

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Monday, September 26, 2005. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:30 a.m. Topics of discussion will include presentations on Basin Plan implementation activities to date, sedimentology of the Delaware River Estuary, the water supply plan for the State of Delaware and coordinated response to a coal ash spill to the Delaware River from a settling basin at PPL's Martins Creek power plant.

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

1. *Town of Middletown D-78-64 CP-2.* An application for approval of a groundwater withdrawal project to supply up to 24 million gallons per 30 days (mg/30 days) of water to the applicant's public water supply system from new Wells Nos. 4 and 6 and to increase the existing withdrawal from all wells to 51 mg/30 days. The project is located in the Magothy Aquifer in the Town of Middletown, New Castle County, DE.

2. *Hercules Incorporated Research Center D-84-28-3.* An application for the renewal of a groundwater withdrawal project to reduce withdrawal from 10 mg/30 days to 5 mg/30 days to supply the applicant's research facility from existing Wells Nos. 8—10, 13—15, 18—21 and 23. The project is located in the Red Clay Creek Watershed in the City of Wilmington, New Castle County, DE.

3. *Town of Middletown D-2003-30 CP.* An application for approval of a groundwater withdrawal project to supply up to 6.48 mg/30 days of water to the applicant's golf course irrigation system from new Well No. FH 1 in the Magothy Formation. The project is located in the Appoquinimink River Watershed in the Town of Middletown, New Castle County, DE.

4. *Ralph Franceschini D-81-49-3.* An application for the renewal of a groundwater withdrawal project to increase withdrawal from 5.83 mg/30 days to 21.3 mg/30 days to supply the applicant's field crops from existing Wells Nos. 1 and 3. The project is located in the Manantico Creek Watershed in the City of Vineland, Cumberland County, NJ.

5. *Mount Laurel Municipal Utilities Authority D-85-9 CP-3.* An application for the renewal of a groundwater withdrawal project to continue withdrawal of 120 mg/30 days to supply the applicant's public supply distribution system from existing Wells Nos. 3, 4 and 6 and to convert existing Well No. 7 to an Aquifer Storage and Recovery Well. The project is located in the North Branch Pennsauken Creek Watershed in Mount Laurel Township, Burlington County, NJ.

6. *Alcan Packaging D-92-14-2.* An application for the renewal of two of the applicant's existing Wells Nos. 5A

and 11; Wells Nos. 13—16 have been transferred to The Glass Group, Inc. and Wells Nos. 1 and 12 have been abandoned and sealed. The total combined allocation of 65.3 mg/30 days for the existing wells has been reduced to 30.0 mg/30 days. The wells will continue to supply the applicant's manufacturing facility in the Maurice River Watershed. The project is located in the City of Millville, Cumberland County, NJ. (This was NAR'd as Lawson Mardon Wheaton, Inc. D-92-14 Renewal.)

7. *Newton Country Club D-92-25-2.* An application for renewal of a groundwater and surface water withdrawal project to continue to supply up to 6.167 mg/30 days of water for supplemental irrigation of the applicant's golf course from existing Wells Nos. 1 and 2 in the Martinsburg Shale Formation and existing surface water Intakes Nos. 1 and 2. The project is located in the Paulins Kill Watershed in Andover Township, Sussex County, NJ.

8. *Upper Deerfield Township D-93-16 CP-2.* An application for renewal of a groundwater withdrawal project to continue to supply up to 19.8 mg/30 days to the applicant's public water supply distribution system from existing Wells Nos. 3 and 4, located in the Cohansey Formation within the Cohansey River Watershed in Upper Deerfield Township, Cumberland County, NJ.

9. *Magnesium Elektron, Inc. D-94-73.* An application for approval of a groundwater withdrawal project to supply up to 9.8 mg/30 days of water as part of the applicant's groundwater remediation system and industrial supply from Wells Nos. 1—6, 8 and S2. The project is located in the Wickecheoke Creek Watershed in Kingwood Township, Hunterdon County, NJ.

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

11. *Six Flags Great Adventure D-96-6.* A revised application for a surface water withdrawal for irrigation of the applicant's Safari Park. The proposed project withdrawal is from two existing intakes on Lahaway Creek, a tributary of Crosswicks Creek and to be operated in conjunction with water imported from Well No. IR-1 located in the Atlantic Basin as well as 18 existing wells for washing animals and structures. The total combined withdrawal from all sources is limited to 11.59 mg/30 days. The project is located in Jackson Township, Ocean County, NJ.

12. *New Jersey-American Water Company D-2001-3 CP.* An application for approval of a groundwater withdrawal project to supply up to 4.1 mg/30 days of water to the applicant's public water distribution system from recently acquired Well No. 1. The project well is located in the Mt. Laurel-Wenonah Aquifer in the North Branch Rancocas Creek Watershed in Pemberton Township, Burlington County, NJ and will continue to serve Sunbury Village.

13. *Citgo Asphalt Refining Company D-2001-27.* An application for an increase in surface water withdrawal from 4.69 mg/30 days to 7.79 mg/30 days for the applicant's asphalt manufacturing process. The water is used as industrial noncontact process water for the purpose of steam production to heat storage tanks and pipelines in the petroleum refining process. The increase in surface

water is intended to offset the previous use of groundwater from the Potomac-Raritan-Magothy Aquifer from two wells which are now abandoned. Following 10% consumptive loss in the asphalt refining process, wastewater generated from the facility is routed to the Gloucester County Utility Authority Sewage Treatment Plant for treatment and discharge to the Delaware River. The applicant will continue to withdraw water from the tidal portion of Mantua Creek adjacent to the facility, approximately 3,000 feet from the Delaware River in West Deptford Township, Gloucester County, NJ.

14. *Narrowsburg Water District D-92-81 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 4.11 mg/30 days to supply the applicant's public water supply system. The renewal continues the use of Well Nos. 2 and 3 as sources and includes a request to approve the use of replacement Well No. 1, TTW-1R, which replaces old Well No. 1, TTW-1. Old Well No. 1, TTW-1, was taken out of service in 1994 due to potential contamination. The project is located in the Glacial Outwash and Honesdale Formations in the Town of Tusten, Sullivan County, NY.

15. *Borough of Kutztown D-83-23 CP-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 60 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 2, 3A, 4 and 5 in the Epler and Ontelaunee Formations. The project is located in the Sacony Creek Watershed in Maxatawny Township, Berks County.

16. *Reliant Energy Mid Atlantic Power Holdings, LLC D-87-26-2*. An application to modify an industrial wastewater and stormwater discharge to the Schuylkill River from the Titus Generating Station. The coal-fired 225 megawatt electric generating station is located in Cumru Township, Berks County. The docket holder is currently permitted to discharge an average monthly total dissolved solids (TDS) concentration of 2,500 milligrams per liter (mg/l) from Outfall 004, which is used only on an intermittent basis. The Department of Environmental Protection has based its NPDES permit limits for this outfall on a flow of 1.007 million gallons per day (mgd). The docket holder has requested modification of its docket to allow an increase in its average monthly discharge concentration of TDS to 3,500 mg/l, which equals the existing daily maximum limit. In support of its requested modification, the docket holder has completed an environmental study that indicates the proposed change would result in no significant adverse impact on the Schuylkill River. No increase in industrial waste treatment plant capacity or modification of the facilities is proposed. No increase in cooling water supply or approved discharge amounts from the docket holder's other outfalls is proposed. The project discharges to the Schuylkill River in an area that is conditionally designated "Modified Recreational" in the Commission's *Comprehensive Plan*.

17. *Alpine Mountain Ski Area D-90-8-2*. An application for the renewal of a surface water withdrawal project to continue withdrawal of 15 mg/30 days to supply the applicant's snow making operations from two surface water intakes in the Brodhead Creek. The project is located in Price Township, Monroe County.

18. *Upper Gwynedd Township D-91-88 CP-2*. An application to modify a 4.5 mgd sewage treatment plant (STP) to process up to 7 mgd during wet weather periods, without increasing the annual average flow. The proposed modifications will enable the STP to continue to provide advanced treatment and meet NPDES permit limitations.

STP effluent will continue to be discharged to Wisahickon Creek in the Schuylkill River Watershed. The STP is located just north of Township Line Road and east of North Wales Road in Upper Gwynedd Township, Montgomery County, and will continue to serve portions of Whitpain and Upper Gwynedd Townships in Montgomery County.

19. *North Penn Water Authority D-92-44 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 280 mg/30 days to supply the applicant's public water supply distribution system from 27 existing production wells, 11 emergency wells and 1 test well. The project is located in the East Branch Perkiomen, Perkiomen, Indian, Skippack, West Branch Skippack, Zacharias, Towamencin, Wissahickon, Three Mile Run, North Branch Neshaminy, West Branch Neshaminy and Pine Run watersheds in Franconia Township, Skippack Township, Lower Salford Township, Souderton Borough, Towamencin Township, Worcester Township, Lansdale Borough, Montgomery Township, Upper Gwynedd Township, East Rockhill Township, New Britain Township, Hatfield Township, Hilltown Township and New Britain Borough in Bucks and Montgomery Counties and is located in the Southeastern Pennsylvania Ground Water Protected Area.

20. *Pennsylvania American Water Company D-99-30 CP-3*. An application for approval of a groundwater withdrawal and water supply interconnection project to transfer up to 1.548 mgd from the applicant's Glen Alsace public water supply distribution system in Exeter Township, to the applicant's Douglasville public water supply distribution system in Amity Township. The applicant intends to transfer water derived from existing groundwater sources in the Glen Alsace distribution system and supplement demand in the Glen Alsace distribution system from existing interconnections with the Reading Area Water Authority (45 mg/30 days) and the Mount Penn Water Authority (6 mg/30 days). The applicant requests to retain its existing withdrawal of 50 mg/30 days from all wells in the Glen Alsace distribution system. The project is located in the Antietam Creek Watershed in Exeter Township, Berks County.

21. *Buckingham Township D-2003-13 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 3.5 mg/30 days of water to the applicant's public water supply distribution system from new Wells Nos. F-6 and F-7 in the Lockatong Formation. The requested allocation represents an increase from 37.5 mg/30 days to 41 mg/30 days. The project is located in the Neshaminy and Pine Creek watersheds in Buckingham Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

22. *Upper Hanover Authority D-2004-17 CP*. An application to expand a 0.06 mgd STP to process 0.098 mgd while improving upon secondary treatment by means of chemical addition for phosphorus removal. The plant is located on North State Street just outside the northwest border of East Greenville Borough in Upper Hanover Township, Montgomery County. The Perkiomen STP was formerly owned by TTT Realty, Inc. and Pillsbury, Inc. The plant will continue to treat wastewater from the processing of pierogies, but the additional capacity is needed to serve proposed residential development in Upper Hanover Township. Treatment plant effluent will continue to be discharged to Perkiomen Creek in the Schuylkill River Watershed by means of the existing outfall.

23. *Bucks County Water and Sewer Authority D-2004-39 CP-1*. An application for approval of a ground-water withdrawal project to supply up to 0.9 mg/30 days from Well No. 2C, 2.4 mg/30 days from Well No. 3B, 3.4 mg/30 days from the Morrissey B Well, 0.9 mg/30 days from the Morrissey C Well, 5.2 mg/30 days from the New Hope Manor C Well and 1.5 mg/30 days from the Delaware River intake at the Waterworks Treatment Plant to the applicant's public supply distribution system and to limit the existing withdrawal from all sources to 14.3 mg/30 days. The project is located in the Rabbit Run and Delaware River Watersheds in New Hope Borough, Bucks County.

In addition to the public hearing on the dockets, the Commission's 1:30 p.m. business meeting will include public hearings on a resolution extending temporary designation of the Lower Delaware River as Special Protection Waters and a resolution to approve the Water Resources Program for 2006-2011, as well as consideration of a resolution renaming the Flow Management Technical Advisory Committee and modifying its membership and a resolution authorizing the executive director to enter into memoranda of agreement with partners in accordance with a United States Environmental Protection Agency's grant for the development of tools for sustainable watershed management based upon hydrologic relationships in the Pocono Creek Watershed.

The meeting will also include: adoption of the Minutes of the July 20, 2005, business meeting; announcements; a report on basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; and an opportunity for public dialogue. Draft dockets and the resolutions scheduled for public hearing on September 26, 2005, will be posted on the Commission's website, www.drbc.net (select "Next DRBC meeting"). Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 05-1717. Filed for public inspection September 16, 2005, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Application Period for Farm Safety and Occupational Health Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Farm Safety and Occupational Health (FSOH) Grant Program for Fiscal Year 2006. Grant applications will be accepted at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Room G-13, Harrisburg, PA 17110-9408, from August 30, 2005, to October 30, 2005. Applications must be postmarked by October 30, 2005, to be considered for funding.

The FSOH Grant Program was created by the General Assembly through the passage of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1901—1915), effective February 10, 1995. The FSOH Grant Program is funded through a specific appropriation provided for in the act. For guidelines, see the FSOH Grant Program Guidelines.

The FSOH Grant Program will award financial assistance of up to \$2,500 to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs. The applications will be evaluated using criteria set forth in the Statement of Policy.

Obtaining Applications

Applications are available on the Department's website: www.agriculture.state.pa.us. Click on "Funding Opportunities" located in the listing on the left side of the home page. The FSOH Grant application and guidelines are the ninth and tenth listings. Applications also are available upon request by contacting Shiree Hunter, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5202, fax (717) 783-3275.

For further assistance, contact Phillip Pitzer Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5206.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 05-1718. Filed for public inspection September 16, 2005, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending September 6, 2005.

BANKING INSTITUTIONS**Holding Company Acquisitions**

<i>Date</i>	<i>Name of corporation</i>	<i>Location</i>	<i>Action</i>
8-31-05	Willow Grove Bancorp, Inc., Maple Glen, to acquire 100% of the voting shares of Chester Valley Bancorp, Inc., Downingtown, and thereby indirectly acquire First Financial Bank, Downingtown, wholly owned subsidiary of Chester Valley Bancorp, Inc.	Maple Glen	Effective

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-2-05	Graystone Bank Lancaster Lancaster County	100 Granite Run Road Lancaster Lancaster County	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-31-05	Willow Grove Bank, Maple Glen, and First Financial Bank, Downingtown Surviving Institution—Willow Grove Bank, Maple Glen	Maple Glen	Effective
9-2-05	Clearfield Bank & Trust Company Clearfield Clearfield County Purchase of assets/assumption of liabilities of six offices of First Commonwealth Bank, IN Located at: Ames Plaza Route 22 Huntingdon Huntingdon County 501 Penn Street Huntingdon Huntingdon County 16 West Shirley Street Mount Union Huntingdon County	Clearfield 729 Main Street Saxton Bedford County Ashman Street Three Springs Huntingdon County 101 High Street Williamsburg Blair County	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-22-05	Citizens & Northern Bank Wellsboro Tioga County	230-232 Railroad Street Jersey Shore Lycoming County	Opened
8-29-05	First Savings Bank of Perkasie Perkasie Bucks County	219 South Ninth Street Perkasie Bucks County	Approved
8-30-05	East Penn Bank Emmaus Lehigh County	4510 Bath Pike Hanover Township Northampton County	Approved
8-30-05	Community Banks Millersburg Dauphin County	Village at Sprenkle Drive 1802 Folkemer Circle Manchester Township York County (Limited Service Facility)	Filed
9-2-05	Keystone Nazareth Bank and Trust Co. Bethlehem Northampton County	211 Best Avenue Walnutport Lehigh County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-29-05	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 1139 Chestnut Street Philadelphia Philadelphia County <i>From:</i> 1200 Chestnut Street Philadelphia Philadelphia County	Approved
9-1-05	ESB Bank Ellwood City Lawrence County	<i>To:</i> 1552 Beechview Avenue Pittsburgh Allegheny County <i>From:</i> 1609 Broadway Avenue Pittsburgh Allegheny County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-1-05	Community Banks Millersburg Dauphin County	Amendment to Article I of the Articles of Incorporation provides for a change in name from "Community Banks" to "CommunityBanks."	Approved and Effective

SAVINGS INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
9-1-05	Slovenian Savings and Loan Association of Franklin-Conemaugh Conemaugh Cambria County	585 Goucher Street Upper Yoder Township Cambria County	Approved

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1719. Filed for public inspection September 16, 2005, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, September 28, 2005, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 05-1720. Filed for public inspection September 16, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Cabrini College for Approval of Amendment of its Articles of Incorporation

Opportunity for Hearing and Invitation to Protest

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

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

Petitions to intervene, protest and request for hearing shall be filed by 4 p.m. on the due date prescribed by this notice with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448. Persons wishing to review the application should phone or write to the aforementioned office to

schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol

Gisselquist, (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK,
Acting Secretary

[Pa.B. Doc. No. 05-1721. Filed for public inspection September 16, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0046353	Waymart Area Authority P. O. Box 3300 Waymart, PA 18472-0224	Waymart Borough and Canaan Township Wayne County	Van Auken Creek HQ-CWF	Y
PAS222202	Bestway Enterprises, Inc. 3877 Luker Road Cortland, NY 13047	Monroe County Barrett Township	Cranberry Creek (1E)	Y
PA0060950	Lackawanna Trail School District P. O. Box 85 Factoryville, PA 18419	Wyoming County Clinton Township	UNT to South Branch Tunkhannock Creek (4F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0024457 (Sewage)	Halifax Municipal Authority P. O. Box 443 Halifax, PA 17032-0443	Dauphin County Halifax Borough	Susquehanna River/6C	Y
PA0082201 (Sewage)	Letterkenny Township Municipal Authority 4924 Orrstown Road Orrstown, PA 17244-9503	Franklin County Letterkenny Township	Conodoguinet Creek/7-B	Y
PAS10H091R	Spring Meadows Park South Middleton Township 520 Park Drive Boiling Springs, PA 17007	Cumberland South Middleton Township Recreation Park	Yellow Breeches Creek/HQ/CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0024392	Rouseville Borough P. O. Box 317 Rouseville, PA 16344-0317	Cornplanter Township Venango County	Oil Creek 16-E	Y
PA0101907	Emlenton Area Municipal Authority P. O. Box 408 Emlenton, PA 16373-0448	Salem Township Clarion County	Richey Run 16-G	Y
PA0221317	Allegheny-Clarion Valley Industrial Park P. O. Box 311 Foxburg, PA 16036	Allegheny Township Butler County	UNT to Little Scrubgrass Creek 16-G	Y
PA0034959	Pinebloom Corp. d/b/a Wolf's Camping Resort 308 Timberwolf Run Knox, PA 16232	Beaver Township Clarion County	UNT to Canoe Creek 17-B	Y
PA0103519	Western Pennsylvania Church of God—Whitehall Camp R. D. 1, Box 31 Emlenton, PA 16373	Richland Township Venango County	UNT to Richey Run 16-G	Y

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

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

PA0057916, Industrial Waste, **Schlumberger Technology Corporation**, 225 Schlumberger Drive, Sugar Land, TX 77478. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Activity: An application for the renewal of an NPDES permit to discharge treated groundwater from the North Penn Area 12 Superfund Site.

The receiving stream, a UNT to Stony Creek, is in the State Water Plan watershed 3F and is classified for TSF. The nearest downstream public water supply intake for City of Norristown is located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 50,000 gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
1,1,1- Trichloroethylene			0.002	0.004	0.005
1,1-Dichloroethane			0.0004	0.0008	0.001
1,1-Dichloroethylene			0.0004	0.0008	0.001
Chloroform			0.0002	0.0004	0.0005
Tetrachloroethylene			0.002	0.004	0.005
Trichloroethylene			0.005	0.010	0.012
pH			not less than 6.0 nor greater than 9.0		

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

1. Remedial Measures.
2. Acquire Necessary Property Rights.
3. Dry Stream Discharge.
4. BAT/BCT Reopener.
5. EPA Test Methods.
6. Change of Ownership.
7. Proper Sludge Disposal.
8. Stripping Tower Wastewaters.
9. Groundwater Monitoring and Reporting.

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

Application No. PA 0247685, Concentrated Animal Feeding Operation (CAFO), **Rohrer Dairy Farms, LLC (Rohrer Farm)**, 124 Charlestown Road, Washington Borough, PA 17582.

Rohrer Dairy Farms, LLC has submitted an application for an Individual NPDES permit for an expanding CAFO known as Rohrer Farm, located at 124 Charlestown Road in Manor Township, **Lancaster County**.

The CAFO is situated near Stamans Run and UNT to Stamans Run in Watershed 7-G, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 2,002.9 animal equivalent units (AEUs) consisting of 3,225 dairy cows, heifers, calves and swine. The animals will be housed in four free stall barns and three other barns. Manure is collected in under barn pits, bedding pack, storage tanks and an earthen pond. The total capacity of the manure storage facilities is 6,511,000 gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. In addition, the permit contains schedules to reduce stormwater runoff at main farm and monitor groundwater, line or replace earthen pond at the Charles Farm.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

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

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

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

Application No. PA 0247782, Industrial Waste, SIC Code 5015, **Value Auto Salvage**, R. R. 2, Box 168, Huntingdon, PA 16652. This facility is located in Jackson Township, **Huntingdon County**.

