$78	12,000	210
			\$13 × 6	\$78	12,000	210
	\$39	\$39		\$78	12,000	210
	\$310		\$78	\$78	12,000	210
		\$310		\$310	120,000	21
			\$310	\$310	120,000	21
	\$31,000			\$310	120,000	21
		\$31,000		\$31,000	2,520,000	1
			\$31,000	\$31,000	2,520,000	1
				\$31,000	2,520,000	1

GAME 1—Get three “PUMPKIN” symbols in a row, column or diagonal, win prize shown.

GAME 2—Get 3 like amounts win that prize.

GAME 3—When any of YOUR SYMBOLS match the LUCKY SYMBOL, win the prize shown under the matching symbol.

Fast Cash Bonus—Reveal prize amount of \$13 or \$31 and win that prize.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Monster Cash '05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Monster Cash '05, prize money from winning Pennsylvania Monster Cash '05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Monster Cash '05 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Monster Cash '05 or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1685. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Pennsylvania Pieces of Eight Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Pieces of Eight.

2. *Price:* The price of a Pennsylvania Pieces of Eight instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Pieces of Eight instant lottery game ticket will contain a “LUCKY NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “LUCKY NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and Pirate Ship symbol (SHIP).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$24\$ (TWY FOR), \$48\$ (FRY EGT), \$80\$ (EIGHTY), \$200 (TWO HUN), \$800 (EGT HUN) and \$28,000 (TWYEGTTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$6, \$8, \$10, \$24, \$48, \$80, \$200, \$800 and \$28,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Pieces of Eight instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$28,000 (TWYEGTTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$28,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$800 (EGT HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$800.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$24\$ (TWY FOR) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$192.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$80\$ (EIGHTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$80.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$48\$ (FRY EGT) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$48.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$48.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY

NUMBERS" play symbols and a prize symbol of \$24\$ (TWY FOR) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$24.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

*When Any of Your Numbers Match Either of the Lucky Numbers, Win With Prize(s) of:*

\$1 x 2  
\$2  
\$1 x 3  
\$3

*Win:*  
\$2  
\$2  
\$3  
\$3

*Approximate Odds of 1 In:*  
21.43  
18.75  
37.50  
37.50

*Approximate No. of Winners Per 8,640,000 Tickets*  
403,200  
460,800  
230,400  
230,400

When Any of Your Numbers  
Match Either of the Lucky  
Numbers, Win With Prize(s)  
of:

	Win:	Approximate Odds of 1 In:	Approximate No. of Winners Per 8,640,000 Tickets
\$1 × 6	\$6	150	57,600
\$2 × 3	\$6	150	57,600
\$3 × 2	\$6	150	57,600
\$6	\$6	150	57,600
\$1 × 8	\$8	300	28,800
\$2 × 4	\$8	300	28,800
\$1 w/SHIP	\$8	60	144,000
\$8	\$8	300	28,800
\$1 × 10	\$10	300	28,800
\$2 × 5	\$10	300	28,800
\$1 w/SHIP + \$2	\$10	150	57,600
\$10	\$10	150	57,600
\$3 × 8	\$24	750	11,520
\$6 × 4	\$24	750	11,520
\$8 × 3	\$24	750	11,520
\$3 w/SHIP	\$24	750	11,520
\$24	\$24	750	11,520
\$8 × 6	\$48	2,400	3,600
\$24 × 2	\$48	2,400	3,600
\$6 w/SHIP	\$48	2,308	3,744
\$48	\$48	2,400	3,600
\$8 × 10	\$80	4,800	1,800
\$10 × 8	\$80	4,800	1,800
\$10 w/SHIP	\$80	4,800	1,800
\$80	\$80	4,800	1,800
\$24 w/SHIP + \$2 × 4	\$200	30,000	288
\$200	\$200	30,000	288
\$80 × 10	\$800	120,000	72
\$200 × 4	\$800	120,000	72
\$800	\$800	120,000	72
\$28,000	\$28,000	1,080,000	8

SHIP = Win eight times the prize shown under it.

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

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

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

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Pieces of Eight or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1686. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Pennsylvania Spooky Loot Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Spooky Loot.