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

The receiving stream, Standing Stone Creek, is in Watershed 11-B and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Water Authority located on the Juniata River, approximately 103 miles downstream. The discharge is not expected to affect the water supply.

The permittee must monitor and report results for the water quality parameters listed as follows:

<i>Discharge Parameter</i>	<i>Units</i>	<i>Sample Type</i>	<i>Measurement Frequency</i>
CBOD ₅	mg/l	1 grab	1/year
Chemical Oxygen Demand	mg/l	1 grab	1/year
Oil and Grease	mg/l	1 grab	1/year
pH	SU	1 grab	1/year
Total Suspended Solids	mg/l	1 grab	1/year
Total Kjeldahl Nitrogen	mg/l	1 grab	1/year
Total Phosphorus	mg/l	1 grab	1/year
Iron (Total)	mg/l	1 grab	1/year

The permittee may conduct an annual inspection in lieu of annual monitoring for the parameters listed.

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

The EPA waiver is in effect.

Application No. PA 0247774, Industrial Waste, SIC Code 5015, **Mueller's Auto Recycling & Sales**, R. D. 6, Box 355, Altoona, PA 16601. This facility is located in Logan Township, **Blair County**.

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

The receiving stream, a UNT to Mill Run, is in Watershed 11-A and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Water Authority located on the Juniata River, approximately 141 miles downstream. The discharge is not expected to affect the water supply.

The permittee must monitor and report results for the water quality parameters as follows.

<i>Discharge Parameter</i>	<i>Units</i>	<i>Sample Type</i>	<i>Measurement Frequency</i>
CBOD ₅	mg/l	1 grab	1/year
Chemical Oxygen Demand	mg/l	1 grab	1/year
Oil and Grease	mg/l	1 grab	1/year
pH	s.u.	1 grab	1/year
Total Suspended Solids	mg/l	1 grab	1/year
Total Kjeldahl Nitrogen	mg/l	1 grab	1/year
Total Phosphorous	mg/l	1 grab	1/year
Effluent Guideline Pollutants ⁽⁸⁾	mg/l	1 grab	1/year
Iron (Total)	mg/l	1 grab	1/year

The permittee may conduct an annual inspection in lieu of annual monitoring for the parameters listed.

Persons 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.

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. 2205403, Sewerage, **Mountainview Thoroughbred Racing Association—PennNational of Grantville**, P. O. Box 32, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of a 0.23 mgd wastewater treatment plant to replace an existing 0.23 mgd wastewater treatment plant.

WQM Permit No. 0605412, Sewerage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of the wastewater treatment plant expansion and Pine Street Pumping Station Upgrade.

WQM Permit No. 4473401 Amendment 05-1, Sewerage, **Brown Township Municipal Authority**, 7748 State Route 655, Reedsville, PA 17084-9148. This proposed facility is located in Brown Township, **Mifflin County**.

Description of Proposed Action/Activity: Proposed project involves the addition of new biosolids digestion, thickening and holding tanks.

WQM Permit No. 0705201, CAFO, **Kulp Family Farms**, R. R. 2, Box 142B, Martinsburg, PA 16662. This proposed facility is located in Tyrone Township, **Blair County**.

Description of Proposed Action/Activity: Construction of a manure storage structure.

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

WQM Permit No. 0205201, Industrial Waste, **Pittsburgh Allegheny County Thermal, LTD**, 120 Cecil Way, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a new boiler water pretreatment system.

WQM Permit No. 2605402, Sewerage, **Albert Palmer**, P. O. Box 622, Perryopolis, PA 15473. This proposed facility is located in Perryopolis Borough, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station to serve Phase II of the Perry Hills Residential Subdivision.

WQG Permit No. 016113, Sewerage, **Laura Ellek**, P. O. Box 158, Colliers, WV 26035. This proposed facility is located in Jefferson Township, **Washington 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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G410RA1	Pulte Homes of PA, LLC 1100 Northbrook Drive Suite 200 Trevose, PA 19053	Chester	East Goshen Township	Ridley Creek (HQ-TSF)
PAS10G527A1	Toll PA II, LP Orleans @ Upper Uwchlan, LP K. Hovnanian @ Upper Uwchlan 325 Fellowship Road Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Pickering Creek (HQ-TSF)
PAI011505060	Willow creek, LLC c/o Keystone Custom Homes 214A Willow Valley Lakes Drive Willow Street, PA 17584	Chester	Lower Oxford Township	UNT West Branch Big Elk Creek (HQ-TSF-MF)
PAI011505061	New London Presbyterian Church P. O. Box 269 New London, PA 19360	Chester	New London Township	Hodgson Run (HQ-TSF-MF)
PAI011505062	Supervisors of West Nantmeal Township 455 North Manor Road Elverson, PA 19520	Chester	West Nantmeal Township	UNT East Branch Brandywine Creek (HQ-TSF-MF)
PAI011505063	Richard J. Procopio, Sr., LLC Specialty Resources 112 Oscar Way Chester Springs, PA 19425	Chester	Upper Uwchlan Township	UNT Pickering Creek (HQ-TSF)
PAI011505064	Gorski Engineering, Inc. 1 Iron Bridge Drive Collegetown, PA 19426	Chester	East Whiteland Township	UNT Valley Creek (EV)

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505018	Matzel Development, LLC 1411 State Hwy. 35 North Ocean, NJ 07712	Monroe	Tobyhanna Township	Twomile Run HQ-CWF

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032105011	Robert D. Henry, III 35 Irish Gap Road Newville, PA 17241	Cumberland	Penn Township	Yellow Breeches Creek/HQ-CWF
PAI032105008	South Middleton School District 4 Forge Rd. Boiling Springs, PA 17007	Cumberland	South Middleton Township	Yellow Breeches Creek/ HQ-CWF
PAI035005008	Lawrence S. Hardy 24 South Front Street Newport, PA 17074	Perry	Juniata Township	Little Buffalo Creek/ HQ-CWF
PAI032805009	Brandale, LLC 3357 Scotland Road Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch/ HQ/CWF

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

Armstrong County Conservation District: Armsdale Administration Building, 124 Armsdale Road, Suite B-2, Kittanning, PA 16201 (724) 548-3425.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI050305003	West Penn Power Company d/b/a Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601-1689	Armstrong	South Buffalo Township	Buffalo Creek (HQ-TSF)

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

Jefferson Conservation District, 1514 Route 28, Brookville, PA 15825, (814) 849-7463.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI063305001	Rose Township Municipal Authority	Jefferson	Rose Township Knox Township Brookville Borough	Sandy Lick Creek (TSF) UNT Campbell Run (CSF) Swamp Run (CWF) Five Mile Run (CWF) Clement Run (CWF) UNT North Fork (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

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

Permit No. 4605505., Public Water Supply
 Applicant **Pottstown Borough Authority**
 Township Upper Pottsgrove
 County **Montgomery**
 Responsible Official Jack P. Layne, Jr.
 Type of Facility PWS
 Consulting Engineer BCM Engineers
 Application Received August 17, 2005
 Date
 Description of Action Construction of a transmission
 main and a booster pump
 station.

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

Permit No. 3605501, Public Water Supply.
 Applicant **Stoltzfus Meats, Inc.**
 Municipality Leacock Township
 County **Lancaster**
 Responsible Official J. M. Stoltzfus, Owner
 P. O. Box 375
 Intercourse, PA 17534
 Type of Facility Public Water Supply
 Consulting Engineer David T. Lewis, P. E.
 ARRO Consulting, Inc.
 270 Granite Run Drive
 Lancaster, PA 17601
 Application Received 1/31/2005
 Date
 Description of Action Installation of a new facility to
 serve a retirement center.
 Treatment to consists of
 disinfection, aeration and
 softening. The system will be
 supplied by 2 wells.

Permit No. 3605502, Public Water Supply.
 Applicant **Manheim Borough Authority**
 Municipality Manheim Borough
 County **Lancaster**
 Responsible Official Robert D. Stoner, Manger
 15 East High Street
 Manheim, PA 17545
 Type of Facility Public Water Supply
 Consulting Engineer George H. Wagner, Jr.
 Rettew Assoc., Inc.
 3020 Columbia Ave.
 Lancaster, PA 17603
 Application Received 2/11/2005
 Date
 Description of Action The addition of Well No. 6 to
 augment the existiing sources of
 supply.

Permit No. 0505501, Public Water Supply.
 Applicant **Snake Spring Township
 Municipal Authority**
 Municipality Snake Spring Township

County **Bedford**
 Responsible Official Gregg S. Grace, Chairperson
 624 Pennknoll Road
 Everett, PA 15537
 Type of Facility Public Water Supply
 Consulting Engineer Timothy A Cooper, P. E.
 Stiffler McGraw & Associates
 Inc.
 19 N. Juniata Street
 Hollidaysburg, PA 16648
 Application Received 1/12/2005
 Date
 Description of Action Application for a new system to
 serve residence on Snake Spring
 Township. System will consists of
 two wells and related treatment.

Permit No. 2805502, Public Water Supply.
 Applicant **Washington Township
 Municipal Authority**
 Municipality Washington Township
 County **Franklin**
 Responsible Official Eugene A. Barnhart, Manager
 11102 Buchanan Trail East
 Waynesboro, PA 17268-9424
 Type of Facility Public Water Supply
 Consulting Engineer Harry E Bingaman, P. E.
 Glace Assoc., Inc.
 3705 Trindle Rd.
 Camp Hill, PA 17011
 Application Received 3/17/2005
 Date
 Description of Action Addition of the Hess Well to
 augment the existing sources of
 supply

Permit No. 3605507, Public Water Supply.
 Applicant **Lancaster Estates Condo
 Association**
 Municipality Rapho Township
 County **Lancaster**
 Responsible Official Robert A. Sowers, Condo
 Manager
 2961 Spangler Road
 Manheim, PA 17545
 Type of Facility Public Water Supply
 Consulting Engineer Edmond G. McCorkle, P. E.
 Lake Roeder Hilllard &
 Associates
 313 West Liberty Street
 Lancaster, PA 17603
 Application Received 3/31/2005
 Date
 Description of Action Addition of a new well to
 augment the existing sources of
 supply.

Permit No. 2805504, Public Water Supply.
 Applicant **Heritage Hills Retirement
 Home**
 Municipality Antrim Township

County **Franklin**
 Responsible Official Kim Robinson, President/Owner
 2256 Shanks Church Road
 Greencastle, PA 17225H
 Type of Facility Public Water Supply
 Consulting Engineer Robert Schemmerling
 Civil Design & Management, Inc.
 41 S. Antrim Way
 Greencastle, PA 17225
 Application Received Date 5/24/2005
 Description of Action Application for a well and
 treatment to serve the existing
 retirement home.

Permit No. 3605508, Public Water Supply.

Applicant **Ephrata Area Joint Authority**
 Municipality Ephrata Borough
 County **Lancaster**
 Responsible Official Gary A Nace, Secretary
 114 East Main Street
 Ephrata, PA 17522-2792
 Type of Facility Public Water Supply
 Consulting Engineer James C Elliot, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100
 Application Received Date 5/31/2005
 Description of Action Installation of a nano-membrane
 (RO) system to treat existing
 Well No. 4.

Permit No. 0105508, Public Water Supply.

Applicant **Bonneauville Borough
 Municipal Authority**
 Municipality Bonneauville Borough
 County **Adams**
 Responsible Official Bernard Shanbrook
 86 W. Hanover St.
 Gettysburg, PA 17325
 Type of Facility Public Water Supply
 Consulting Engineer Mark S Snyder, P. E.
 Buchart-Horn, Inc.
 445 West Philadelphia Street
 York, PA 17405-7040
 Application Received Date 8/1/2005
 Description of Action The construction of the Meadows
 Wells A and B.

Permit No. 2205505, Public Water Supply.

Applicant **Custer Homes, Inc.**
 Municipality Susquehanna Township
 County **Dauphin**
 Responsible Official Stanford Custer, Sr.
 4421 Fargreen Rd.
 Harrisburg, PA 17110
 Type of Facility Public Water Supply

Consulting Engineer Charles A Kehew, II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George St.
 York, PA 17401
 Application Received Date 8/19/2005
 Description of Action Addition of an existing well No.
 2 as a new source of supply.

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

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

WA 22-303I, Water Allocations. **United Water Pennsylvania, Dauphin County**. The applicant was granted the right to withdraw a maximum of 17.0 million gallon per day (mgd) from the Susquehanna River at an existing intake, a maximum of 12.0 mgd from Stony Creek at an existing intake with a combined maximum withdrawal of 17.0 mgd from both sources. Also, the right to withdraw a maximum of 4.5 mgd from Swatara Creek at an existing intake. Consulting Engineer: Jason D. Wert, P. E., Herbert Rowland & Grubic, Inc. Permit Issued: 8/30/2005.

**LAND RECYCLING AND
 ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate
 Submitted under the Land Recycling and 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.

Greg's Automotive Repair, Gettysburg Borough, Adams County. Alliance Environmental, 1820 Linglestown Road, Harrisburg, PA 17103, on behalf of Donald J. McMaster, 656 Granite Station Road, Gettysburg, PA 17325, submitted a Notice of Intent to Remediate groundwater and site soils contaminated with gasoline constituents. Future use of the property will be occupied by a commercial pizza franchise. The applicant intends to document remediation to the Site-Specific Standard.

Honey Run Golf Club, Dover Township, York County. Apex Environmental, Inc., 15850 Crabbs Branch Way, Suite 200, Rockville, MD 20855, on behalf of Honey Run Golf Course, c/o James Poff, IBG Partners, LLC, 1717 Pennsylvania Avenue, Suite 630, NW, Washington, DC 20006, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. Future use of the property will continue as a golf course. The applicant intends to document remediation of the site to a State-wide Health Standard.

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

Loyalsock Home Depot, 1700 East Third Street, Williamsport, PA 17701, Loyalsock Township, Lycoming County, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate soil contaminated with residual waste and petroleum. This site is being remediated to meet a Site-Specific Standard.

Rothermel Property, Routes 11 and 15, Selinsgrove, PA, Monroe Township, Snyder County, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate soil contaminated with gasoline. This site is being remediated to meet a Statewide Health Standard.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management (35 P. S. §§ 6018.101—

6018.1003) and act of June 28, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Onyx Waste Services, Inc., R. R. 2, P. O. Box 0, Route 219N, Brockway, PA 15824. License No. PA-HC 0199. Received on August 2, 2005.

Weavertown Transport Leasing, Inc., 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Received on August 2, 2005.

S. H. Bio-Waste, Ltd., P. O. Box 2117, Norristown, PA 19401. License No. PA-HC 0096. Received on August 24, 2005.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is con-

structed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

28-05030A: Industrial Power Generating Corp. (2250 Dabney Road, Richmond, VA 17011) for increased substitution rate for landfill gas as a fuel in their existing engine generator sets in Peters Township, **Franklin County**. This plan approval would allow for up to a 96% substitution of landfill gas for liquid fuel.

36-03157: Fertrell Co. (P. O. Box 265, Bainbridge, PA 17502) for installation of a new 7 mmBtu/hr rotary dryer at their Bainbridge plant in Conoy Township, **Lancaster County**.

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

08-313-020A: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) for construction of a new rotary calciner and fabric collector in North Towanda Township, **Bradford County**.

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

10-281H: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056), for construction of a new methylene chloride degreaser at their eV Products Building in Saxonburg, **Butler County**. This is a State-only V facility.

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

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

PA No. 66-315-035C: The Procter and Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629-0032) for modification of two paper machines in Washington Township, **Wyoming County**.

The Procter and Gamble Paper Products Company submitted to the Department of Environmental Protection (Department) an application for approval for a modification to an existing plan approval issued for the construction and operation of two paper machines. The proposed change would occur at their sources in Washington Township, Wyoming County. The application was submitted pursuant to 25 Pa. Code § 127.11 and has been reviewed in accordance with all applicable air quality regulations.

The company proposes to rebuild both paper machines by removing the two CPD dryers and installing one LFSR (Low Flow Suction Roll—vacuum drying) and two 7-foot diameter predryers (through-air drying). There are no changes planned for the burners and firing rates will remain well below the currently permitted levels. There are no emission increases anticipated with this hot air delivery systems change. Proposed modification and changes are not subject to the requirement of PSD regulations. A preliminary review of the information submitted by The Procter & Gamble Paper Products Company indicates that the construction and operation of the proposed two paper machines will meet all applicable air quality requirements. Based upon these findings, the Department plans to approve the application and issue a permit for the modification of two paper machines.

The information provided by the applicant and Department's own analysis indicates that after modification of paper machine, emissions from these paper machines will remain the same as previously approved. Particulate emissions will be 54.9 tpy; CO emissions will be 306 tpy; VOCs will be 380.2 tpy; and NOx emissions will be 206.9 tpy. The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards. No net increase will occur from this project, therefore, the modification is not subject to the NSR requirement.

To assure compliance with the applicable standards, the Department will place the following conditions on the plan approval.

1. Stack test shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139 of the Rules and Regulations of the Department to show compliance with the applicable standards.

2. NOx emissions from boilers Nos. 1, 2 and 4 shall be recorded continuously.

Persons wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address that follows. Each written comment shall include the following:

1. Name, address and telephone number of the person submitting the comment.

2. Identification of the proposed Plan Approval No. 66-315-035C.

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

Request for a public fact finding conference or hearing may also be made by writing the Department at the address shown as follows. A public conference may be held if the Department in its discretion decides that a conference is warranted on the basis of the information received. Persons who have submitted comments or have requested a conference will be notified of the decision to hold a conference by publication in a newspaper or in the *Pennsylvania Bulletin*, or by telephone, when the Department determines notification by telephone is sufficient. Comments and requests must be received by the Department no later than 30 days after final publication date.

Mark J. Wejkszner, P. E.
Chief of Engineering Services
Air Quality Program
Department of Environmental Protection
2 Public Square, Wilkes-Barre, PA 18711
(570) 826-2511

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

06-03063B: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of a small lead parts casting machine and associated lead pot controlled by an existing fabric collector and HEPA filter in the Kutztown Borough, **Berks County**. The facility is a non-Title V State-only facility. The approval will have emission limits for lead and particulate. The approval will also include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

06-05007C: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for modification of melt shop at their facility in the City of Reading, **Berks County**. The modification involves the construction of a new electric arc furnace G, the removal of three electric arc furnaces A—C and the conversion of an electric arc furnace D to a back-up unit. The new furnace is subject to 40 CFR Part 60, Subpart AA, Standards of Performance for New Stationary Sources. The modification will result in minor increases in the annual emissions from the facility. The approval will include restrictions, work practices, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility is presently covered by the Title Operating Permit No. 06-05007. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

36-05001C: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) for replacement of the PIF finish paint booth dry filter with a wet filter in their East Donegal Township, **Lancaster County**, facility. The replacement will not increase particulate matter emissions.

38-05019C: AES Ironwood, LLC (305 Prescott Road, Lebanon, PA 17042) to add a definition for load change periods to the existing approval for the combustion turbine generating plant in South Lebanon Township, **Lebanon County**. The turbines are subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines and the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments. This action will not significantly impact emissions from the facility. The plan approval and operating permit will include emission limits along with provisions for monitoring, recordkeeping, reporting and work practice standards to ensure the plant complies with the applicable air quality requirements.

67-05047A: Modern Landfill (4400 Mt. Pisgah Road, York, PA 17402-8240) for installation of a second enclosed flare in Windsor and Lower Windsor Townships, **York County**. The plan approval will include stack testing, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

61-004C: Electralloy (175 Main Street, Oil City, PA 16301) for the addition of a Praxair CoJet™ gas injection system on the EAF in the Borough of Oil City, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their plant in the Borough of Oil City, Venango County. The facility currently has a Title V permit which was issued October 31, 2002. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This application is for the addition of a Praxair CoJet™ gas injection system on the EAF. This system utilizes burners that will add natural gas, oxygen and an inert gas such as nitrogen or argon into the EAF. It is projected that the addition of gases into the furnace will increase the potential exhaust by upwards of 3,000 scfm. There will also be potential temperature increases caused by the addition of oxygen and natural gas. The maximum rated capacity of the furnace will not increase. The Plan Approval will require three valid emission tests with and without the Co-Jet burner. If the stack testing indicates that emissions have not increased with the addition of the Co-Jet burner, the Department will let the Plan Approval expire and the Co-Jet burner will be considered an exempted source. If the results of the stack testing show that the emission rates of pollutants with the Co-Jet burner on are significantly higher than with the Co-Jet burner off, emission limits will be established for those pollutants.

25-337A: Custom Engineering, Inc. (2800 McClelland Avenue, Erie, PA 16510) for construction of a coating booth in the City of Erie, **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the City of Erie, Erie County. This plan approval will authorize the construction of a coating booth. The facility has a current State-only Operating Permit. This plan approval will be incorporated into the State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's own analysis the VOCs emissions from the coating booth will be 4.8 tons/yr. Conditions of the plan approval include the following:

- The source shall use coatings that are compliant with 25 Pa. Code § 129.52, Table 1 (10)(e) for the category "air dried," miscellaneous metal parts and products only.
- Emissions of VOC are limited to 4.8 tons per year, described as any 12-month rolling period, for coating line 109 at this plant.
- The facility shall calculate VOC emissions from Source 109 on a monthly basis. This total shall be added to the previous 11-month total of VOC emissions to assure compliance with the 4.8 tpy limitation.
- Proposed changes in coatings and formulations shall be indicated to the Department for review at least 2 weeks prior to implementation.
- Records of coating usage shall be maintained in accordance with 25 Pa. Code § 129.52(c). Daily records shall be maintained of coating usage, gallons of diluents used and density of diluents used. The records shall be maintained for a period of 5 years and shall be made available to the Department upon request.
- A magnehelic gauge (or equivalent) shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the

panel collector. The gauge employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within plus or minus 2% of full scale reading.

- The Permittee shall notify the Department, within 60 days of initial startup of the pressure drop range developed across the collector during shakedown.
- Daily reading of the magnehelic gauge shall be taken and entered into a facility log. The log shall be kept onsite and be retained for a period of 5 years.

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

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

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

AMS 03022: Advance Technologies (2915 East Ontario Street, Philadelphia, PA 19134) for installation of two reactors for manufacturing esters, five condensers, two scrubbers, one 6.7 mmBtu/hr boiler and 16 less than 75 cubic meter storage tanks. The allowable VOC, NOx and HAP emissions from the facility are limited to less than 25 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

N04-002: Fox Chase Cancer Center (7701 Burhome Avenue, Philadelphia PA 19111) for operation of a hospital and research facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 5.5 mmBtu/hr boilers, one 8.5 mmBtu/hr boiler and eight emergency generators.

The operating permit will be reissued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or

comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

N05-004: Innovation Printing and Communications (2051 Byberry Road Philadelphia, PA 19116) for operation of a printing and lithography facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three Sheetfed, Offset, Lithographic Printing Presses and a 405,000 Btu/hr natural gas fired boiler.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S05-005: Pioneer Leathertouch, Inc. (2250 East Ontario Street, Philadelphia, PA 19134) for operation of a coated fabrics manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 150 hp boiler, one Rotogravure printing press and one gluer.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

AMS 05081: Sunoco Chemicals—Frankford Plant (Margaret and Bermuda Streets, Philadelphia, PA 19137) for installation of piping and a new sump lids for four sumps and installation of a carbon canister system on each new sump lid. The carbon canister systems shall reduce total organic compound and total organic hazardous air pollutant emissions by 95% or greater or to a maximum concentration of 20 ppmv. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

Permit No. 15-00105: Buckeye Pipe Line Transportation LLC (5002 Buckeye Road, Emmaus, PA 18049) for renewal of Title V Operating Permit No. 15-00105 in East Whiteland Township, **Chester County**.

Buckeye Pipe Line Transportation LLC—Malvern Station (8 South Malin Road, Frazer, PA 19355) is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). The Malvern Station is a refined petroleum transportation pipeline breakout station. The facility's major sources of emissions are gasoline and petroleum storage tanks, which primarily emit VOCs and HAPs.

Copies of the Title V renewal application, proposed permit and other relevant information are available for public review at the Department of Environmental Protection's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. An appointment to review the documents may be scheduled by contacting the Records Management Section at (484) 250-5910 between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections to Edward Brown, Chief, Facilities Permitting Section, 2 East Main Street, Norristown, PA 19401, within 30 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with the reference number of the proposed permit.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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

10-00037: Sonneborn, Inc. (Route 268, Petrolia, PA 16050) for reissuance of the Title V Operating Permit for this petroleum products processing facility in the Borough of Petrolia, **Butler County**.

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

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

23-00075: Rhodia, Inc. (2nd Street and Blueball Avenue, P. O. Box 429, Marcus Hook, PA 19061) for operation of a surfactants manufacturing facility in Marcus Hook Borough, **Delaware County**. The permit is for a non-Title V State-only facility. The major sources of air emissions are two reaction vessels and organic liquid

storage tanks. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

15-00041: Eastern Shore Natural Gas Co. (305 South Queen Street, Dover, DE 19904-3552) for operation of a natural gas transmission facility in Londonderry Township, **Chester County**. The facility's major emission points include five natural gas-fired internal combustion compressor engines and one natural gas-fired internal combustion emergency generator. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

15-00101: Kendal-Crosslands Communities (4109 East Baltimore Pike, East Marlborough, PA 19348) for operation of emergency generators and boilers at an assisted living facility in East Marlborough Township, **Bucks County**. The permit is for a non-Title V State-only facility. The major sources of air emissions are the 1,500 kW emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

34-03005: Energex American, Inc. (R. R. 5, Box 343, Mifflintown, PA 17059) for operation of a wood pellet manufacturing plant in Walker Township, **Juniata County**. The State-only operating permit will include emission limits along with provisions for monitoring, recordkeeping, reporting and work practice standards to ensure the plant complies with the applicable air quality requirements.

36-05126: McMinn's Asphalt Co., Inc. (Box 4688, Lancaster, PA 17604-4688) for a batch asphalt plant controlled by a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**. This batch mix hot asphalt plant is a non-Title V facility. McMinn's Asphalt Co., Inc. will restrict their hours of operation to be 1,388 hours per year and maintain an annual production capacity with a maximum of 500,000 tons. This operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

67-03052: BIMAX, Inc. (158 Industrial Road, Glen Rock, PA 17327) for production of specialty chemicals at their facility in Springfield Township, **York County**. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

10-00330: Butler Veterinary Associates, Inc. (1761 North Main Street, Butler, PA 16001) for reissuance of a Natural Minor Permit for operation of an animal crematory located in Center Township, **Butler County**.

42-175: Federal Corrections Institute—Bradford (Route 59 and Big Shanty Road, Bradford, PA 16701) Natural Minor operating permit for the corrections facility in Lewis Run, **McKean County**.

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:

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

* The parameter is applicable at all times.

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

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

11841603 and NPDES Permit No. PA0235377, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to revise the permit for the Portage Plant (known as the Sonman Preparation Facility) in Portage Township, **Cambria County** to change the operation name and add acreage to construct a new plant and thickener, ponds, refuse belt extensions and mine injections boreholes. Surface acres proposed 7.6. No additional discharges. Application received July 19, 2005.

5673705 and NPDES Permit No. NA, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to transfer the permit for the Windber Mine No. 78 CRDA in Paint Township, **Somerset County** from Pristine Resources, Inc. No additional discharges. Application received August 5, 2005.

56841328 and NPDES Permit No. PA0033677, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to transfer the permit for the Windber Mine No. 78 in Paint Township, **Somerset County** and Adams Township, **Cambria County** and related NPDES permit from Pristine Resources, Inc. and to revise the permit to perform mine rehabilitation activity. No additional discharges. Application received August 5, 2005.

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

56050107 and NPDES No. PA0249866, Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset**

County, affecting 124.4 acres. Receiving streams: Buffalo Creek and UNTs to Buffalo Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Meyersdale Municipal Authority. Application received August 29, 2005.

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

03880122 and NPDES Permit No. PA0591742. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal application to a bituminous surface mine for continued operation and reclamation, located in Cowanshannock and South Mahoning Townships, **Armstrong and Indiana Counties**, affecting 488 acres. Receiving streams UNTs to the North Branch of Plum Creek, classified for the following use CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Cowanshannock Township Municipal Authority, Sagamore Plant. Renewal application received: August 25, 2005.

09390122 and NPDES Permit No. PA0200816. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728-0157). Renewal application to a bituminous surface mine for reclamation only, location in Cowanshannock Township, **Armstrong County**, affecting 281.7 acres. Receiving streams: UNTs to South Branch South Fork Pine Creek, classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Cowanshannock Township Municipal Authority, Sagamore Plant. Renewal application received: August 25, 2005.

26050110 and NPDES Permit No. PA0250783. Albert F. Stiffler (141 Locust Road, Box 42-C, Normalville, PA 15469). Application for commencement, operation and restoration of a bituminous surface mine, located in Saltlick Township, **Fayette County**, affecting 156.9 acres. Receiving stream: UNT to Little Champion Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: August 24, 2005.

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

33960108 and NPDES Permit No. PA0227315. Opal Industries, Inc. (P. O. Box 980, Latrobe, PA 15650). Renewal of an existing bituminous surface strip operation in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: UNTs to Painter Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 29, 2005.

37050903. Grove City Materials, LP (R. R. 6, Box 344, New Castle, PA 16101). Commencement, operation and restoration of an incidental coal extraction operation in Wayne Township, **Lawrence County** affecting 10.0 acres. Receiving streams: Duck Run and UNT to Connoquenessing Creek, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Beaver Falls Municipal Authority. Application received: August 25, 2005.

16850116 and NPDES Permit No. PA0106577. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous surface strip, auger and coal ash disposal operation in Porter Township, **Clarion County** affecting 648.5 acres. Receiving streams: UNT to Leisure Run and Leisure Run and Long Run, classified for the following: CWF. The first down-

stream potable water supply intake from the point of discharge is the Redbank Valley Municipal Authority. Application for reclamation only. Application received July 28, 2005.

24743008 and NPDES Permit No. PA0127566. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip and auger operation in Fox Township, **Elk County** affecting 66.0 acres. Receiving streams: UNT to Benninger Creek and Benninger Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: July 29, 2005.

16990104 and NPDES Permit No. PA0241563. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface strip operation in Porter Township, **Clarion County** affecting 208.5 acres. Receiving streams: two UNTs of Leatherwood Creek; one UNT to West Fork Leatherwood Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a post mining landuse change from forestland to unmanaged natural habitat on the Clair G. Gourley now David Osikowicz property. Application received: August 1, 2005.

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

17050107 and NPDES No. PA0256269. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine located in Girard Township, **Clearfield County** affecting 210.2 acres. Receiving stream: UNTs to Little Surveyor Run and UNTs to Surveyor Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2005.

17950105 and NPDES Permit No. PA0220051. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Permit renewal of an existing bituminous surface and auger mine in New Washington and Newburg Boroughs, Chest Township, **Clearfield County** affecting 185.3 acres. Receiving streams: UNTs to Chest Creek. Application received: May 25, 2005.

Coal Applications Returned

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

17050102 and NPDES Permit No. PA0256188. Whitetail Contracting (P. O. Box 220, Woodland, PA 16881). Commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 18.5 acres. Receiving stream: Shimel Run classified for the following use: CWF. Application received: February 12, 2005. Application returned: May 17, 2005.

179101024 and NPDES Permit No. PA0206725. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824), major permit revision to temporarily relocate T-356 from a starting point approximately 3,484 feet south of the intersection of T-356 and SR 3011 to a point 2,870 feet south of the starting point. The permit is located in Brady Township, **Clearfield County** and affects 393 acres. Receiving streams: Beech Run and UNT to Laurel Branch. Application received: March 24, 2005. Application withdrawn: August 29, 2005.

17900143 and NPDES Permit No. PA0206458. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824),

major permit revisions to temporarily relocate Township Road 356 from a starting point approximately 3,484 feet south of the intersection of T-356 and SR-3011 to a point 2,870 feet south of the starting point. The application also includes a revision for a change in permit acreage from 342.5 to 344.7 acres. The permit is located in Penn Township, **Clearfield County**. Receiving streams: Irish Run and UNTs to Irish Run. Application received: March 24, 2005. Application withdrawn: August 29, 2005.

17814000 and NPDES Permit No. PA0608769. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824), major permit revision to temporarily relocate Township Road 356 from a starting point approximately 3,484 feet

south of the intersection of T-356 and SR-3011 to a point 2,870 feet south of the starting point. The permit is located in Penn Township, **Clearfield County** and affects 204.2 acres. Receiving streams: Irish Run and UNTs to Irish Run. Application received: March 24, 2005. Application withdrawn: August 29, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

33050304 and NPDES Permit No. PA0258008. Glen Gery Corporation (P. O. Box 7001, 1166 Spring Street, Wyomissing, PA 19610). Commencement, operation and restoration of a shale operation in Oliver Township, **Jefferson County** affecting 51.5 acres. Receiving streams: one UNT to Beaver Run and Beaver Run, classified for the following uses: HQ-CWF and one UNT to Little Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 26, 2005.

25970306. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412). Revision to add 2.0 acres to the surface mining permit in LeBoeuf Township, **Erie County**. New surface mine acreage will be 22.2 acres. Receiving streams: French Creek, classified for the following: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 25, 2005.

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

09050302. Waste Management Disposal Services of PA, Inc., (1121 Bordentown Road, Morrisville, PA 19067), commencement, operation and restoration of a quarry operation in Falls Township, **Bucks County** affecting 264.0 acres, receiving stream: Delaware River, classified for the following uses: WWF and MF. Application received August 24, 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

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

E48-364. Wagner Enterprises, Ltd., P. O. Box 3154, Easton, PA 18043, in City of Bethlehem, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To remove an existing 30-inch diameter stormwater outfall structure and to construct and maintain the following water obstructions and encroachments in and along Saucon Creek (CWF): 1) an 8-inch diameter sanitary sewer line in Saucon Creek; 2) a 48-inch diameter stormwater outfall structure and associated energy dissipator; and 3) a 6-inch diameter stormwater outfall pipe and a 14-inch by 23-inch elliptical stormwater outfall pipe in Saucon Creek. This work is associated with a proposed 32-unit apartment complex known as Saucon Square. The project is located on Fire Lane adjacent to Saucon Park (Hellertown, PA Quadrangle N: 18.4 inches; W: 13.6 inches).

E40-652. EAM-Mosca Corporation, 675 Jaycee Drive, West Hazleton, PA 18202-1155, in Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in 0.22 acre of PEM wetlands associated with the western expansion of an existing industrial building. Approximately 0.11 acre of wetlands within an existing stormwater swale will be impacted by site grading for the eastern building expansion. The project is located at 675 Jaycee Drive in the Valmont Industrial Park. (Conyngham, PA Quadrangle N: 16.0 inches; W: 3.5 inches).

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

E36-793: West Cocalico Township, 156B West Main Street, P. O. Box 244, Reinholds, PA 17569 in West Cocalico Township, **Lancaster County**, ACOE Baltimore District

To remove two deteriorating culverts in UNTs to Harnish Run (WWF) then construct and maintain: 1) a 24-inch by 31-foot smooth lined corrugated plastic pipe with type D-W endwalls which will have a permanent wetland impact of 0.002 acre and a temporary impact of 0.004 acre located at a point along Tannery Road (Womelsdorf, PA N: 4.8 inches; W: 2.4 inches); 2) a 3-foot by 5-foot by 30-foot reinforced concrete box culvert which will have a permanent wetland impact of 0.017 acre and a temporary impact of 0.057 acre located at a point along Blainsport Road (Womelsdorf, PA N: 5.0 inches; W: 2.0 inches) all in West Cocalico Township, Lancaster County.

E36-798: Aaron E. Fisher, 207 East Eby Road, Leola, PA 17540 in West Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 24' by 20' bridge over a UNT of Big Spring Run (WWF) for farm equipment access (Leola Quadrangle, 22.3 inches N 1.2 inches W) in West Lampeter Township, Lancaster County.

E22-495: Spring Creek Golf Course, 450 East Chocolate Avenue, Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore District

To grade in the floodway of Spring Creek (WWF) for the purpose of creating and relocating tee boxes and fairways on the property of Spring Creek Golf Course (Hershey, PA Quadrangle Latitude: 40° 17' 19", Longitude: 76° 38' 13") in Derry Township, Dauphin County.

E36-800: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103

in Colerain Township, **Lancaster County** and Lower Oxford Township, **Chester County**, ACOE Baltimore and ACOE Philadelphia.

To remove the existing structures and then to construct and maintain: 1) a two span bridge with a total span of 124 feet with an average underclearance of 7.7 feet across the channel of East Branch Octoraro Creek (TSF), a 36-inch diameter concrete pipe culvert and a 24-inch diameter concrete pipe culvert at the floodway of the same creek on SR 2013 (Bell Road); 2) a 7-foot by 6-foot concrete box culvert at the channel of a UNT to East Branch Octoraro Creek on SR 3085 (Cream Road) and associated improvements to improve the safety condition of the road located about 0.5 mile west of the village of Cream (Kirkwood, PA Quadrangle N: 14.6 inches; W: 2.5 inches) in Colerain Township, Lancaster County and Lower Oxford Township Chester County.

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

E17-412. Bradford Township, P. O. Box 79, Woodland, PA 16881, Bridge Construction in Bradford Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle N: 21.74 inches; W: 13.33 inches).

To: 1) remove the existing 54 inch by 78 inch corrugated metal pipe; 2) construct and maintain a CMP culvert measuring 85 inches by 112 inches; and 3) inlet and outlet concrete headwalls in Jake Run on Lake Street in Woodland about 0.2 mile south of SR 970. The project will not impact wetlands while impacting about 30 feet of waterway. Jake Run is a CWF Stream.

E41-551. Lycoming County Commissioners, 48 West Third Street, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit Application, in the City of Williamsport, **Lycoming County**, ACOE Susquehanna River Basin District (Williamsport, PA Quadrangle N: 22.3 inches; W: 13.9 inches).

To construct and maintain 4,200 linear feet of paved walkway measuring 14 feet wide along the Williamsport Levee system in floodway of the West Branch of the Susquehanna River, all of which is located along SR 0180 East, in the City of Williamsport, Lycoming County. The West Branch of the Susquehanna River is classified as a WWF.

E41-552. SEDA-COG Joint Rail Authority, 201 Furnace Road, Lewisburg, PA 17837. Water Obstruction and Encroachment Joint Permit Application, in City of Williamsport, **Lycoming County**, ACOE Susquehanna River Basin District (Williamsport, PA Quadrangle N: 20.0 inches; W: 10.3 inches).

To construct and maintain a 32-foot long by 27-foot wide rail line crossing consisting of four 33-inch by 44-inch aluminized squash pipes with concrete head and end walls within Reighards Run, located in the City of Williamsport, Lycoming County. This project proposes to have a minimal impact on Reighards Run, which is, designated a WWF. This project proposes to permanently impact 0.13 acre jurisdictional wetlands.

E55-203. John Fisher, P. O. Box 166, Beaver Springs, PA 17812. Fisher Crossing, in Spring Township, **Snyder County**, ACOE Baltimore District (McClure, PA Quadrangle N: 21.2 inches; W: 2.5 inches).

The applicant is proposing to remove an existing concrete ford crossing and construct, operate and maintain a

new private bridge crossing in the same location. The new structure will pass the 5-year storm event under the structure although the roadway approaches will be inundated during the same storm. Currently the ford structure poses potential fish passage issues and stability issues in the stream and the new structure will eliminate those impacts. This project will impact a total of 30 linear feet of the South branch of Middle Creek and will not impact any wetlands. The South Branch of Middle Creek is designated as a TSF.

E59-471. Keck's Food Service, R. R. 1, Box 70, Millerton, PA 16936. Wetland fill associated with access road constructed in Jackson Township, **Tioga County**, ACOE Baltimore District (Jackson Summit, PA Quadrangle N: 12.4; W: 2.25 inches).

To place and maintain fill in 0.037 acre wetland for the purpose of constructing a secondary access driveway required as an alternate route of entry for business location. The wetland is located at the headwaters of the Hammond Creek drainage which is classified as a CWF stream. The site is located approximately 5 miles west of Millerton on SR 0328.

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

E03-433. Equitable Gas Company, 225 North Shore Drive, Floor 2, Pittsburgh, PA 15212. To construct two new gas pipelines in Pine Township, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 8.58 inches; W: 11.63 inches and Latitude: 40° 55' 20"—Longitude: 79° 27' 33"). The applicant proposes to remove the existing gas pipelines and to construct and maintain two new gas pipelines across the channel of a UNT to the Allegheny River (WWF) for the purpose of replacing a leaking gas pipeline. The project is located approximately 400 feet upstream from the intersection of SR 1003 and SR 1030 and will impact 40 linear feet of stream channel.

E11-314. CDM Cambria Realty, LLC, 115 Union Avenue, Altoona, PA 16602. To place fill in wetlands in Stonycreek Township, **Cambria County**, Pittsburgh ACOE District (Johnstown, PA Quadrangle N: 8.95 inches; W: 1.4 inches and Latitude: 40° 17' 57"—Longitude: 78° 53' 06"). The applicant proposes to place and maintain fill in 0.09 acre of wetlands (PEM) for the purpose of developing a car dealership. The project is located off of Bedford Street.