2. *Price:* The price of a Pennsylvania Spooky Loot instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Spooky Loot instant lottery game ticket will contain one play area featuring a "LUCKY SYMBOL" area and a "YOUR SPOOKY SYMBOLS" area. The play symbols and their

captions located in the "LUCKY SYMBOL" area are: Hat symbol (HAT), Pumpkin symbol (PUMKIN), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT), Snake symbol (SNAKE), Cat symbol (CAT), Witch symbol (WITCH) and Ghost symbol (GHOST). The play symbols and their captions located in the "YOUR SPOOKY SYMBOLS" area are: Hat symbol (HAT), Pumpkin symbol (PUMKIN), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT), Snake symbol (SNAKE), Cat symbol (CAT), Witch symbol (WITCH), Ghost symbol (GHOST), and Moneybag symbol (LOOT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SPOOKY SYMBOLS" area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$500 and \$2,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Spooky Loot instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$500 (FIV HUN) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$100 (ONE HUN) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$50\$ (FIFTY) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$25\$ (TWY FIV) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of Free (TICKET) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Spooky Loot instant game ticket or one Pennsylvania Lottery instant

game ticket of equivalent sale price which is currently on sale.

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

<i>When Any of Your Spooky Symbols Match the Lucky Symbol, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
FREE	TICKET	15	544,000
\$1	\$1	25	326,400
\$1 w/LOOT	\$1	27.27	299,200
\$2	\$2	42.86	190,400
\$1 × 2	\$2	42.86	190,400
\$2 w/Loot	\$2	50	163,200
\$5	\$5	200	40,800
\$1 × 5	\$5	200	40,800
\$5 w/LOOT	\$5	300	27,200
\$10	\$10	600	13,600
\$2 × 5	\$10	600	13,600
\$5 × 2	\$10	600	13,600
\$10 w/LOOT	\$10	600	13,600
\$25	\$25	1,000	8,160
\$5 × 5	\$25	1,000	8,160
\$25 w/LOOT	\$25	750	10,880
\$50	\$50	2,400	3,400
\$10 × 5	\$50	2,400	3,400
\$25 × 2	\$50	2,400	3,400
\$50 w/LOOT	\$50	2,400	3,400
\$100	\$100	17,143	476
\$25 × 4	\$100	17,143	476
\$50 × 2	\$100	16,000	510
\$100 w/LOOT	\$100	16,000	510
\$500	\$500	240,000	34
\$100 × 5	\$500	240,000	34
\$500 w/LOOT	\$500	240,000	34
\$2,000	\$2,000	4,080,000	2
\$500 × 4	\$2,000	4,080,000	2

LOOT = Win prize shown automatically.

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

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

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

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1687. Filed for public inspection September 9, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 25, 2005, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective August 24, 2005*

Environmental Quality Board #7-388: Lake Redesignations (amends 25 Pa. Code Chapter 93)

*Regulations Approved:*

Department of Education #6-294: Compliance with the No Child Left Behind Act of 2001; Bridge Certification (amends 22 Pa. Code § 403.4)

State Athletic Commission #16-34: Communicable Disease Testing (amends 58 Pa. Code §§ 1.1 and 21.8)

Environmental Quality Board #7-385: Bond Adjustment and Bituminous Mine Subsidence Control Standards (amends 25 Pa. Code Chapters 86 and 89)

Environmental Quality Board #7-391: Concentrated Animal Feeding Operations and Other Agricultural Operations (amends 25 Pa. Code Chapters 91 and 92)

### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*Department of Education—Compliance with the No Child Left Behind Act of 2001; Bridge Certification; Regulation No. 6-294*

On June 30, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Education (Department). This rulemaking amends 22 Pa. Code Section 403.4. Notice of proposed rulemaking was omitted for this regulation. Governor Edward G. Rendell certified the regulation as necessary to meet an emergency on June 28, 2005. The regulation became effective upon publication in the *Pennsylvania Bulletin* on July 2, 2005.

The regulation extends the deadline for teachers to apply for participation in the Bridge Certification program to July 30, 2006. Bridge Certification is a means for certain teachers to become "highly qualified" as required by the Federal No Child Left Behind Act of 2001 (20 U.S.C.A. § 6319).

We have determined this regulation is consistent with the statutory authority of the Department (24 P.S. § 26-2603-B(d)(10)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*State Athletic Commission—Communicable Disease Testing; Regulation No. 16-34*

On November 1, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Athletic Commission (SAC). This rulemaking amends 58 Pa. Code Sections 1 and 21. The proposed regulation was published in the November 13, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 8, 2005.