E26-330. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. To construct section 51-A2 of the Mon Fayette Expressway in North Union and Menallen Townships, **Fayette County**, Pittsburgh ACOE District. The applicant proposes to construct:

1. An 85-foot long, 90-inch × 66-inch RC box culvert in a UNT to Jennings Run (WWF), Fan Hollow Road, Station 30+14 (Uniontown, PA Quadrangle N: 8.5 inches; W: 17.4 inches and Latitude: 39° 55' 19.32"—Longitude: 79° 44' 54.08").

2. A 145-foot long, 84-inch × 42-inch RC box culvert in a UNT to Jennings Run, Fan Hollow Road, Station 11+97 (New Salem, PA Quadrangle N: 8.0 inches; W: 0.45 inch and Latitude: 39° 55' 7.85"—Longitude: 79° 45' 11.36").

3. A 32-foot long, 48-inch diameter RC pipe culvert extension in a UNT to Jennings Run, SR 40, Station 570+18 (New Salem, PA Quadrangle N: 7.9 inches; W: 0.42 inch and Latitude: 39° 55' 3.69"—Longitude: 79° 45' 10.5").

4. A 272 foot long, 48-inch diameter RC pipe stream enclosure in a UNT to Redstone Creek (WWF), Ramp 119 S-N Station 55+55 (Uniontown, PA Quadrangle N: 7.7 inches; W: 14.4 inches and Latitude: 39° 55' 3.36"—Longitude: 79° 43' 42.43").

5. To place and maintain fill in 0.02 acre of wetlands (Uniontown, PA Quadrangle N: 7.7 inches; W: 14.4 inches and Latitude: 39° 55' 3.36"—Longitude: 79° 43' 42.43").

E32-472. Department of Transportation, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. To construct a culvert in Montgomery Township, **Indiana County**, Pittsburgh ACOE District (Burnside, PA Quadrangle N: 2.0 inches; W: 16.0 inches and Latitude: 40° 45' 32"—Longitude: 78° 52' 02"). The applicant proposes to remove the existing structure and to construct and maintain a 45.0 foot wide single cell, 1.0-foot depressed 9.0-foot by 8.0-foot precast reinforced concrete box culvert in a UNT to Cush Creek (CWF) for the purpose of improving transportation safety and roadway standards. The project will impact 0.22 acre of wetlands (PEM). The applicant is also proposing the relocation and maintenance of approximately 250 feet of a UNT to Cush Creek (CWF). The project is located on SR 286, Segment 1010, Offset 1617, Section 402, Station 687+00.

E56-338. Gilmour Properties, 104 North Center Avenue, Somerset, PA 15501. To fill wetlands in Somerset Borough, **Somerset County**, Pittsburgh ACOE District (Somerset, PA Quadrangle N: 3.25 inches, W: 11.25 inches and Latitude: 40° 01' 03"—Longitude: 79° 04' 49"). The applicant proposes to place and maintain fill in 1.56 acre of wetlands (PSS/PEM) for the purpose of developing a retail facility and associated parking along a UNT to Coxes Creek (TSF), located off of the Turnpike Interchange 110.

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

E10-409. Center Township Supervisors, 419 Sunset Drive, Butler, PA 16001. T-831 Glenwood Way Bridge, Across Connoquenessing Creek, in Center Township, **Butler County**, ACOE Pittsburgh District (Mount Chestnut, PA Quadrangle N: 5.5 inches; W: 1.6 inches).

To remove the existing structure and to construct and maintain a Composite Prestressed Concrete Spread Box Beam bridge having a clear span of 74.0 feet and an underclearance of 9.6 feet on a 75° skew across Connoquenessing Creek on T-831, approximately 2.25 miles North of Butler.

This project includes placement of fill in 0.04 acre of palustrine/scrub/shrub wetland habitat. Connoquenessing Creek is classified as a WWF.

E61-275. Bacou-Dalloz Fall Protection, 1345 15th Street, Franklin, PA 16323. Warehouse Expansion, in the City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 0.2 inch; W: 14.1 inches).

The applicant proposes to realign a UNT (drainage area less than 100 acres) to the Allegheny River for a length of approximately 225 feet as part of the expansion of a manufacturing facility and associated service, delivery and parking areas around the facility in the City of Franklin, Venango County approximately 0.7 mile south of the intersection of SR 8 and SR 62. The UNT to the Allegheny River is classified as a WWF. The project proposes to directly impact 225 feet of stream.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081957 (Industrial Waste)	Viacom, Inc. 11 Stanwix Street Pittsburgh, PA 15201	Adams County Cumberland Township	UNT to Rock Creek/13-D	Y
PA0081451 (Sewage)	Red Lion Area School District Clearview Elementary School	York County Chanceford Township	UNT to West Branch Toms Run/7-I	Y
PA0083691 (Industrial Waste)	West Earl Water Authority 157 West Metzler Road P. O. Box 202 Brownstown, PA 17508	Lancaster County West Earl Township	Conestoga River/7-J	Y
PA0086479 (Industrial Waste)	Dietrich's Milk Products, LLC 100 McKinley Avenue Reading, PA 19605-2199	Berks County Muhlenberg Township	Laurel Run/3-C	Y

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<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0053104 (Sewage)	Pleasant Hills Mobile Home Park P. O. Box 677 Morgantown, PA 19543-0677	Berks County Tilden Township	UNT Schuylkill River/3-B	Y
PA0086525 (Sewage)	Centre Township Municipal Authority 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	UNT Irish Creek/3-B	Y
PA0053007 (Sewage)	Director of Utilities ARC III, LLC One Mark Lane Honeybrook, PA 19344	Berks County Richmond Township	UNT Willow Creek/3-B	Y
PAR100137R	Conewago Resources 660 Edgegrove Road Hanover, PA 17331	Adams County Conewago Township	South Branch Conewago Creek/WWF	Y
PAR100144	The Links at Gettysburg-Garrison Falls Mason Dixon Road Gettysburg, PA 17325	Adams County Mount Joy Township	Rock Creek and Lousy Run/WWF	Y
PAR10I261R	Hershey Road Associates 2151 Linglestown Rd. Harrisburg, PA 17110	Dauphin County West Hanover Township	Manada Creek/Beaver Creek/WWF	Y
PAR10M259	Enclave Holdings Limited 819 Catherine St. Chambersburg PA 17201	Franklin County Chambersburg Boro	UNT to Conococheague Creek/WWF	Y
PAR10Y4312	Joseph Deerin Windsor Commons Apartments, LP 120 N. Pointe Blvd., Suite 301 Lancaster, PA 17601	York County Windsor Township	Kreutz Creek/WWF	Y
PAR10Y309R	Wellington Greens Phase 4 S & A Custom Built Homes 3039 N. George Street York, PA 17402	York County West Manchester Township	UNT to Little Conewago Creek/TSF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0027537 Industrial Waste	Township of Shaler 300 Wetzel Road Glenshaw, PA 15116-3388	Allegheny County Shaler Township	Allegheny River	Y
PA0097624 Industrial Waste	Glassmere Fuel Service 1967 Saxonburg Blvd. Tarentum, PA 15084	Allegheny County West Deer Township	UNT to Little Deer Creek	Y
PA0203696 Sewage	South Side Area School District 4949 State Route 151 Hookstown, PA 15050	Beaver County Greene Township	UNT of Little Traverse Creek	Y
PA0203998 Sewage	Rostraver Preferred Properties, Inc. 566 Donner Avenue Monessen, PA 15062	Westmoreland County Rostraver Township	Cedar Creek	Y
PA0216879 Sewage	Calandrella's, Inc. R. D. 2, Box 320 Avonmore, PA 15618	Westmoreland County Bell Township	UNT of Wolford Run	Y
PA0218456 Sewage	Elaine and Dale Wright 432 Lakeview Drive New Brighton, PA 15066	Beaver County New Sewickley Township	Brush Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032701	Department of Transportation Rest Area 20 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Washington Township Erie County	UNT to Boles Run 16-A	Y
PA0035548	Department of Transportation Rest Area 15 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Plain Grove Township Lawrence County	UNT to Jamison Run 20-C	Y
PA0035556	Department of Transportation Rest Area 16 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Plain Grove Township Lawrence County	UNT to Jamison Run 20-C	Y
PA0004251	Advanced Cast Products, Inc. 18700 Mill Street Meadville, PA 16335-3644	Vernon Township Crawford County	French Creek 16-D	Y
PA0221481	Norfolk Southern Railway Co. Meadville Yard Diesel Shop 425 Holiday Drive Pittsburgh, PA 15220	City of Meadville Crawford County	French Creek 16-D	Y
PA0035521	Department of Transportation Rome Township Satellite Maintenance Facility Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Rome Township Crawford County	UNT to Oil Creek 16-E	Y
PA0029238	Mohawk Area School District Mohawk School Road P. O. Box 25 Bessemer, PA 16112	North Beaver Township Lawrence County	UNT to Hickory Run 20-B	Y
PA0025445	Borough of Wampum 355 Main Street Extension P. O. Box 65 Wampum, PA 16157	Borough of Wampum Lawrence County	Beaver River 20-B	Y

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

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

NPDES Permit No. PA0058921, Industrial Waste, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Upper Southampton Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new NPDES permit to discharge stormwater from their concrete batch plant into a UNT to Southampton Creek in Watershed 3J.

NPDES Permit No. PA0058939, Industrial Waste, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for a new NPDES permit to discharge stormwater from their concrete batch plant into a UNT to French Creek in Watershed 3D.

NPDES Permit No. PA0050521, Sewage, **Green Lane-Marlborough Joint Authority**, P. O. Box 45, Green Lane, PA 18054. This proposed facility is located in Green Lane Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the Green Lane-Marlborough Wastewater Treatment Plant into the Perkiomen Creek in Watershed 3E (Perkiomen).

NPDES Permit No. PA0011231, Industrial Waste, **Buckeye Pipe Line Company, LP**, P. O. Box 368, Emmans, PA 18049-0368. This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater run of from three different areas of the Chelsea Pipe Line Station and Tank Farm into Boozers Run a Tributary to Marcus Hook creek in Watershed 3G.

NPDES Permit No. PA0057380, Sewage, **Steve and Heidi Whitney**, 3815 Chatham Place, Media PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from their residence into a UNT to Ridley Creek in Watershed 3G.

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

NPDES Permit No. PA000028142, Sewage and Stormwater, **Pennsylvania National Guard**, Fort Indiantown Gap, Building No. 1, Annville, PA 17003-4002. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Activity: The application is for the renewal of an NPDES permit for the discharge of treated sewage from a sewage treatment facility to Swatara Creek in Watershed 7-D.

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

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

WQM Permit No. 1505405, Sewerage, **Borough of Kennett Square**, P. O. Box 5, 120 North Broad Street, Kennett Square, PA 17348. This proposed facility is located in Kennett Square Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a new sanitary sewer pumping station.

WQM Permit No. 1505416, Sewerage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335-3690. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station for a 37 lot single family residence proposed on a tract totaling 75.211 acres.

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

Description of Action/Action: Activation of the spray field bufler zone in fields 1A and 1B and increase of capacity by 22,385 gpd.

WQM Permit No. 0905405, Sewerage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant to serve a proposed 67 lot residential development.

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

WQM Permit No. 0698407, Sewerage, **Borough of Bernville**, P. O. Box 40, Bernville, PA 19506. This proposed facility is located in Bernville Borough, **Berks County**.

Description of Proposed Action/Activity: Correction of the MoMax Hydraulic Capacity.

WQM Permit No. 2105402, Sewerage, **Shippensburg Sewer Authority**, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17259. This proposed facility is located in Shippensburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Sewage Treatment Plant BNR Conversion.

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

Description of Proposed Action/Activity: Modifications/Upgrades to the existing anaerobic sludge digestion system.

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

Description of Proposed Action/Activity: Amity Township Sewage Treatment Plant Rerating.

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

WQM Permit No. 0279292-A4, Industrial Waste, **Neville Chemical Company**. This proposed facility is located in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a new pipeline.

WQM Permit No. 0273424-A4, Sewerage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239-1197. This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Action/Activity: Replacement and modifications of existing facilities.

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

WQM Permit No. WQG018402, Sewerage, **George Welka**, 8120 Footmill Road, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

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

WQM Permit No. WQG018396, Sewerage, **Matthew Probst**, 60 Gibson Street, Apt. 2, North East, PA 16428. This proposed facility is located in North East Township, **Erie 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905020	Milford Acquisitions, Inc. Streamview Subdivision 1590 Canary Road Quakertown, PA 18951-3851	Bucks	Milford Township	Unami Creek (HQ-TSF)
PAI011505003	David Davis David Davis Proposed Res. 4 South Hawthorne Road Coatesville, PA 19320	Chester	West Pikeland Township	UNT Pickering Creek (HQ-TSF)
PAI011505008	Department of Transportation SR 202, Sec 300 7000 Geerdes Boulevard King of Prussia, PA 19406	Chester	Caln, East Whiteland and Tredyffrin Townships	Valley Creek (EV)
PAI011505029	William and Anita Shumaker Shumaker Land Development 103 Ivy Lane Pottstown, PA 19464	Chester	West Nantmeal Township	East Branch Brandywine Creek (HQ-TSF-MF)
PAI011505037	1645 Associates, LP 1645 West Chester Pk. Dev. 640 Freedom Business Drive King of Prussia, PA 19406	Chester	Westtown Township	Tributary Hunters Run/Ridley Creek (HQ-TSF)
PAI011505040	Matt Pressler Matador Restaurant 13 Green Gables Lane Newtown Square, PA 19073	Chester	East Whiteland Township	Valley Creek (EV)
PAI011505047	Jean V. Lawrie-Parker Jean Lawrie-Parker Development 1961 New Danville Pike Lancaster, PA 17603	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505003	First National Community Bank 102 East Drinker St. Dunmore, PA 18512	Monroe	Middle Smithfield Township	Marshall Creek HQ

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

NPDES Permit No. PAS703501, Stormwater, **SemMaterials, LP**, Two Warren Place, Suite 700, 6120 South Yale Avenue, Tulsa, OK 74136. Project Location: Muhlenberg Township, **Berks County**.

Project Description: Transfer of Permit.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041405003	Don Franson College Township 1481 E. College Ave. State College, PA 16801	Centre	College Township	Closed depression adjacent to Spring Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041704002	Mosquito Creek Sportsmen Assoc. P. O. Box 218 Frenchville, PA 16836	Clearfield Elk	Girard Township Benezette Township	Lost Run CWF Deserter Run HQ-CWF Gifford Run HQ-CWF

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

Armstrong County Conservation District: Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050305004	Armstrong County Industrial Development Authority 402 Marker Street Kittanning, PA 16201	Armstrong	North Buffalo and South Buffalo Townships	Pine Run (HQ-CWF) Nicholson Run (WWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064205002	Bradford Regional Airport 212 Airport Road Suite E Lewis Run, PA 16738	McKean	Lafayette Township	UNT Tunungwant Creek (HQ-CWF)

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warminster Township Bucks County	PAG2000905092	York/Street Associates, LP Rite Land Development 467 Pennsylvania Avenue Suite 104 Fort Washington, PA 19034	Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Rockhill Township Bucks County	PAG2000905100	Roderick Taylor 3398 Sterner Mill Road Quakertown, PA 18951	UNT Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000904051	Pennland Bedminster, LP Pennland Farm 2421 Bristol Road Warrington, PA 18976	Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000905090	Richard Miller Miller Tract Subdivision 466 Schultz Road Sellersville, PA 18960-2951	UNT Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000905082	Stephan and Loretta C. Rush Rush Tract 5000 Wismer Road Doylestown, PA 18901	Geddes Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904170	Michael Murphy Hillside Estates 1 Box 117 Bedminster, PA 18910	UNT Neshaminy	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Britain Township Chester County	PAG2001505040	Wilkinson Allegiance, LLC 1020 Broadrun Road Landonberg, PA 19350	East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001505033	John Hanson 845 Radnor Street Road Wayne, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Fallowfield Township Chester County	PAG2001505015	Dillon Real Estate Company 257 Centerville Road Lancaster, PA 17603	Doe Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001504091	Christopher Knauer 120 Arrandale Boulevard Exton, PA 19341	Colebrook Run Valley Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Thornbury Township Delaware County	PAG2002305023	Elizabeth Gray 59 West Thornton Road West Chester, PA 19382	Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Chester County	PAG2002304054	Campus Industries 25, LP 770 Township Line Road Yardley, PA 19067	Crum Creek (WF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105014	Ernest Bock and Sons New Northeast Community Center 2800 Southampton Road Philadelphia, PA 19154	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105017	Rite Aid of Pennsylvania, Ave. Broad and Spencer Rite Aid 1175 Bustleton Avenue Philadelphia, PA 19116	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG2015105027	Wawa, Inc. Proposed Wawa Development 260 Baltimore Pike Wawa, PA 19063	Pennypack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105030	CSX Transportation CSX Transportation Rhawn Street Clearance Project 200 West Cabot Boulevard Suite 130 Langhorne, PA 19047	Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
E. Stroudsburg Borough Monroe County	PAG2004505004	E. Stroudsburg Area School District P. O. Box 298 E. Stroudsburg, PA 18301	Sambo Creek CWF, MF Brodhead Creek TSF, MF	Monroe Co. Cons. Dist. (570) 629-3060
Pine Grove Township Schuylkill County	PAG2005404031	P. Thomas and Marilyn Feeser Swatara Creek, LP Phase 1B Residential 1130 Schuylkill Mt. Rd. Schuylkill Haven, PA 17972	Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Glenburn Township Lackawanna County	PAG2003505012	Robert Doble Department of Transportation District 4-0 55 Keystone Industrial Park Dunmore, PA 18512-0111	Ackerly Creek TSF	Lackawanna Co. Cons. Dist. (570) 281-9495
City of Bethlehem Northampton County	PAG2004805017	WaWa, Inc. 260 W. Baltimore Pike Wawa, PA 19063	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971
Butler Township Luzerne County	PAG2004005030	Can-Do, Inc. One South Church St. Hazleton, PA 18201	Long Run CWF and Nescopeck Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Schuylkill County	PAG2024004001	Laurel Valley Phase 3—The Vistas 1031 Valley of Lakes Hazleton, PA 18202	Black Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Wilkes-Barre Township Luzerne County	PAG2004005023	Logan's Roadhouse, Inc. 3011 Armory Drive Suite 300 Nashville, TN 37204	Mill Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Conewago Township Adams County	PAR100137R	Conewago Resources 660 Edgegrove Road Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Washington Twp Berks County	PAG2000605070	Al Lutz Barto Development P. O. Box J Newtown Square, PA 19073	UNT to Swamp Creek CWF-MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Oley Township Berks County	PAG2000605074	Carter Reese 84 Grandview Blvd. Reading, PA 19609	UNT to Little Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Sinking Spring Borough Berks County	PAG2000605046	Dwayne Schneck Montello Self Storage 1200 Columbia Ave. Sinking Spring, PA 19606	UNT to Tulpehocken Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Perry Township Berks County	PAG2000605073	Athian Wilson Houck Homes, Inc. 1365 Pottsville Pike Shoemakersville, PA 19555	Tributary to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Richmond Township Berks County	PAG2000605072	Samuel Burkholder 1001 Frys Road Ephrata, PA 17522	UNT to Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000605021	Mark Stewart Stewart and Conti Development Co., Inc. 3801 Germantown Pike Collegeville, PA 19426	UNT to Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Upper Tulpehocken Township Berks County	PAG2000604114	Paul Zimmerman 435 Tully Drive Bernville, PA 19506	Mollhead Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
The Links at Gettysburg-Garrison Falls Mason Dixon Road Gettysburg, PA 17325 Mount Joy Township Adams County	PAR100144	Richard A. Klein The Links at Gettysburg 601 Mason Dixon Rd. Gettysburg, PA 17325	Rock Creek and Lousy Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
South Hanover Township Dauphin County	PAG2002205028	Patricia A Miller 4458 S. Castlewood Ct. Auburn Hills, MI 48326	Manada Creek WWF Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
East Hanover Township Dauphin County	PAG2002205042	Louis Rossi 120 Lindbergh Dr. Palmyra, PA 17078	Bow Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Swatara Township Dauphin County	PAG2002205046	Living Water Community Church 3868 Derry St. Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton and Swatara Townships Dauphin County	PAG2002205038	A. Richard Szeles 945 East Park Dr. Suite 201 Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Susquehanna Township	PAG2002205039	OM Management, Inc. 412 Blue Ridge Circle Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
West Hanover Township	PAR10I261R	Hershey Road Associates 2151 Linglestown Rd. Harrisburg, PA 17110	Manada Creek Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Palmyra Borough Lebanon County	PAG2003805025	Richard Helm 371 S. Center Street Palmyra, PA 17078	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
Millcreek Township Lebanon County	PAG2003805020	Brett and Kim Eberly 141 South Millbach Road Newmanstown, PA 17073	Mill Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
South Lebanon Township Lebanon County	PAG2003805017	Gary Marks 1718 Grace Avenue Lebanon, PA 17046	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
Myerstown Borough Lebanon County	PAG2003805026	Robert D. Mease Lebanon Valley Farmers Bank 555 Willow Street Lebanon, PA 17042	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
Lebanon City Lebanon County	PAG2003805019	Geoffrey Eddowes LUTHERCARE 600 East Main Street Lititz, PA 17543	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
South Londonderry Township Lebanon County	PAG2003805024	Jesse S. Ziegler Ziegler Excavating 1011 Beech Street Palmyra, PA 17078	Little Conewago Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
Swatara Township Lebanon County	PAG2003805022	Scott Monger Layla, LLC 57 North Maple Avenue Leola, PA 17540	Little Swatara Cr. WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Shippensburg Township Cumberland County	PAG2002105026	Tod G. Shedlosky 6346 North Powderhorn Road Mechanicsburg, PA 17050	Burd Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Chambersburg Borough Franklin County	PAR10M259	Enclave Holdings Limited 819 Catherine St Chambersburg PA 17201	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Dover Township York County	PAG2006705010	Carl Swiger Terra LLC 2200 Monroe Street York, PA 17404	Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAR10Y431-2	Joseph Deerin Windsor Commons Apartments, LP 120 N. Pointe Blvd. Suite 301 Lancaster, PA 17601	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Warrington Township York County	PAG2006703125	Ray Hoffman 842 Dicks Dam Road New Oxford, PA 17350	NB Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Township York County	PAG2006704092	David Boyer North Codorus Township Sewer Authority 1986 Stoverstown Road Spring Grove, PA 17362	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006705005	MAF Ventures, LP 411 W. Putnam Ave. Suite 111 Greenwich, CT 06830	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG2006705021	Paul Burkentine Stone Ridge Development 330 Dubs Church Road Hanover, PA 17331	UNT to West Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR10Y309R	Wellington Greens Phase 4 S & A Custom Built Homes 3039 N. George Street York, PA 17402	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Township York County	PAG2006704085	Lynwood F & S Partners 139 E. Market Street York, PA 17401	UNT to Codorus Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bradford, Ulster and Sheshequin Township	PAG2000805008	Department of Transportation 715 Jordan Ave. Montoursville, PA 17754	Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Columbia County Town of Bloomsburg	PAG2001905015	Steve Shannon P. O. Box 803 Bloomsburg, PA 17815	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Northumberland County Herndon Borough and Jackson Township	PAG2004905009	Herndon Borough Jackson Township Joint Muni. Auth. Herndon, PA 17830	W. Br. Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Allegheny County Plum Borough	PAR10A446R	Grasinger Homes, Inc. 8035 Saltsburg Road Pittsburgh, PA 15239	Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Harmar Township	PAG20002041151	UPMC Health System 200 Lothrop Street Pittsburgh, PA 15213-2582	Deer Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000205047	Chartiers Valley School District 2020 Swallow Hill Road Pittsburgh, PA 15220	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000205056	St. John Neumann Parish 2230 Rochester Road Pittsburgh, PA 15237-1515	Lowries Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Heidelberg Borough	PAG2000205069	WIN-HI, Ltd. 2901 Rigsby Lane Safety Harbor, FL 34694	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000205074	Coury Residence 2000 English Turn Drive Presto, PA 15142	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205075	Plum Contracting 457 Davidson Road Pittsburgh, PA 15239	Thompson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000205082	Duquesne Light Holdings 411 Seventh Avenue Pittsburgh, PA 15219	Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Indiana Township	PAG2000205083	Daniel Eichenlaub P. O. Box 111282 Pittsburgh, PA 15238	Deer Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205084	Grasinger Homes, Inc. 8035 Saltsburg Road Pittsburgh, PA 15239	Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Monroeville Borough	PAG2000205085	Houston-Starr Company 300 Brushton Avenue Pittsburgh, PA 15221	Simpson Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000205087	Woodville Associates 5020 Thoms Run Road Oakdale, PA 15071	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Beaver County Chippewa Township	PAG2000405014	Charles R. Fowler 146 Hickory Drive Beaver Falls, PA 15010	UNT to North Branch Brady's Run (TSF)	Beaver County CD (724) 378-1701
Somerset County Jenner Township	PAG2005605004	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Quemahoning Creek (CWF)	Somerset County CD (814) 445-4652

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Somerset County Shade Township	PAG2005605005	Shade Creek Watershed Association 314 Central Avenue Suite 205 Central City, PA 15926	Laurel Run (CWF)	Somerset County CD (814) 445-4652
Somerset County Jenner Township	PAG2005605007	Somerset County Economic Development Council 125 North Center Avenue P. O. Box 48 Somerset, PA 15501	Quemahoning Creek (CWF)	Somerset County CD (814) 445-4652
Washington County South Strabane Township	PAR10W182	WCW, Inc. P. O. Box 10360 Pittsburgh, PA 15234	UNT to Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Washington County Somerset Township	PAG2006305033	Hill Property, LLC 47866 Y and O Roads P. O. Box 2170 E. Liverpool, OH 43920	North Branch Pigeon Creek (WWF)	Washington County CD (724) 228-6774
Elk County Ridgway Township	PAG2002404002	Public Water Supply Extension to Village of Boot Jack Ridgway Township Municipal Authority P. O. Box 403 Ridgway, PA 15853	Clarion River Watershed (CWF)	Elk Conservation District (814) 776-5373

*General Permit Type—PAG-3**Facility Location:
Municipality & County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>	
South Abington Township Lackawanna County	PAR112225	Flowserve Corp. 942 Griffin Pond Road Clarks Summit, PA 18411	Ackerly Creek TSF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Cumberland County Hampden Township	PAR803683	Sunoco Logistics Partners LLC 525 Fritztown Road Sinkling Spring, PA 19608	UNT to Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Marshall Township Allegheny County	PAR806152	United States Postal Service P. O. Box 1000 Warrendale, PA 15086-9998	UNT of Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**Facility Location:
Municipality & County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>	
Buckingham Township Bucks County	PAG040035	Richard M. Vaccaro 1496 Sugar Bottom Road Furlong, PA 18925-140	UNT to Neshaminy Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Dorrance Township Luzerne County	PAG042204	Danny Wasielewski 8131 Blue Ridge Trail Wapwallopen, PA 18660-1854	Little Wapwallopen Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County West Providence Township	PAG043530	Richard Koontz 9508 Black Valley Road Everett, PA 15537-9635	UNT to Clear Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Summit Township Crawford County	PAG048341	Teresa R. and William Petronio, Jr. 7533 Agnew Road Linesville, PA 16424		DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048366	Robert V. Johnson 37 Peterson Hollow Road Russell, PA 16345-1207	Valentine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048686	Gayle S. Sheets 4089 Parkway Drive Edinboro, PA 16412	Darrows Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG049194	George Welka 8120 Footmill Road Erie, PA 16509	UNT to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Township Erie County	PAG049188	Matthew Probst 60 Gibson Street, Apt. 2 North East, PA 16428	UNT to Sixteen Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sparta Township, Crawford County	PAG049203	Elaine and Ronald Patterson 352 Marion Street Corry, PA 16407	UNT to East Branch Oil Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG050016	Sunoco Inc. (R & M) Automotive Laboratory P. O. Box 1135 Post Road and Blueball Avenue Marcus Hook, PA 19061	West Branch Neshaminy Creek 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401

*General Permit Type—PAG-7**Facility Location &
County/Municipality Permit No.*

<i>Facility Location & County/Municipality Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>	
West Cocalico Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Eastern Industries Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8**Facility Location &
County/Municipality Permit No.*

<i>Facility Location & County/Municipality Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>	
West Cocalico Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Eastern Industries Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

Facility Location & County/Municipality Permit No.
 Monroe Township PAG083510
 Cumberland County

Applicant Name & Address
 Lower Allen Township Authority
 120 Limekiln Road
 New Cumberland, PA 17070-2428

Site Name & Location
 Ashcombe Farm Dairy
 Monroe Township
 Cumberland County

Contact Office & Phone No.
 DEP—SCRO
 909 Elmerton Avenue
 Harrisburg, PA 17110-8200
 (717) 705-4707

General Permit Type—PAG-9 (SSN)

Facility Location: Municipality & County Permit No.
 Blair County PAG093535
 Taylor Township

Applicant Name & Address
 Orchard Lane Excavating, Inc.
 R. D. 1, Box 62
 Roaring Spring, PA 16673

Site Name & Location
 Phillip Keith Farm

Contact Office & Phone No.
 DEP—SCRO
 909 Elmerton Avenue
 Harrisburg, PA 17110-8200
 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2904502, Public Water Supply.
 Applicant **Leisure Living Retirement Home**

Municipality	Dublin Township
County	Fulton
Type of Facility	Permit is for existing un-permitted water system serving the retirement home.
Consulting Engineer	Lance S. Kegerreis, P. E. Dennis E. Black Engineering, Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Permit to Construct Issued:	8/11/2005
Permit No. 0605512 MA, Minor Amendment , Public Water Supply.	
Applicant	Muhlenberg Township Authority
Municipality	Muhlenberg Township
County	Berks
Type of Facility	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.
Consulting Engineer	James C. Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	8/2/2005

Operations Permit issued to: **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 9/1/2005 for the operation of facilities approved under Construction Permit No. 2205501 MA.

Operations Permit issued to: **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 8/31/2005 for the operation of facilities approved under Construction Permit No. 2204509.

Operations Permit issued to: **Aqua Pennsylvania Inc.**, 7210048, Monroe Township, **Cumberland County**

on 9/2/2005 for the operation of facilities approved under Construction Permit No. 2104502.

Operations Permit issued to: **Knouse Foods Cooperative Inc.**, 7010400, Tyrone Township, **Adams County** on 7/18/2005 for the operation of facilities approved under Construction Permit No. 0103503.

Operations Permit issued to: **Fredericksburg Sewer and Water Authority**, 7380118, Bethel Township, **Lebanon County** on 8/29/2005 for the operation of facilities approved under Construction Permit No. 3805505 MA.

Operations Permit issued to: **DS Waters of America, LP**, 7366003, West Earl Township, **Lancaster County** on 8/29/2005 for the operation of facilities approved under Construction Permit No. 3605509 MA.

Operations Permit issued to: **Governor Mifflin School District**, 3060347, Brecknock Township, **Berks County** on 8/30/2005 for the operation of facilities approved under Construction Permit No. 3060347.

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

Permit No. 2404501, Public Water Supply

Applicant	Ridgway Township Municipal Authority
Borough or Township	Ridgway Township
County	Elk
Type of Facility	PWS
Permit to Construct Issued	09/01/2005

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA 10-1008. Water Allocation Permit. The Department grants **Zelienople Borough, Butler County** a subsidiary application request for interconnection with Marion Township, Beaver County, for the purchase of up to 500,000 gallons per day, based on a 30 day average, as an emergency back-up source. Consulting Engineer: Thomas L. Thompson, P. E., Gannett Fleming Inc., 554 South Erie St., Mercer, PA 16137. Subsidiary Water Allocation Permit issued August 29, 2005.

STORMWATER MANAGEMENT

Action on plans submitted under the Storm Water Management Act (32 P. S. §§ 680.1—680.17)

Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No 064:36, Conestoga River Stormwater Management Plan, as submitted by **Lancaster County**, was approved on August 29, 2005.

Plan No 064:36, Conestoga River Stormwater Management Plan, as submitted by **Berks County**, was approved on August 29, 2005.

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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cumberland Valley Township	1030 Dark Hollow Road Bedford, PA 15522	Bedford

Plan Description: The approved plan provides for the construction of a gravity sewer collection and conveyance system and a 22,000 gpd wastewater treatment facility to serve the Village of Centerville. The wastewater treatment facility will discharge to Evitts Creek, which is protected under 25 Pa. Code Chapter 93 as HQ-CWF. The Plan also provides for the adoption and implementation of an onlot sewage disposal system management program to address the area of the township outside the sewer service area. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Mifflin Township	11 Roadway Drive Carlisle, PA 17013	Cumberland

Plan Description: The approved plan provides for the implementation of an onlot sewage disposal management program. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Belfast Township	121 Homestead Lane Needmore, PA 17238	Fulton

Plan Description: The approved plan provides for the construction of a 30,000 gpd wastewater treatment facility and sewage collection and conveyance facilities to serve the Village of Needmore. This treatment facility will discharge to Tonoloway Creek. The Plan provides for the adoption and implementation of an onlot sewage disposal system management program to serve the entire township. The Plan also provides for adoption of a holding tank ordinance. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location: on the north side of Knight Rd, one half mile east of Taneytown Rd.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cumberland Township	1370 Fairfield Rd. Gettysburg, PA 17325	Adams

Plan Description: The approved plan provides for the construction of a privately owned sewerage treatment system to serve a 49 lot single-family residential subdivi-

sion. The homes will generate an estimated 17,500 gpd of wastewater and the treatment plant will be tributary to Plum Run in Cumberland Township, Adams County. The name of the development is the Battlegrounds at Plum Run. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the responsible entity as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Strasburg Township	400 Bunker Hill Rd. Strasburg, PA 17579	Lancaster

Plan Description: The approved plan provides for expansion and relocation of a private wastewater treatment plant to serve combined existing and future sewage flows of 140,000 gpd from the Sight and Sound Theater Complex and the Hershey Farms Restaurant and Motel. The same discharge outfall location from the treatment plant to Pequea Creek will be used. Expansion to Sight and Sound will involve a second theater and hospitality center and expansion to Hershey Farms will involve 57 additional guest rooms, a conference center, increased banquet seats and additional employees. The site is located west of SR 896, Hartman Station Rd. approximately 0.5 mile south of the crossing of Pequea Creek. The Department of Environmental Protection (Department) code number is A3-36952-175-3 and the APS number is 558198. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	8848 Jonestown Road Grantville, PA 17028	Dauphin

Plan Description: Approval of a revision to the Official Sewage Plan of East Hanover Township, Dauphin County. The proposed Gerald Erskine subdivision consists of a Small Flow Treatment Facility serving a residential lot with a 400 gpd treated discharge to Manada Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	222 Angle Road Grantville, PA 17028	Lebanon

Plan Description: Approval of a revision to the Official Sewage Plan of East Hanover Township, Lebanon County. The proposed Laborers District Council subdivision consists of a Small Flow Treatment Facility serving a commercial lot with a 600 gpd treated discharge to Indiantown Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	3111 State Route 72 Jonestown, PA 17038	Lebanon

Plan Description: Approval of a revision to the Official Sewage Plan of Union Township, Lebanon County. The proposed Twin Grove Park Campground development consists of a new Sewage Treatment Plant serving the existing campground and three future expansions with a 45,000 gpd treated discharge to a UNT of the Swatara Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Wyomissing Industrial Park (Western portion of the Former Goss Graphic Systems Site), Borough of Wyomissing, **Berks County**. American Analytical & Environmental Inc., 738 Front Street, Catasauqua, PA 18032, on behalf of Chip & Gary Real Estate Holdings, LLC, 500 Walnut Street, Birdsboro, PA 19508; Zenith Properties, LP, P. O. Box 5828, Wyomissing, PA 19610; and Chima, Inc., 126 North Second Street, Reading, PA 19601, submitted a revised combined Remedial Investigation and Final Report concerning remediation of VOCs groundwater contaminated with metals, chlorinated volatile and semi-volatile organic compounds. The report is intended to document remediation of the site to a combination of the Site-Specific and Nonresidential Statewide Health Standards.

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

American Refinery Group, Foster Township, City of Bradford, **McKean County**. Raman Iyer, Chemtura Corp., 199 Benson Rd, Middlebury CT 06749 on behalf of Stephen Sherk, American Refinery Group, 77 N Kendall Ave., Bradford PA 16701 has submitted a Remedial Investigation Report and a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with volatile hydrocarbons and polycyclic aromatic hydrocarbons. The reports are intended to document remediation of the site to meet Site-Specific 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 re-

quired 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:

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

Armstrong World Industries—Building 800, City of Lancaster and Manheim Township, **Lancaster County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604-3001, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of groundwater contaminated with solvents to a Site-Specific Standard. The Remedial Investigation Report and Cleanup Plan were approved by the Department of Environmental Protection on August 29, 2005.

Crompton Colors, Reading City, **Berks County**. Roux Associates, 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Crompton Manufacturing Company, Inc., 199 Benson Road, Middlebury, CT 06749, submitted a Final Report concerning remediation of site soils contaminated with fuel oil Nos. 2 and 6. The Final Report demonstrated attainment of a residential Statewide Health Standard, and was approved by the Department of Environmental Protection on August 31, 2005.

Sheetz, Inc., City of Altoona, **Blair County**. Geologic Services Corporation, 260 Executive Drive, Suite 500, Cranberry Township, PA 16066, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, submitted a Final Report concerning the remediation of site soils contaminated with gasoline and diesel fuel. The Final Report demonstrated attainment of a Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on August 31, 2005.

Second and Washington Streets Redevelopment Project, City of Reading, **Berks County**. Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Greater Berks Development Fund, 19 North Sixth Street, Suite 200, Reading, PA 19603-8621, submitted a Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with chlorinated solvents; fuel oil nos. 2, 4 and 6; leaded gasoline; MTBE and other organics. The Final Report demonstrated attainment of a nonresidential Statewide Health standard for the soil and a Site-Specific Standard for the groundwater. The Department on August 31, 2005 approved the combined Remedial Investigation and Final Report.

Tamarack Mobile Home Park, Providence Township, **Lancaster County**. Liberty Environmental, Inc., 10 North 5th Street, Suite 800, Reading, PA 19601 on behalf of Fred Steudler, 7335 River Road, Conestoga, PA 17516, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of a release. The Final Report demonstrated attainment of a residential Statewide Health Standard, and was approved by the Department of Environmental Protection on September 1, 2005. Groundwater will be addressed in a separate report.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Philip Transportation and Remediation, P. O. Box 150, San Martin, CA 95046. License No. PA-AH0395. Effective August 4, 2005.

Clean Streams, Inc., P. O. Box 3059, Munster, IN 46321. License No. PA-AH0441. Effective August 10, 2005.

Philip Transportation and Remediation, Inc., P. O. Box 150, San Martin, CA 95046. License No. PA-AH0395. Effective August 11, 2005.

Midwest Environmental Transport, Inc., 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241. License No. PA-AH0368. Effective August 12, 2005.

Auchter Industrial Vac Service, Inc., 4801 S. Wood Avenue, Linden, NJ 07036. License No. PA-AH0444. Effective August 15, 2005.

Emerald Environmental Services, Inc., 1621 St. Clair Avenue, Kent, OH 44240. License No. PA-AH0641. Effective August 15, 2005.

Chemtron Corporation, 33565 Pin Oak Pkwy, Avon Lake, OH 44012. License No. PA-AH0199. Effective August 22, 2005.

Clean Venture, Inc., 201 S. First Street, Elizabeth, NJ 07206. License No. PA-AH0299. Effective August 24, 2005.

SMP, Inc., 402 Route 519, Phillipsburg, NJ 08865. License No. PA-AHS221. Effective August 24, 2005.

Set Environmental, Inc., 450 Sumac Road, Wheeling, IL 60090. License No. PA-AHS226. Effective August 29, 2005.

Hazardous Waste Transporter License Voluntarily Terminated

Detrex Corporation, P. O. Box 5111, Southfield, MI 48086. License No. PA-AH0417. Effective August 24, 2005.

Hazardous Waste Transporter License Expired

Petroclean, Inc., 3 Dorrington Road, Carnegie, PA 15106. License No. PA-AH0109. Effective July 31, 2005.

Buckham Transport Limited, P. O. Box 601, Peterborough, ON K9J 6Z8. License No. PA-AH0336. Effective August 31, 2005.

Eco-Tron Transportation, Inc., 1906 Perry Dr. SW, Canton, OH 44706. License No. PA-AH0393. Effective August 31, 2005.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Onyx Waste Services, Inc., R. R. 2, P. O. Box 0, Route 219 N, Brockway, PA 15824. License No. PA-HC 0199. Effective August 12, 2005.

Weavertown Transport Leasing, Inc., 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Effective August 19, 2005.

S. H. Biow-Waste, Ltd., P. O. Box 2117, Norristown, PA 19401. License No. PA-HC 0096. Effective August 26, 2005.

AIR QUALITY

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

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

AQ-SE-0014: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 1, 2005, to operate a portable crushing plant in Lower Pottsgrove Township, **Montgomery County**.

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

GP3-06-03092D: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on September 1, 2005, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Cumru Township, **Berks County**.

GP3-36-03076: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on September 2, 2005, for a Portable Nonmetallic Mineral Processing Plant under GP3 in East Earl Township, **Lancaster County**.

GP4-67-03095: Fox Pools, Corp. (3490 Board Road, York, PA 17402) on August 26, 2005, for One Natural Gas-fired Burn Off Oven under GP4 in Manchester Township, **York County**.

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

GP4-19-194: Patriot Metal Products, Inc. (1005 North Vine Street, Berwick, PA 18603) on June 28, 2005,

to construct and operate a 398,000 Btu/hr natural gas fired Pollution Control Products Co. Controlled Pyrolysis model PTR-150 burn off oven in Berwick Borough, **Columbia County**.