This final-form regulation adds annual testing for communicable diseases to the requirements for the licensing of professional boxers in Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the SAC (5 Pa.C.S. § 103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*Environmental Quality Board—Bond Adjustment and Bituminous Mine Subsidence Control Standards; Regulation No. 7-385*

On September 3, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 86 and 89. The proposed regulation was published in the September 13, 2003, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 1, 2005.

This final-form regulation satisfies conditions set forth by the Federal Office of Surface Mining and Reclamation and Enforcement. Pennsylvania must meet these conditions to maintain primary enforcement authority over coal mining. This regulation amends requirements relating to: the protection and repair of homes, related structures and noncommercial buildings above underground coal mines; the replacement of water supplies affected by underground mining operations; and permit applications for underground mining operations. It also requires the adjustment of bonds posted to ensure the fulfillment of subsidence damage repair obligations and reclamation obligations when the Department of Environmental Protection identifies a change in liability.

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. §§ 30.53b, 691.5, 1396.4b and 1406.1—1406.21) and the intention of the General Assembly. Having considered all of the other

criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*Environmental Quality Board—Concentrated Animal Feeding Operations and Other Agricultural Operations; Regulation No. 7-391*

On July 28, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 91 and 92. The proposed regulation was published in the August 7, 2004, *Pennsylvania Bulletin* with a 90-day public comment period. The final-form regulation was submitted to the Commission on July 26, 2005.

This regulation amends existing regulations concerning management of manure generated by agricultural operations. The primary purpose of the amendments is for Pennsylvania to maintain delegation of the National Pollutant Discharge Elimination System Concentrated Animal Feeding Operation program.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. §§ 691.5 and 691.402) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1688. Filed for public inspection September 9, 2005, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-399	Department of Transportation Permit Agents	8-25-05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1689. Filed for public inspection September 9, 2005, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Abington Urological Specialists, P. C.; Prehearing**

**Appeal of Abington Urological Specialists, P. C. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-07-032**

On or before August 18, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 1, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 8, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 2, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 25, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 1, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1690. Filed for public inspection September 9, 2005, 9:00 a.m.]

**Stan Duda; Hearing**

**Appeal of Stan Duda under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-019(M); Doc. No. UT05-06-038**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing shall occur on September 28, 2005, at 9 a.m. in the Insurance Department Regional Hearings Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before September 7, 2005. Answers to petitions to intervene, if any, shall be filed on or before September 19, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1691. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Ewing Oil; Prehearing

**Appeal of Ewing Oil under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-184(F); Doc. No. UT05-08-002**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on September 6, 2005. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before September 23, 2005. Answers to petitions to intervene, if any, shall be filed on or before September 30, 2005.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1692. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Colleen Horan, M.D.; Prehearing

**Appeal of Colleen Horan, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-08-009**

On or before September 2, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 6, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 23, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 19, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 9, 2005, with the Hearings Administrator, Administrative Hearings Office,

Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 16, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1693. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Philip C. Brown; file no. 05-130-06217; Erie Insurance Exchange; doc. no. P05-08-019; October 4, 2005, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Joann Bulton; file no. 05-266-02279; Capitol Insurance Company; doc. no. PH05-08-006; October 26, 2005, 9 a.m.

Appeal of Virginia Hertzler; file no. 05-266-01971; Standard Fire Insurance Company; doc. no. PH05-08-008; October 26, 2005, 11 a.m.

Appeal of Frank and Kirsti Bradford; file no. 05-267-02148; State Farm Insurance; doc. no. PH05-08-005; October 26, 2005, 1 p.m.

Appeal of Benjamin M. Logan; file no. 05-215-02384; American Independent Insurance Co.; doc. no. PH05-08-020; October 26, 2005, 2 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Brendan Lake; file no. 05-130-05600; Erie Insurance Exchange; doc. no. P05-07-028; September 21, 2005, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage



obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1694. Filed for public inspection September 9, 2005, 9:00 a.m.]

### **United Healthcare Insurance Company; Application for Approval of Revised Rates for AARP Group Prestandardized Medicare Supplement Policy Forms M1—M7 and MA; Rate Filing**

United HealthCare Insurance Company has filed for approval increased rates for its AARP Group Prestandardized Medicare Supplement policy forms. The filing requests a rate increase of 11.3%.