GP5-18-01A: Linn Operating, LLC (395 Airport Road, Indiana, PA 15701) on August 26, 2005, to operate a 120 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Turner Station in Chapman Township, **Clinton County**.

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

GP5-30-00106A: Equitable Production Co. (225 North Shore Drive, Pittsburgh, PA 15212) on August 29, 2005, to construct and operate a TEG dehydrator at their natural gas production facility in Franklin Township, **Greene County**.

GP5-30-00155: Energy Corp. of America (1380 Route 286 Highway East, Suite 221, Indiana PA 15701) on September 1, 2005, to install a natural gas compressor unit at the company's Henderson-King Compressor Station in Cumberland Township, **Greene County**, PA. A catalytic converter will reduce exhaust emissions to the atmosphere.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

23-0094A: CCL Label LLC (1515 Garnet Mine Rd., Boothwyn, PA 19061) on August 31, 2005, to operate a one part washer in Bethel Township, **Delaware County**.

09-0156B: Jolly Gardener Production, Inc. (500 East Pumping Station, Quakertown, PA 18951) on September 1, 2005, to operate a 630 hp diesel in Richland Township, **Bucks County**.

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

41-305-009E: Keystone Filler and Manufacturing Co. (214 Railroad Street, Muncy, PA 17756) on August 16, 2005, to construct a rotary coal dryer (No. 5 dryer), associated conveying, processing and loadout systems and associated air cleaning devices (two fabric collectors) in Muncy Creek Township, **Lycoming County**.

57-310-001: Haines and Kibblehouse, Inc.—Dushore Construction Materials Division (2052 Lucon Road, Skippack, PA 19474) on August 29, 2005, to construct a stone crushing plant and associated air cleaning device (a water spray dust suppression system) in Cherry Township, **Sullivan County**.

47-00011A: Hanson Aggregate (PA) Inc. (2200 Springfield Pike, Connellsville, PA 15425) on June 14, 2005, to construct a 140 ton per hour Fisher Industries model 13-449 air separator and associated conveyors at their Milton quarry in Limestone Township, **Montour County**.

41-310-001I: Hanson Aggregate (PA) Inc. (2200 Springfield Pike, Connellsville, PA 15425) on June 14, 2005, to construction of a 200 ton per hour vertical shaft impactor crusher at their Pine Creek quarry in Limestone Township, **Lycoming County**.

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

10-281E: II-VI, Inc. (375 Saxonburg Blvd., Saxonburg, PA 16056) on May 23, 2005, to install a degreaser at Saxonburg, **Butler County**. This is a State-only V facility.

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.

46-322-007: Waste Management Disposal Services of PA, Inc. (1425 Sell Road, Pottstown, PA 19464) on September 2, 2005, to operate a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

09-0061: Donaldson Co., Inc.—Tetratex (85 Railroad Drive, Warminster, PA 18974) on August 30, 2005, to operate an extrusion line in Northampton Township, **Bucks County**.

15-0021: Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038) on August 30, 2005, to operate an asphalt plant and quarry in East Whiteland Township, **Chester County**.

46-0112: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on August 30, 2005, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

46-0232: Cemco Lift, Inc. (2801 Township Line Road, Hatfield, PA 19440) on August 30, 2005, to operate a spray paint booth in Hatfield Township, **Montgomery County**.

46-0232A: Cemco Lift, Inc. (2801 Township Line Road, Hatfield, PA 19440) on August 30, 2005, to operate two spray booths and a manual brush painting spray booth filters in Hatfield Township, **Montgomery County**.

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

36-05104A: Ephrata Manufacturing Co. (104 West Pine Street, Ephrata, PA 17522) on July 27, 2005, to construct a baghouse to control emissions from a sand muller and a sand conveying system in Ephrata Borough, **Lancaster County**. This plan approval was extended.

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

49-303-006: Collier Materials Inc. (R. R. 2, Box 672, Shamokin, PA 17872) on August 25, 2005, to operate a batch asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis until December 23, 2005, in Ralpho Township, **Northumberland County**. The plan approval has been extended.

14-00014B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on August 29, 2005, to revise an asphalt concrete production limitation for an asphalt plant to 980,000 tons in any 12-consecutive month period and to revise the annual facility-wide air contaminant emission limitations accordingly at the Pleasant Gap Plant in Spring Township, **Centre County**.

49-303-006: Collier Materials Inc. (R. R. 2, Box 672, Shamokin, PA 17872) on August 30, 2005, to extend the deadline to perform stack testing on a batch asphalt plant until November 25, 2005, in Ralpho Township, **Northumberland County**.

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

30-00150A Wellington Development—WVDT, LLC (1620 Locust Avenue, Fairmont, WV 26554). on September 1, 2005, to modify two waste coal fired, circulating fluidized bed boilers with a net generating capacity of 525 megawatts at the Greene Energy Resource Recovery Project in Cumberland Township, **Greene County**.

This plan approval modification is to correct several errors contained in the plan approval and to include additional requirements for obtaining emission reduction credits (ERCs) as negotiated between Wellington Development and the Department of the Interior. The corrections are as follows:

- Revised Condition 4b. Corrected facility wide SO₂ emissions from 3,767.0 tpy to 3,767.1 tpy to include emissions from the emergency diesel engines. The 3,767.0 tpy reflects only SO₂ emissions from the CFB boilers.

- Revised Condition 4b. Corrected facility wide PM emissions from 289.7 tpy to 407.7 tpy and PM10 emissions from 289.7 tpy to 384.7 tpy to include particulate emissions from all other sources at the facility besides the CFB boilers. The 289.7 tpy reflects only PM/PM10 emissions from the CFB boilers.

- Revised Condition 3b to read "Limestone injection into the CFB and a dry polishing scrubber for SO₂ emission control."

The additional requirements for Class I Mitigation (ERCs) are as follows:

- New Condition 9b. Added requirement to secure an additional 411 tons of SO₂ ERCs.

- Added Condition 9i. Added requirement to provide 30-day advance notice to the Department of the Interior for the draft Title V Operating Permit.

The corrected conditions are as follows:

3. General Conditions

b) The Owner/Operator shall install the following air cleaning devices on the CFB boilers (Title 25 Pa. Code § 127.12b):

(i) Limestone injection into the CFB and a dry polishing scrubber for SO₂ emission control.

(ii) A fabric collector for particulate control.

(iii) Selective noncatalytic reduction (SNCR) for NOx control.

4. Stack Emissions Limitations

b) Emissions from the facility in any consecutive 12 month period shall be limited as follows (25 Pa. Code § 127.12b):

<i>Pollutant</i>	<i>Total (tpy)</i>
SO ₂	3,767.1
PM	407.7
PM ₁₀	384.7
NOx	1,949.4
CO	4,865
VOC	125
Lead	15.7
Beryllium	1.25
HF	33
HCl	161
H ₂ SO ₄	145
Mercury	22.05 lb/yr
Ammonia	157

9. Class I Mitigation (40 CFR Part 52)

The owner/operator shall secure Mitigation Offsets of SOx (as SO₂) in accordance with the following:

a. The Greene Energy sources herein authorized to be constructed, shall not operate unless and until Mitigation Offsets of 2,088 tons of SO₂ ERCs from the facilities specified in the mitigation plan presented on June 9, 2005, are secured or other SO₂ Mitigation Offsets are secured from other facilities not specified in the June 9, 2005, mitigation plan that result in equivalent or greater decreases in the sulfur deposition loadings at the Class 1 areas as the 2,088 tons of SO₂ ERCs specified in the June 9, 2005, mitigation plan based on appropriate Calpuff modeling.

b. The Greene Energy sources herein authorized to be constructed, shall not operate unless and until Mitigation Offsets of 411 tons of SO₂ ERCs, in addition to the ERCs required by Condition 9a, are secured from facilities included in the Pennsylvania ERC Registry.

c. The actual emission reductions that the Mitigation Offsets represent must have occurred and must be established in a Federally enforceable operating permit condition for the generating sources prior to operation of the Greene Energy sources.

d. For the purposes of this approval the Mitigation Offsets shall be surplus, permanent, quantified and Federally enforceable in accordance with 25 Pa. Code § 127.207(1).

e. For the purposes of this approval the Mitigation Offsets shall be calculated by establishing the baseline in accordance with 25 Pa. Code § 127.207(4).

f. For the purposes of this approval the Mitigation Offsets shall be generated by the techniques listed under 25 Pa. Code § 127.207(5).

g. Once the Mitigation Offsets are secured in accordance with this Plan Approval special condition they are no longer available for other uses (internal netting, sale, transfer or exchange for other purposes, ERCs, etc).

h. The Mitigation Offsets shall be certified by the Department. Upon certification by the Department and notice that all offsets have been secured, no further mitigation shall be necessary.

i. The Department of Environmental Protection shall provide the Department of the Interior a copy of the draft Title V Operating Permit (TVOP); operating data sufficient to determine the 24-hour, 30-day rolling, and annual average sulfur dioxide emissions and control efficiencies; and any Department staff analysis; a minimum of 30-days prior to publishing Notice of Intent to Issue the TVOP in the *Pennsylvania Bulletin*.

65-00280A: Kalumetals, Inc. (P. O. Box 455, Latrobe, PA 15650) on September 2, 2005, to complete preparation of the new thermal oxidizer equipment at their Car Bottom Furnace in Derry Township, **Westmoreland County**. This plan approval was extended.

56-00025F: New Enterprise Stone and Lime (P. O. Box 77, New Enterprise, PA 16664) on September 2, 2005, to complete the addition of new stone crushers, screens and conveyor systems to their Bakersville Quarry in Jefferson Township, **Somerset County**. This plan approval was extended.

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

24-083E: Carbone of America—Graphite Materials Division (215 Stackpole Street, St. Marys, PA 15857) to install car kilns in Benzinger Township, **Elk County**.

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

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

23-00011: Sunoco Partners Marketing and Terminal LP (1801 Market Street, 22nd Floor 10 Penn Center, Philadelphia, PA 19103) on September 1, 2005, to include 23 external floating roof tanks, one fixed roof tank and a wastewater separator to the existing facility in Darby Township, **Delaware County**.

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

63-00066: Wheeling Pittsburgh Steel Corp. (1134 Market Street, Wheeling, WV 26003) on August 29, 2005, for a renewal of their Title V operating permit to operate a steel manufacturing facility in Allenport Borough, **Washington County**. The facility includes a continuous strip pickling line with a hydrochloric acid (HCl) scrubber, two 60.5 mmBtu/hr boilers, 35 annealing furnaces, and other small sources. This permit incorporates the conditions from plan approval PA-63-066A for the replacement of the HCl scrubber. The facility is subject to Title V requirements because its potential to emit HCl is greater than 10 tons per year (tpy) and its potential to emit NOx is greater than 100 tpy.

65-00720: Carbidie Corp. (Arona Road, P. O. Box 509, Irwin, PA 15642) on September 1, 2005, to produce cemented tungsten carbide. This facility is a major facility for VOC emission. The main source of VOC emissions is the mixing and drying of powder located in Hempfield Township, **Westmoreland County**. This is a TV Renewal.

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

42-00174: Rustick, LLC (19 Ness Lane, Kane, PA 16735) on August 30, 2005, to issue a Title V Amendment Operating Permit to operate their landfill in Sergeant Township, **McKean County**. As a result of potential emissions of NOx and VOC, the facility is not a major source, and is therefore not subject to Reasonable Available Control Technology. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter

127, Subchapter G. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

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

23-00103: Elwyn, Inc. (111 Elwyn Road, Elwyn, PA 19063) on September 1, 2005, to include three boilers and eight emergency generators to their existing facility Synthetic Minor Operating Permit in Middletown Township, **Delaware County**.

09-00175: Hanson Aggregates—BMC Inc. (P. O. Box 231, Easton, PA 18044) on September 2, 2005, to operate a stone crushing/quarry facility of a Synthetic Minor Operating Permit in Wrightstown Township, **Bucks County**.

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

07-05027: Millennium Rail, Inc. (P. O. Box 349, Hollidaysburg, PA 16648-0349) on August 29, 2005, to operate their railcar reconditioning facility in Frankstown Township, **Blair County**.

67-03076: Oakworks, Inc. (923 East Wellspring Road, New Freedom, PA 17349) on August 31, 2005, to operate their massage therapy equipment manufacturing facility in Hopewell Township, **York County**. This is a renewal of their operating permit.

67-03126: Yorkshire Animal Hospital (3434 East Market Street, York, PA 17402-2621) on August 31, 2005, to operate an animal crematory at their facility in Springettsbury Township, **York County**.

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

14-00034: Jostens, Inc. (401 Science Park Road, State College, PA 16803) on August 9, 2005, to operate a printing facility in Ferguson Township, **Centre County**.

18-00010: Glenn O. Hawbaker, Jr. (711 East College Avenue, Bellefonte, PA 16823) on August 23, 2005, to operate an asphalt pavement production facility in Mill Hall Borough, **Clinton County**.

59-00020: Carleton Funeral Home, Inc. (11470 Route 6, Wellsboro, PA 16901) on August 29, 2005, to operate a human remains crematory facility in Charleston Township, **Tioga County**.

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

03-00145: Praxair, Inc. (P. O. Box 509, Barberton, OH 44203) on August 22, 2005, to operate a hydrogen and nitrogen production facility at their facility near Kiski Avenue, Bagdad, PA in **Armstrong County**.

65-00361: Coen Oil Co. (P. O. Box 34, 1100 West Chestnut Street, Washington, PA, 15301-0034) on August 30, 2005, to operate a small gasoline bulk plant in South Greensburg Borough, **Westmoreland County**. The facility's major sources of emissions are two gasoline storage tanks.

30-00112: Equitable Production Co. (1710 Pennsylvania Avenue, Charleston, WV 25302) on August 31, 2005, for a State-only operating permit for two internal combustion engines at their Mt. Morris Compressor Station in Dunkard Township, **Greene County**.

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

37-00266: Shenango Area School District (2501 Old Pittsburgh Road, New Castle, PA 16101) on August 31, 2005, to operate two coal/natural gas fired boilers, several small miscellaneous gas fired water heaters, and a back up emergency generator in Shenango Township, **Lawrence County** to continue

10-00168: Suburban Oil Services LLC (601 Hansen Avenue, Butler, PA 16001) on August 29, 2005, for a Natural Minor operating permit for their Butler Oil and Gas Distribution Plant in the City of Butler, **Butler County**.

16-00141: Kahles Kitchens, Inc. (7488 Route 36, Leeper, PA 16233) on August 30, 2005, to operate a wood cabinetry manufacturing processes and surface coating operations in Farmington Township, **Clarion County**.

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

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

46-00227: Schmidt Structural Products, Inc. (38 Souderton Pike, Souderton, PA 18964) on September 1, 2005, for an Administrative Amendment to State-only (Synthetic Minor) Operating Permit No. SMOP-46-00227, in Franconia Township, **Montgomery County**. The Administrative Amendment incorporates the Change of Ownership of this facility. The following changes have been addressed in the amended State-only Operating Permit:

The owner and plant names have been changed to Schmidt Structural Products, Inc.

The responsible official and permit contact person have been changed to Eric Brown, Vice President and General Manager, (215) 721-8300.

Source ID 101, S01 and S02 have been renamed to provide clarification.

The reference to compliance certifications has been removed from Condition No. 018(d), Section B, of the permit.

The numbering format for Condition No. 002, Section C, of the permit, has been changed to be consistent with the rest of the permit.

The wording of Condition No. 010(b), Section C, of the permit has been revised to specify that any fugitive particulate emissions that originate onsite are required to comply with Condition No. 010(b)(1)—(3), Section C, of the permit, not only those that originate onsite and cross the property line.

The references to compliance certifications and semi-annual monitoring reports have been removed from Condition No. 010(e), Section C, of the permit.

The wording of Condition No. 011, Section C, of the permit has been revised to specify that the sources where any deviations are observed is required to be recorded.

Condition No. 012, Section C, of the original permit has been moved to Condition No. 011(b), Section C, of this permit.

An accidental release program/Risk Management Plan requirement has been added to Condition No. 014, Section C, of this permit.

The Department of Environmental Protection's (Department) telephone number at which to report any malfunctions, as specified in Condition No. 015(a), Section C, of this permit, has been changed to (484) 250-5920.

Additional authority citations to 25 Pa. Code § 127.443 have been added to Condition Nos. 001—002, 007—008, 010—017, and 019, Section D, of the permit. Administrative Amendment of State-only Operating Permit No. SMOP-46-00227 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00244: Acme Corrugated Box Company, Inc. (2700 Turnpike Drive, Hatboro, PA 19040) on September 2, 2005, to amend to address comments of draft permit to the existing Natural Minor Operating Permit in Upper Moreland Township, **Montgomery County**.

46-00037 Cabot Supermetals (County Line Road, Boyertown, PA 19512) on August 31, 2005, in Douglass Township, **Montgomery County**. The following conditions of Title V Operating Permit were amended: (a) Source 102—Tantalum Salt process, Building 19—condition No. 005 pertaining to the production rate of Tantalum salts was removed; and (b) Source 124—Extraction Process, Building 74—the Hydrogen Fluoride emission limit was reduced from 1.1 tons per year to 0.9 ton per year and the VOCs emission limit was reduced from 180.3 tons per year to 160.8 tons per year. In addition, the monitoring and recordkeeping requirements for Methylisobutylketone recovery system were added.

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

14-00014: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on August 29, 2005, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to revise an asphalt concrete production limitation for an asphalt plant to 980,000 tons in any 12-consecutive month period and to revise the annual facility-wide air contaminant emission limitations accordingly at their Pleasant Gap Plant in Spring Township, **Centre County**.

17-399-018: Metaltech, Inc. (Route 219 South, R. D. 1, Box 26, Dubois, PA 15801) on August 25, 2005, to allow the use of additional lubricants/lubricant blends in three powdered metal parts sintering furnaces in Sandy Township, **Clearfield County** by means of the minor operating permit modification requirements of 25 Pa. Code § 127.462,.

59-00018: Hanson Aggregate (PA) Inc. (2200 Springfield Pike, Connellsville, PA 15425) on August 3, 2005, issued a revised State-only operating permit to incorporate the terms and conditions to operate a Detroit Diesel Corporation diesel fired generator at their Blossburg Quarry in Liberty Township, **Tioga County**. This State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

19-00023: Impress USA Inc. (6670 Low Street, Bloomsburg, PA 17815) on August 22, 2005, issued a revised State-only operating permit to incorporate the terms and conditions for the operation of an end score coating repair operation at their can making facility in South Centre Township, **Columbia County**. This State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

33-00155: Trail King Industries, Inc. (147 Industrial Park Road, Brookville, PA 15825) on August 22, 2005, for an amendment of the Natural Minor operating permit to incorporate the requirements of plan approval 33-0155B. The facility is in Pine Creek Township, **Jefferson County**.

10-00148: Ervin Industries, Inc. (681 East Butler Road, Butler, PA) on August 30, 2005, for a natural minor operating permit amendment to incorporate the requirements of plan approval 10-0148B in Summit Township, **Butler County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

56733702 and NPDES Permit No. PA0110035, Robindale Energy Services, Inc. (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to renew the permit for the Marmon Refuse Site in Jenner Township, **Somerset County** and related NPDES permit. No additional discharges. Permit issued August 26, 2005.

56743705 and NPDES Permit No. NA, Pristine Resources, Inc. (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Windber Mine No. 78 CRDA in Paint Township, **Somerset County** from Beth Energy Mines, Inc. No additional discharges. Permit issued August 26, 2005.

56841328 and NPDES Permit No. PA0033677, Pristine Resources, Inc. (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Windber Mine No. 78 in Paint Township, **Somerset County** from Beth Energy Mines, Inc. No additional discharges. Permit issued August 26, 2005.

17941601 and NPDES Permit No. PA0215708, Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), to renew the permit for the Tipple Operation in Bigler Township, **Clearfield County** and related NPDES permit. No additional discharges. Permit issued August 29, 2005.

11841301. NPDES Permit No. PA0001317, Pristine Resources, Inc. (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County** from Beth Energy Mines, Inc. No additional discharges. Permit issued September 1, 2005.

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

56040104 and NPDES Permit No. PA0249599. AMFIRE Mining Company, LLC, One Energy Place, Suite 7500, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 96.4 acres. Receiving streams: UNTs of Flat Run to Flat Run and UNTs to Gum Run to Gum Run to Roaring Run to Quemahoning Creek to Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. Application received July 1, 2004. Permit issued: August 30, 2005.

32030108 and NPDES Permit No. PA0249491. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, for commencement, operation and restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 69.7 acres. Receiving streams: UNT to Rairigh Run and Rairigh Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2003. Permit issued August 30, 2005.

05773002 and NPDES No. PA0605964. Black Dog Mining, Inc., 4891 Lincoln Highway, Stoystown, PA 15563, transfer of an existing bituminous surface mine from Dash Coal Company Inc., P. O. Box 517, Stoystown, PA 15563, and permit renewal for the continued operation and restoration of a bituminous surface mine and sandstone removal operation located in Broad Top Township, **Bedford County**, affecting 258.5 acres. Receiving streams: UNT to Six Mile Run and Six Mile Run, and UNT to Shreves Run and Shreves Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 15, 2005. Permit issued August 30, 2005.

Permit No 11000101 and NPDES No. PA0235261. Bell Resources, Inc., permit renewal for reclamation only of a bituminous surface auger mine in Reade Township, **Cambria County**, affecting 44.4 acres. Receiving stream: UNTs to Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2005. Permit issued August 31, 2005.

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

10000103 and NPDES Permit No. PA0241776. Seneca Landfill, Inc. (P. O. Box 1080, Mars, PA 16046). Renewal of an existing bituminous surface strip operation in Jackson and Lancaster Townships, **Butler County** affecting 281.1 acres. Receiving stream: UNT to Connoquenessing Creek. Application received: April 4, 2005. Permit issued August 31, 2005.

33040102 and NPDES Permit No. PA0242519. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801).

Revision to an existing bituminous surface strip operation in Union Township, **Jefferson County** affecting 35.0 acres. Receiving stream: UNT 1 to Little Millcreek. Revision for an incidental boundary correction to add 4.5 acres to the permit area. Application received: June 1, 2005. Permit issued August 2, 2005.

1642-10010112-E-1. T. C. Mining (252 Lower Hayes Run Road, Kittanning, PA 16201). Application to revise a stream encroachment to remove and reestablish a portion of a UNT to the South Branch of Slippery Rock Creek in Clay and Concord Townships, **Butler County** affecting 186.7 acres. Receiving stream: UNT to South Branch Slippery Rock Creek, classified for the following use: CWF. Application received: May 31, 2005. Issued August 4, 2005.

1642-10010112-E-2. T. C. Mining (252 Lower Hayes Run Road, Kittanning, PA 16201). Application for a stream encroachment to construct erosion and sedimentation controls and conduct mining operations within the 100 foot stream barrier of a UNT in Clay and Concord Townships, **Butler County** affecting 186.7 acres. Receiving stream: UNT to South Branch Slippery Rock Creek, classified for the following use: CWF. Application received: May 31, 2005. Issued August 4, 2005.

Noncoal Permits Actions

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

37050302 and NPDES Permit No. PA0242632. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 100.0 acres. Receiving streams: Seven UNTs to Slippery Rock Creek. Application received: February 23, 2005. Permit issued August 29, 2005.

16052804. Hillside Stone (9397 Fauncetown Road, Titusville, PA 16354). Commencement, operation and restoration of a small noncoal shale operation in Troy Township, **Crawford County** affecting 5.0 acres. Receiving stream: East Branch Sugar Creek. Application received: March 3, 2005. Permit issued: August 30, 2005.

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

08050805. Kenneth Shedden (R. R. 1, Box 99F, Leraysville, PA 18829). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Monore Township, **Bradford County** affecting 5.0 acres. Receiving stream: Kent Run to South Branch. Application received June 16, 2005. Permit issued August 23, 2005.

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

58050822. Tammy Lynn Norton (R. R. 2 Box 135C, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: DuBois Creek. Application received May 12, 2005. Permit issued August 31, 2005.

21052802. Danny G. Forrester (100 Fox Hill Road, Shippensburg PA 17257), commencement, operation and restoration of a quarry operation in Hopewell Township, **Cumberland County** affecting 4.5 acres. Receiving stream: Conodoguinet Creek. Application received June 3, 2005. Permit issued September 1, 2005.

21052801. Danny G. Forrester (100 Fox Hill Road, Shippensburg PA 17257), commencement, operation and restoration of a quarry operation in Hopewell Township, **Cumberland County** affecting 4.5 acres. Receiving stream: Conodoguinet Creek. Application received June 3, 2005. Permit issued September 2, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—182.4) 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.

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

42054002. McKean County Solid Waste Authority (19 Ness Lane, Kane, PA 16735). Blasting activity permit to develop cells for solid waste in Sergeant Township, **McKean County**. This blasting activity permit will expire on August 29, 2006. Application received: August 29, 2005. Application issued: August 29, 2005.

33054003. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Blasting activity permit for the demolition of a coal tipple, three towers and three hoppers in Ringgold Township, **Jefferson County**. The blasting activity permit will expire on October 14, 2005. Application received: July 21, 2005. Permit Issued: July 25, 2005.

33054004. Francis J. Palo, Inc. (309 South 4th Avenue, P. O. Box 368, Clarion, PA 16214). Blasting activity permit for road construction in Henderson Township, **Jefferson County**. The blasting activity permit will expire on October 2, 2005. Application received: July 27, 2005. Permit Issued: August 2, 2005.

37054004. ESSROC Cement Corp. (P. O. Box 779, Bessemer, PA 16112). Blasting activity permit to improve drainage on a haul road in North Beaver Township, **Lawrence County**. The blasting activity permit will expire on October 14, 2005. Application received: July 27, 2005. Permit Issued: August 2, 2005.

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

15054122. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting for Kimberton Meadows in East Pikeland Township, **Chester County** with an expiration date of December 31, 2006. Permit issued August 29, 2005.

28054149. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Highlands of Greenvillage West in Greene Township, **Franklin County** with an expiration date of August 23, 2005. Permit issued August 29, 2005.

40054118. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Oakmont Acres II in Hazle Township, **Luzerne County** with an expiration date of September 1, 2006. Permit issued August 29, 2005.

40054119. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Lake Township, **Luzerne County** with an expiration date of December 31, 2005. Permit issued August 29, 2005.

67054042. Rogele, Inc. (1025 South 21st Street, P. O. Box 1757, Harrisburg, PA 17105-1757), construction blasting for Pennsylvania American Water Company's West Shore Off-Site Transmission Mains in Fairview Township, **York County** with an expiration date of November 30, 2005. Permit issued August 31, 2005.

46054018. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting for Glaxo Smith Kline in Upper Merion Township, **Montgomery County** with an expiration date of September 30, 2006. Permit issued August 31, 2005.

21054161. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for The Preserves in Hampden Township, **Cumberland County** with an expiration date of August 30, 2006. Permit issued August 31, 2005.

36054147. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Fisher Project in Upper Leacock Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued August 31, 2005.

67054131. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Wind-ing Brook Subdivision in Warrington Township, **York County** with an expiration date of August 30, 2006. Permit issued August 31, 2005.

38054122. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a pool in North Cornwall Township, **Lebanon County** with an expiration date of November 30, 2005. Permit issued September 1, 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

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

E54-321. Richard J. and Patricia A. Withelder, 88 West Donaldson Street, Zerbe, PA 17981. Branch Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.3 acre of PEM wetlands for the purpose of constructing storage units and a carwash on an 11.3 acre commercial property. The permittee is required to provide 0.3 acre of replacement wetlands. The project is located on the south side of SR 0209, just east of Township Road T570 (Brickey Road) (Minersville, PA Quadrangle N: 8.4 inches; W: 4.6 inches). (Subbasin: 3A)

E45-465. Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E. Charleston, WV 25314. Smithfield and Middle Smithfield Townships, **Monroe County**. Army Corps of Engineers Philadelphia District.

To remove the existing 14-inch diameter natural gas transmission line and to construct and maintain 27 utility line wetland crossings, including the construction of temporary equipment crossings for access through wetlands, temporarily impacting approximately 4.0 acres of wetlands and 27 utility line stream crossings, including cathodic protection measures, associated with the installation of a 20-inch diameter natural gas transmission line along a 13.4 mile segment of existing Pipeline 1278 right-of-way (R.O.W.) as identified on the attached lists. The purpose of the project is to replace the aged and deteriorated existing 14-inch diameter transmission line with a 20-inch diameter transmission line and work will occur in the existing 50-foot R.O.W. with the possibility of an additional 25-foot R.O.W. for construction purposes. The project begins at the Northampton County/Monroe County boundary (Stroudsburg, PA-NJ Quadrangle N: 13.3 inches; W: 4.4 inches) and continues north to the Monroe County/Pike County boundary (Bushkill, PA-NJ Quadrangle N: 15.1 inches; W: 4.3 inches) in Middle Smithfield Township, Monroe County.

E48-344. Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E. Charleston, WV 25314. Lower Mount Bethel, Upper Mount Bethel and Washington Townships, **Northampton County**, Army Corps of Engineers Philadelphia District.

To remove the existing 14-inch diameter natural gas transmission line and to construct and maintain 45 utility line wetland crossings, including the construction of

temporary equipment crossings for access through wetlands, temporarily impacting approximately 10.6 acres of wetlands and 27 utility line stream crossings, including cathodic protection measures, associated with the installation of a 20-inch diameter natural gas transmission line along a 13.7 mile segment of existing Pipeline 1278 right-of-way (R.O.W.) as identified on the attached lists. The purpose of the project is to replace the aged and deteriorated existing 14-inch diameter transmission line with a 20-inch diameter transmission line and work will occur in the existing 50-foot R.O.W. with the possibility of an additional 25-foot R.O.W. for construction purposes. The project begins just south of an existing compressor station in Forks Township (Bangor, PA-NJ Quadrangle N: 2.9 inches; W: 13.7 inches) and continues north to the Northampton County/Monroe County boundary (Stroudsburg, PA-NJ Quadrangle N: 13.3 inches; W: 4.4 inches) in Upper Mount Bethel Township, Northampton County.

E35-367. Lackawanna County, County Administration Building, 200 Adams Avenue, Scranton, PA 18503. Covington Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 28-foot wide single span precast concrete arch bridge having a 32-foot span and a 7.2-foot underclearance across East Branch Roaring Brook (HQ-CWF) and to place fill in a de minimis area of PFO, PSS and PEM wetlands equal to 0.03 acre. The project is located on Freytown Road (T-347) approximately 0.8 mile southeast of Turnersville Road (Sterling, PA Quadrangle N: 9.9 inches; W: 12.7 inches). (Subbasin: 04A)

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

E22-486: Joan E. Bretz, 4081 Greystone Drive, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County**, ACOE Baltimore District

To fill 0.15 acre of Palustrine Emergent Wetland and to construct and maintain outfall pipes and related improvements at the channel of a UNT to Manada Creek (WWF), to construct Clover Hill Business Park located on the southeast side of the SR 39 and US 22 intersection (Hershey, PA Quadrangle N: 16.3 inches; W: 11.68 inches) in West Hanover Township, Dauphin County. The applicant is required to provide 0.15 acre of replacement wetland. The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E08-422. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Bridge replacement, in Ulster and Sheshequin Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 18 inches; W: 16.3 inches).

1) Replace the existing 2,011-foot long, 14 span through truss bridge which has a clear roadway width of 18 feet, 4 Pratt through-truss spans each 237 feet 4 inches long and 10 warren pony truss spans, each 103 feet 4 inches, on a 90° skew with substructures consisting of a 2 stone masonry abutments and 13 stone masonry piers. The maximum underclearance is about 30 feet while the minimum underclearance is about 7 feet.

2) Construct and maintain a 1,900-foot long prestressed concrete I-beam superstructure. The structure

consists of 12 spans of 158 feet 7 inches each and a composite deck support on reinforced concrete piers and abutments. The structure alignment will be shifted approximately 165 feet to the south at the east end to meet the section of SR 1022 which comes from North Rome, at its intersection with SR 1043 in Ulster Township, Bradford County and will tie into the existing roadway about 350 feet west of the west abutment. The proposed structure will be on a skew of 90° with a minimum and maximum underclearance of 12 and 32 feet respectively with a clear roadway width of 34 feet 0 inches. R-8 riprap lining is to be placed in front of both abutments and around piers 1 to 5 in the river channel and R-6 lining is to be placed around piers 6 to 11 on the east flood plain.

3) Construct, maintain and remove a 6"—8" deep rock temporary access road of to provide access to the bridge construction site and causeways A and B from SR1043 construct abutment No. 2 and piers 6—11.

4) Construct, maintain and remove temporary causeway A including three bridge openings to sustain river and aquatic movement across the North Branch Susquehanna River.

5) Construct, maintain and remove causeway B stage I to provide access for demolition and removal of span 1 and 2 trusses and pier 1 of the existing bridge.

6) Construct, maintain and remove causeway B Stage II to provide access for demolition and removal of spans 3 and 4 trusses and piers 2 and 3 of the existing bridge.

7) To replace the existing 84-inch diameter by 55 foot long CMP located at the intersection of SR 1022 and SR 1043.

8) Temporarily impact a UNT to the Susquehanna River by installing a 48-inch diameter RCP pipe to carry the stream under the temporary roadway beneath span 11 of the proposed bridge.

9) Replace existing pipe carrying a UNT to the Susquehanna River under SR 1043 with a new 30 inch diameter reinforced concrete pipe with a rock outlet north of the intersection of SR 1043 with Bridge Street at station 39+50.

10) Replace existing 84-inch diameter RCP pipe with an 84-inch diameter reinforced concrete pipe to carry an intermittent UNT with an internal energy dissipater and rock outlet under SR 1043 at station 35+00.

11) Relocation of about 200 linear feet of the intermittent tributary mentioned previously to avoid the construction road embankment and new bridge abutment.

The proposed bridge will cross the North Branch of the Susquehanna River on SR 1022, Section 003 in the village of Ulster in Ulster Township, Bradford County.

The project will temporarily impact about 0.09 acre of Palustrine Forested Wetlands and 350 feet of waterway and about 3 acres of earth disturbance. The North Branch of the Susquehanna River is a WWF Stream.

E12-155. Ronald R. Tusing, 445 Sizerville Road, Emporium, PA 15834. Tusing dwelling addition in floodway, in Shippen Township, **Cameron County**, Baltimore ACOE District, (Emporium, PA Quadrangle N: 2.5 inches; W: 12.75 inches).

To modify and maintain a single-family dwelling in the 100-year floodway of Sinnemahoning, Portage Creek. The

single-family dwelling shall be modified by constructing an 18 foot by 15 foot concrete floored patio. The Tusing project is located along the western right-of-way of SR 0155 approximately 2,254 feet north of SR 0120 and SR 0155 intersection.

E14-476. Nevin Pighetti, P. O. Box 256, Milesburg, PA 16853. Private Driveway Culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 17.61 inches; W: 0.83 inch).

To: 1) construct and maintain an 81 inch by 59 inch by 40 foot arch culvert depressed 1 foot in the streambed; 2) place R-5 riprap on the inlet and outlet earthen head walls; and 3) place about 70 linear feet of R-4 riprap for a stormwater discharge swale and splash pad. The culvert will be located in a private driveway in a UNT to Bald Eagle Creek about 200 feet north of Neff Road and 1,200 feet northwest of the intersection of Neff Road with SR 150.

The project will not impact wetlands while impacting about 60 feet of waterway and less than 0.05 acre of earth disturbance. The UNT to Bald Eagle Creek is a CWF Stream.

E14-479. Kenneth Fiedler, Rugged Mountain Hunting Club, Inc., 1156 Centre Street, Bellefonte, PA 16823. Water Obstruction and Encroachment Joint Permit Issuance, in Haines Township, **Centre County**, ACOE Susquehanna River Basin District (Millheim, PA Quadrangle N: 9.8 inches; W: 1.6 inches).

To construct and maintain 20 linear feet of a 36-inch diameter culvert pipe in a UNT to Fox Gap Run, located 1.2 miles north of the Cemetery Road intersection with Fox Gap Road along Fox Gap Road in Haines Township, Centre County. This project proposes to have a minimal impact on the UNT to Fox Gap Run, which is designated an Exceptional Value waterway. The project does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-480. Michael J. Furl, 1453 Runville Road, Bellefonte, PA 16823. 2123 Runville Road Bridge, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.32 inches; W: 13.57 inches).

To: 1) remove two existing culvert pipes; 2) construct and maintain a stream crossing consisting of two 42-foot by 8-foot metal and wood plank flat bed trailers side-by-side and abutments that have a clear span of 12 feet and an underclearance of 6 feet across Wallace Run; and 3) install and maintain 100 linear feet of buried pipe and an in-stream perforated intake pipe to supplement a spring fed pond's water supply, located 1,100 feet north of Brenda's Tavern on SR 144. This project proposes to permanently impact 20 feet of Wallace Run that is classified an EV-CWF.

E17-407. Mosquito Creek Sportsmen Association, P. O. Box 218, Frenchville, PA 16836. Deserter Run/Lost Run Vertical Flow and Gifford Run High Flow Buffer Channel Project for Acid Precipitation Abatement in Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle N: 10.38 inches; W: 5.9 inches).

To construct, operate and maintain vertical flow wetland systems along Deserter Run and Lost Run; and two high flow buffer channels along Gifford Run for

alkaline addition to abate acid precipitation in the Mosquito Creek Watershed. The vertical flow wetland systems require a nonjurisdictional 3-foot high concrete dam be constructed across both Deserter and Lost Run; a water intake structure be constructed in the channel of both waterways; and a 6-inch diameter plastic outlet pipe along the waterways. The high flow buffer channels require rock cross-vanes be constructed across Gifford Run at two locations and a step pool sequenced high flow channel be constructed in the floodway of the waterway. The western limit of the project is located along the Merrill Road 0.9 mile north of the Caledonia Pike and Merrill Road intersection. Construction of the vertical flow wetland treatment permanently impacts 0.01 acre of wetland, which is deemed a de minimis impact, and replacement of the wetland, shall not be required.

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

To construct, operate and maintain a 4-inch diameter high-density polyethylene pipe as a force main to convey municipal wastewater beneath Laurel Run and its associated wetlands. A maximum length of 900 feet of the 4-inch diameter force main shall be installed by directional drilling to avoid all direct stream and wetland impacts. The project is located along the northern right-of-way of SR 0322 at the intersection of T-676 and SR 0322 (Philipsburg, PA Quadrangle N: 7.32 inches; W: 16.82 inches) in Decatur Township, Clearfield County. This permit does not authorize any direct temporary or permanent wetland impacts, as such the permittee shall insure no permanent wetland impacts are incurred through construction, operation and maintenance of the 4-inch diameter sanitary sewer force main.

E17-411. PPL Gas Utilities Corporation, 555 Camargo Road, Quarryville, PA 17566, Cornell Correction Gas Pipeline Project, Decatur Township, **Clearfield County**, ACOE Baltimore District (Philipsburg, PA Quadrangle N: 7.32 inches; W: 16.82 inches).

To construct, operate and maintain a 6-inch diameter steel gas transmission pipeline to convey natural gas beneath Laurel Run and its associated wetlands. A maximum length of 900 feet of the 6-inch diameter steel shall be installed by directional drilling to avoid direct stream and wetland impacts. The project is located along the northern right-of-way of SR 0322 at the intersection of T-676 and SR 0322. This permit does not authorize any direct, temporary or permanent wetland impacts; as such the permittee shall ensure no permanent wetland impacts are incurred through construction, operation and maintenance of the 6-inch diameter steel gas pipeline.

E18-392. Porter Township Municipal Authority, 216 Spring Run Road, Mill Hall, PA 17751, Culvert Replacement, in Porter Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 5.91 inches; W: 14.2 inches).

To maintain a 6 foot by 8 foot arch pipe culvert in Sink Run on Sink Run Road about 0.75 mile south of the intersection of Sink Run Road with SR 2004. The project will not impact wetlands while impacting about 40 feet of waterways. Young Womans Creek is a HQ-CWF fisheries stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

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

The project will not impact wetlands while impacting about 100 feet of waterways and less than 0.02 acre of earth disturbance. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E60-174. Limestone Township Supervisors, 10655 SR 304 Highway, Mifflinburg, PA 17844. Water Obstruction and Encroachment Application for T-380 (Thomas Road) Bridge Replacement, in Limestone Township, **Union County**, ACOE Susquehanna River Basin District (Mifflinburg, PA Quadrangle N: 6.26 inches; W: 10.68 inches).

The applicant proposes to remove existing two 18-inch diameter culvert pipes, each 40 feet in length, one 15-inch diameter culvert pipe, 35 feet in length and construct and maintain two 36-inch HDPE and one 48-inch HDPE; all proposed culverts will be 40 feet in length. Proposed culvert replacements are in a UNT to Buffalo Creek. The proposed project will directly affect approximately 65 linear feet of the UNT to Buffalo Creek, which is classified as a CWF, with no wetland impacts proposed.