These rate adjustments will affect approximately 15,837 insureds and will generate approximately \$3.3 million in additional premium annually. The company would like the revised rates to take effect on January 1, 2006.

Also included in the filing are reduced rates for insureds who choose to drop their prescription drug benefits. Plans M3, M4 and M7 include prescription drug benefits which the insureds may eliminate from their coverage effective January 1, 2006, in exchange for a reduced rate. These rate reductions compared with the proposed rates including prescription drug coverage are as follows: M3, -13.6%; M4, -13.6%; M7, -14.4%.

Unless formal administrative action is taken before November 22, 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](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1695. Filed for public inspection September 9, 2005, 9:00 a.m.]

### **Watson & Black American Legion Post 126; Prehearing**

#### **Appeal of Watson & Black American Legion Post 126 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-250(F); Doc. No. UT05-08-015**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on September 27, 2005. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before September 16, 2005. Answers to petitions to intervene, if any, shall be filed on or before September 23, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1696. Filed for public inspection September 9, 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 October 3, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.**

**A-00122025, F. 2. Jason Koss and Nicholas Molyneux t/a Affair to Remember** (R. R. 2, Box 142K, Falls, Wyoming County, PA 18615)—persons in limousine service, between points in the Counties of Wyoming, Susquehanna, Sullivan, Bradford, Lackawanna and Luzerne, and from points in said counties to points in Pennsylvania and return.

**Application of the following for approval of the right to *begin* to operate motor vehicles as *common carriers* for the transportation of *household goods* by *transfer* as described under the application.**

**A-00122066, Anthony Bader t/d/b/a BNT Movers** (P. O. Box 111, Moscow, PA 18444)—household goods in use, between points in the Counties of Lackawanna, Luzerne, Monroe, Pike, Wayne and Wyoming, and from points in said counties to points in Pennsylvania, and vice versa. *Attorney:* Mark J. Conway, 502 South Blakely Street, Dunmore, PA 18512.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods* as described under the application.**

**A-00119007, Folder 2, Am-A. Williams Moving & Storage, Inc. t/a Parks-Centre Carriers, Parks Moving & Storage, Fife Moving & Storage Co. and Werner Donaldson Moving Systems, Inc.** (740 Commonwealth Drive, Warrendale, Butler County, PA 15086), a corporation of the Commonwealth—for the amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods in use, from points in the County of Beaver, to other points in Pennsylvania, and vice versa. *So As To Permit* the transportation of household goods in use: (1) between points in the Borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough; (2) from points in the Borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (3) between points in the Borough of McDonald, Washington County, and within 15 miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania, and vice versa; and (4) between points in the County of Allegheny, and from points in said county, to points in the County of Beaver, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00094528 to Fife Moving & Storage Co., subject to the same limitations and conditions. *Attorney:* David M. Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo, P. C., 1450 Two Chat-ham Center, Pittsburgh, PA 15219-3427.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1697. Filed for public inspection September 9, 2005, 9:00 a.m.]

**Telecommunications Service  
Prehearing Conference**

**A-313200F0007 and A-311379F0002. The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc.** Joint application of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc. for all approvals required under the Pennsylvania Public Utility Code in connection with changes of control of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc.

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 (Commission), P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 26, 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:* The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc.

*Through and By Counsel:* Zsuzsanna E. Benedek, Esquire, 240 North Third Street, Suite 201, Harrisburg, PA 17101.

This application has been assigned to the Office of Administrative Law judge. An initial prehearing conference on this case will be held at 10 a.m. on Tuesday, October 4, 2005, in Hearing Room 3, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Administrative Law Judge Susan D. Colwell, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 783-5452, fax (717) 787-0481 will preside.

Persons with a disability who wish to attend the prehearing should call the Commission's Scheduling Office, (717) 787-1399 or the AT&T Relay Service at (800) 654-5988.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1698. Filed for public inspection September 9, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-022.1, New Gate Facility and Security Improvements at the Tioga Marine Terminal, until 2 p.m. on Thursday, September 29, 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 13, 2005. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Depart-

ment in writing the names of individuals that will be attending prebid meetings. This information is needed 24 hours before the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held at 10 a.m. on September 15, 2005, at PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-1699. Filed for public inspection September 9, 2005, 9:00 a.m.]

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