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

E02-1473. Tech 21 Partners, LP, 600 Grant Street, Suite 1400, Pittsburgh, PA 15219-2703. To construct a culvert and fill wetlands in Marshall Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 5.5 inches; W: 14.3 inches and Latitude: 40° 39' 12"—Longitude: 80° 06' 09"). To construct and maintain a 6' 11" by 22' arch culvert with an open bottom

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

approximately 120 feet long and realign the stream for approximately 50 feet at the upstream end in a tributary to Brush Creek (WWF), to place and maintain fill in eight wetlands: Wetland B—1.09 acres, Wetland E—0.01 acre, Wetland F—0.01 acre, Wetland G—0.05 acre, Wetland I—0.03 acre, Wetland L—0.002 acre, Wetland M—0.001 acres and Wetland N—0.07 acre for a total impact of 1.26 acres (PEM/PSS), to temporarily impact various tributaries to Brush Creek and 0.21 acre of wetlands for utility line crossings, to construct various outfalls to tributaries to Brush Creek, and to fill or culvert approximately 975 feet of tributaries to Brush Creek with drainage areas under 100 acres. To compensate for the stream impacts the applicant will construct and maintain 725 feet of stream enhancements within two tributaries to Brush Creek and to construct and maintain 190 feet of stream relocation/restoration within three tributaries to Brush Creek. To compensate for the wetland impact, the applicant will construct and maintain 1.48 acres of replacement wetlands. The proposed impacts are part of a proposed technology park to be known as Tech 21 Research Park located in the northwest corner of the Warrendale/Bayne Road and Brush Run Road intersection.

E11-309. Cambria County Commissioners, 200 South Center Street, Ebensburg, PA 15931. To construct a bridge and impact wetlands in Allegheny Township, **Cambria County**, Pittsburgh ACOE District (Ashville, PA Quadrangle N: 9.8 inches; W: 8.3 inches and Latitude: 40° 35' 15"—Longitude: 78° 33' 36"). To remove the existing structure and to construct and maintain a 33.0-foot wide single span bridge having a normal span of 38.3

feet and a minimum underclearance of 4.0 feet across Beaverdam Run (CWF) for the purpose of improving transportation safety and roadway standards. The project is located on Township Road T-488 at Station 12+72.33. The project will impact a de minimus area of wetlands equal to 0.01 acre.

E63-574. Blaine Township Supervisors, 40 Main Street, P. O. Box 128, Taylorstown, PA 15365. To construct two aerial stream crossings in Blaine Township, **Washington County**, Pittsburgh ACOE District (West Middleton, PA Quadrangle N: 6.5 inches; W: 0.3 inch and Latitude: 40° 09' 39"—Longitude: 80° 22' 38"). To construct and maintain two aerial pipeline stream crossings, one across the channel of Buffalo Creek (HQ-WWF) located approximately 285 feet downstream from Main Street (SR 221) and one across the channel of Wolf Run (HQ-WWF) located approximately 55.0 feet upstream from its mouth for the purpose of constructing a vacuum sanitary sewer system. The project will impact approximately 50.0 linear feet of stream channel.

E65-874. Dominion Transmission, Inc., Oakford Compressor Station, P. O. Box 66, Route 22, Delmont, PA 15626. To construct a bridge in Penn and Hempfield Townships, **Westmoreland County**, Pittsburgh ACOE District (Greensburg, PA Quadrangle N: 15.89 inches; W: 12.58 inches and Latitude: 40° 20' 15"—Longitude: 79° 35' 25"). To construct and maintain a 13.0 foot wide single span bridge having a normal span of 30.0 feet and an underclearance of 6.0 feet across Brush Creek (TSF) for the purpose of providing access to gas wells. The project is located off of Oxford Park Road.

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

E20-541. James W. and Ellen S. Klinginsmith, 11728 South Lake Road, Conneaut Lake, PA 16316. Klinginsmith Dock and Concrete Seawall, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 18.2 inches; W: 6.6 inches).

The applicant proposes to remove the existing 55-foot long dock and to construct and maintain a 65-foot long dock on posts having a 20 foot by 10 foot platform at the lakeward end of the dock and to construct and maintain a 0.5 foot wide concrete seawall having a length of approximately 70 feet, anchored into the ground landward of the seawall and constructed directly in front of the existing steel seawall approximately 0.5 mile SW of the intersection of SR 322 and SR 18 on the south side of Conneaut Lake. Conneaut Lake is a perennial body of water classified as a high quality WWF.

E25-695. Western New York & Pennsylvania Railroad, LLC, P. O. Box 190-B, 5769 Sweeteners Boulevard, Lakeville, NY 14480. Hungry Run Bridge and Stream Stabilization, in Union Township, **Erie County**, ACOE Pittsburgh District (Union City, PA-NY Quadrangle N: 1.4 inches; W: 4.3 inches).

The applicant proposes to maintain an existing railroad bridge having a clear span of approximately 35.2 feet and an underclearance of approximately 9.5 feet and to conduct the following activities in Hungry Run on Mile Post SA 68.77 approximately 1.3 miles SE of the intersec-

tion of Mitchell Road and O'Neil Road: 1) channel realignment for a length of approximately 150 feet upstream of the structure; 2) riprap stabilization of the streambank for a length of approximately 150 feet upstream of the structure; and 3) riprap protection of the bridge wingwalls. An existing 2 foot by 2 foot by 6 foot concrete block wall has collapsed into Hungry Run resulting in erosion near the abutments/wing walls and threatening the structure. Hungry Run is a perennial stream classified as a CWF. The proposed project would impact approximately 190 feet of stream.

E37-167. Donald Dickinson, 705 Harlansburg-Eastbrook Road, New Castle, PA 16105. Dickinson Bridge Over Hottenbaugh Run, in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 7.4 inches; W: 15.9 inches).

To construct and maintain a 12 foot long concrete bridge having a clear span of 16 feet and underclearance of 6 feet across Hottenbaugh Run (TSF) on a private driveway extending south from SR 1010 at 705 Harlansburg-Eastbrook Road approximately 1,500 feet downstream of Grange Hall Road.

E61-274. Pennzoil-Quaker State d/b/a Shell Oil Products US, 260 Elm St., Oil City, PA 16301. Pennzoil Quaker State Plant 1 Sheet Pile Wall, in Cornplanter Township, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 3.9 inches; W: 3.2 inches).

The applicant proposes to install and maintain a Waterloo Barrier sheet pile wall having a length of approximately 300 feet and a height (above ground) of approximately 5 feet in the floodway of Oil Creek and in Oil Creek at the southern end of the former Pennzoil-Quaker State Rouseville refinery facility. Project includes debris removal, streambank slope/vegetative restoration and riprap protection. A pump and treat system is currently operating to remediate and control the migration of separate phase liquids at the site from the former refinery that operated at the site. A portion of the SPLs are not captured by the system was periodically seeping into Oil Creek on the southern portion of the site and required installation of the sheet pile wall to control seepage. This is an after-the-fact permit. Construction of this project was completed under EP6105601 issued by the Department on January 3, 2005. Oil Creek is a perennial stream classified as a WWF. This project proposes to impact approximately 300 feet of floodway and stream.

DAM SAFETY

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

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

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of August 2005 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Richard Armstrong	965 Catfish Lane Pottstown, PA 19465	Testing
Diane Clerkin	1114 Bergan Road Oreland, PA 19075	Testing
Todd Crow	144 Church Lane Beaver Falls, PA 15010	Testing
Richard Delaney, Jr.	275 Pioneer Road Franklin, PA 19323	Testing
Joseph Hancaviz	406 Cherry Hill Road Nazareth, PA 18064	Testing
Anthony LaMastra A.B.E. Radiation Measurements Laboratory	1005 Old 22 Lenhartsville, PA 19534	Testing and Laboratory
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Lawrence Nies	11021 May Road Wattsburg, PA 16442	Testing
Lynne Russell	6 Woodledge Village Hawley, PA 18428	Testing
David Scott	417 Pikeland Avenue Spring City, PA 19475	Testing
Daniel Tupek	3112 Colonial Avenue Erie, PA 16506	Testing
Deborah Urenovitch	75 South Hunter Highway Drums, PA 18222	Testing

[Pa.B. Doc. No. 05-1722. Filed for public inspection September 16, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 250-4000-001. Title: Citing Inspection Violations. Description: This guidance establishes uniform standards for all Department regions for citing violations within municipal, residual and hazardous waste programs. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste

Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: September 17, 2005

DEP ID: 250-4000-002. Title: Enforcement Actions. Description: This document provides guidelines for enforcement actions within municipal, residual and hazardous waste programs for Department staff to implement across all Department regions. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4000-003. Title: Violations Requiring and Extended Time Period to Correct. Description: This document provides consistent guidelines across all Department regions to ensure that violations within municipal, residual and hazardous waste programs are corrected with 180 days from the date that the Department determined that a violation occurred. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4000-004. Title: Program Implementation Guidance. Description: This document provides a formal methodology by which the Bureau of Waste Management will implement a compliance and enforcement program throughout this Commonwealth. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 250-4110-001. Title: Notices of Violation (NOVs). Description: This document provides a formal methodology the Bureau of Waste Management will follow to process Notices of Violations. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 251-3120-001. Title: Performing Hazardous Waste Facility Inspections. Description: This document establishes a formal methodology for conducting hazardous waste facility inspections in a similar fashion across all six regions of the Department. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DEP ID: 254-3120-001. Title: Performing Municipal and Residual Waste Facility Inspections. Description: This document provides a formal methodology for conducting municipal and residual waste facility inspections in a similar fashion across all six regions of the Department. Notice of availability of the draft version of this document was published at 35 Pa.B. 2822 (May 7, 2005). Comments were accepted from May 7, 2005, through June 6, 2005. An overall comment/response document that reflects comments on all of Bureau of Waste Management's compliance and enforcement guidance documents is available. Contact: Ed Karmilovich, Bureau of Waste Management, (717) 787-6239, ekarmilovi@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1723. Filed for public inspection September 16, 2005, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Attainment Subcommittee Meeting

On September 26, 2005, from 1 to 3 p.m., the Attainment Subcommittee (subcommittee) of the Cleanup Standards Scientific Advisory Board will hold a meeting by means of a teleconference to discuss the applicability of removing separate phase liquids from contaminated media, including a draft flowchart and checklist the Department of Environmental Protection (Department) and the subcommittee have worked on.

The meeting will be held in the 14th Floor Large 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 field offices at the following locations:

- Southcentral Regional Office Susquehanna B Room, 909 Elmerton Avenue, Harrisburg
- Southeast Regional Office Schuylkill and Delaware Rooms, 2 East Main Street, Norristown
- Northeast Regional Office Susquehanna Room, 2 Public Square, Wilkes-Barre
- 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 Sam Fang at (717) 783-9481 or sfang@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) 783-7816 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. 05-1724. Filed for public inspection September 16, 2005, 9:00 a.m.]

Pennsylvania's Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Tuesday, October 4, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword PEDA). Questions concerning the agenda should be directed to Jeanne Dworetzky at (717) 783-8911 or jdworetzky@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards directly at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1725. Filed for public inspection September 16, 2005, 9:00 a.m.]

State Water Plan Statewide Water Resources Committee Meeting Cancellation

The State Water Plan Statewide Water Resources Committee has cancelled the meeting scheduled for September 22, 2005, at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The next meeting is scheduled for December 1, 2005.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Karen Price at (717) 783-9499 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. 05-1726. Filed for public inspection September 16, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Advisory Committee on Immunization Practices Recommendations Prescribing Child Immunization Practices; Immunizing Agents and Doses

In accordance with 31 Pa. Code §§ 89.806(a) and 89.807(b) (relating to coverage of child immunizations; and immunizing agents, doses and AWP's), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization is updating 31 Pa. Code Chapter 89, Appendices G and H (relating to ACIP recommendations prescribing child immunization practices; and immunizing agents and doses). The Department has primary responsibility for the interpretation and the implementation of 31 Pa. Code §§ 89.806 and 89.807. See 31 Pa. Code § 89.801(b) (relating to authority and purpose; implementation).

Health insurance policies are required by the Childhood Immunization Insurance Act (act) (40 P. S. §§ 3501—3508) and 31 Pa. Code §§ 89.801—89.809 (relating to childhood immunization insurance) to include coverage for certain childhood immunizations, unless the policies are exempted by the act and 31 Pa. Code § 89.809 (relating to exempt policies). The childhood immunizations covered are those that meet Advisory Committee on Immunization Practices (ACIP) standards in effect on May 21, 1992. See 31 Pa. Code § 89.806(a). A list of the Morbidity and Mortality Weekly Report (MMWR) publications containing ACIP recommendations issued under the ACIP standards in effect on May 21, 1992, appears in 31 Pa. Code Chapter 89, Appendix G.

The Department is required to update the list of these MMWR publications appearing in 31 Pa. Code Chapter 89, Appendix G. See 31 Pa. Code § 89.806(a). The additions to the list are as follows; the remainder of the list at Appendix G remains in full force and effect:

August 5, 2005/Vol. 54/No. 30

Tiered Use of Inactivated Influenza Vaccine in the Event of a Vaccine Shortage

The United States has experienced disruptions in the manufacture or distribution of inactivated influenza vaccine during three of the last five influenza seasons. Delays in delivery of influenza vaccine or vaccine shortages remain possible, in part, because of inherent time constraints in manufacturing the vaccine, given the annual updating of influenza vaccine strains and uncertainties regarding vaccine supply (including licensure of new vaccine preparations).

July 29 2005/Vol. 54/No. 29

National, State and Urban Area Vaccination Coverage Among Children Aged 19-35 Months—United States, 2004

The National Immunization Survey (NIS) provides vaccination coverage estimates for children aged 19-35

months for each of the 50 states and 28 selected urban areas. This report summarizes results from the 2004 NIS, which indicated Nationwide increases in coverage with at least one dose of varicella vaccine (VAR), pneumococcal conjugate vaccine (PCV), and the 4:3:1, 4:3:1:3:3 and 4:3:1:3:3:1 vaccine series. These levels represent an important accomplishment by exceeding for the first time the Healthy People 2010 goal of greater than or equal to 80% coverage for the 4:3:1:3:3 vaccine series.

Immunization Information System Progress—United States, 2003

One of the National Health Objectives for 2010 is to increase to at least 95% the proportion of children aged less than 6 years who participate in fully operational, population-based immunization registries (objective 14-26). Immunization registries are confidential, computerized information systems that collect and consolidate vaccination data from multiple health-care providers, generate reminder and recall notifications and assess vaccination coverage. A registry with added capabilities, such as vaccine management, adverse event reporting, lifespan vaccination histories, and interoperability with electronic medical records (EMRs), is called an immunization information system (IIS). This report summarizes data from the Centers for Disease Control's (CDC) 2003 Immunization Registry Annual Report, a survey of IIS grantees in 50 states, five cities and the District of Columbia that receive funding under section 317b of the Public Health Service Act. The findings of the 2003 IRAR indicate that approximately 44% of United States children aged less than 6 years participated in an IIS. In addition, 76% of public vaccination provider sites and 36% of private vaccination provider sites submitted immunization data to an IIS during the last 6 months of 2003. Increasing health-care provider participation by linking EMRs to IISs is vital to meeting the National health objective.

July 1, 2005/Vol. 54/No. 25

Notice to Readers: Satellite Broadcast on Immunization Update 2005

The CDC's National Immunization Program and the Public Health Training Network will present a live satellite broadcast, "Immunization Update 2005," on July 28, 2005, from 9 to 11:30 a.m. EDT, and a rebroadcast of the same program that day from 12 to 2:30 p.m. EDT. Both broadcasts will include a live question-and-answer session, during which participants Nationwide can interact with course instructors via toll-free telephone lines.

July 30, 2005/Vol. 54/No. 21

Prevention and Control of Meningococcal Disease: Recommendations of the Advisory Committee on Immunization Practices (ACIP)

In January 2005, a tetravalent meningococcal polysaccharide-protein conjugate vaccine ([MCV4] Menactra,™ manufactured by Sanofi Pasteur, Inc., Swiftwater, Pennsylvania) was licensed for use among persons aged 11-55 years. CDC's ACIP recommends routine vaccination of young adolescents (defined in this report as persons aged 11-12 years) with MCV4 at the preadolescent health-care visit (at age 11-12 years). Introducing a recommendation for MCV4 vaccination among young adolescents might strengthen the role of the preadolescent visit and have a positive effect on vaccine coverage among adolescents. For those persons who have not previously received MCV4, ACIP recommends vaccination before high-school entry (at approximately age 15 years) as an effective strategy to reduce meningococcal

disease incidence among adolescents and young adults. By 2008, the goal will be routine vaccination with MCV4 of all adolescents beginning at age 11 years. Routine vaccination with meningococcal vaccine also is recommended for college freshmen living in dormitories and for other populations at increased risk (that is, military recruits, travelers to areas in which meningococcal disease is hyperendemic or epidemic, microbiologists who are routinely exposed to isolates of *Neisseria meningitidis*, patients with anatomic or functional asplenia and patients with terminal complement deficiency). Other adolescents, college students and persons infected with human immunodeficiency virus who wish to decrease their risk for meningococcal disease may elect to receive vaccine.

This report updates previous reports from ACIP concerning prevention and control of meningococcal disease. It also provides updated recommendations regarding use of the tetravalent meningococcal polysaccharide vaccine (MPSV4) and on antimicrobial chemoprophylaxis.

April 15, 2005/Vol. 54/No. 14

Notice to Readers: National Infant Immunization Week—April 24 through 30, 2005

National Infant Immunization Week is April 24 through 30, 2005. The theme this year is "Vaccination: an Act of Love. Love Them. Protect Them. Immunize Them." This annual event emphasizes the importance of timely infant and childhood vaccination, one of the most effective ways to protect infants and children from potentially serious diseases.

April 8, 2005/Vol. 54/No. 13

Update: Influenza Activity—United States, 2004-05 Season Notice to Readers

This report summarizes influenza activity in the United States during October 3, 2004, through March 26, 2005, updates the previous summary, and describes the composition of the 2005-06 influenza vaccine. Influenza activity was moderate in the United States overall, but varied by region. Preliminary data collected through the seven components of the CDC Influenza Surveillance System indicate that national influenza activity peaked in early-February.

50th Anniversary of the First Effective Polio Vaccine—April 12, 2005

April 12, 2005, marks the 50th anniversary of the announcement that the polio vaccine, developed by Jonas Salk and his team of scientists at the University of Pittsburgh, worked. "Safe, effective, and potent" were the words used to announce to the world that an effective vaccine had been found against a disease that once paralyzed 13,000–20,000 persons each year in the United States.

April 1, 2005/Vol. 54/No. 12

Estimated Influenza Vaccination Coverage Among Adults and Children—United States, September 1, 2004 through January 31, 2005

In response to the unexpected shortfall in the 2004-05 influenza vaccine supply, CDC recommended in October 2004 that vaccine be reserved for persons in certain priority groups, including persons aged 65 years or older and 6-23 months, persons aged 2-64 years with conditions that increased their risk for influenza complications, residents of chronic-care facilities, close contacts of infants aged less than 6 months, and health-care workers with direct patient contact. To monitor influenza vaccina-

tion coverage during the 2004-05 season, the Behavioral Risk Factor Surveillance System, an ongoing, state-based, telephone survey of civilian, noninstitutionalized persons, added new questions to collect information on priority status and the month and year of vaccination for adults and children. This report is based on analysis of data collected during February 1 through 27, 2005, regarding respondent-reported receipt of influenza vaccination during September 1, 2004, through January 31, 2005. The results of this analysis indicated that influenza vaccination coverage levels through January 2005 among adults in priority groups nearly reached those in recent years, whereas coverage levels among adults not in priority groups were approximately half of levels in 2003, in part because 9.3% of those unvaccinated persons in nonpriority groups declined vaccination this season. The results further suggested that designation of the priority groups successfully directed the Nation's influenza vaccine supply to those at highest risk. In addition, vaccination

coverage among children aged 6-23 months was notable (48.4%), given that 2004-05 was the first year this group was recommended for influenza vaccination.

February 18, 2005/Vol. 54/No. 6

Hepatitis A Vaccination Coverage Among Children Aged 24-35 Months—United States, 2003

This report is the first National analysis of hepatitis A vaccination coverage among children. The results indicate that, in 2003, vaccination coverage levels with at least 1 dose of hepatitis A vaccine for children aged 24-35 months varied from 6.4% to 72.7% in areas where routine vaccination is recommended. In addition, hepatitis A vaccination coverage rates for children aged 24-35 months are lower than overall rates for other vaccines recommended for children. Sustaining and improving vaccination coverage among young children is needed to ensure continued declines in hepatitis A incidence in the United States.

2005 List of Immunizing Agents and Average Wholesale Prices

Product Name, Company	Brand/Product Name	NDC Number	Unit	Dose	AWP/ Dose*
Diphtheria Tetanus acellular Pertussis Vaccine (DTaP):					
sanofi pasteur	Tripedia	49281-0298-10	10 × 1	0.5 ml	\$23.56
sanofi pasteur	Daptacel	49281-0286-10	10 × 1	0.5 ml	\$25.99
GlaxoSmithKline	Infanrix	58160-0840-11	10 × 1	0.5 ml	\$22.22
Diphtheria Tetanus pediatric Vaccine (DT pediatric):					
sanofi pasteur	DT Pediatric	49281-0275-10	5.0 ml	0.5 ml	\$21.82
Diphtheria Tetanus acellular Pertussis/Haemophilus Influenzae B (DTaP-HIB)					
sanofi pasteur	TriHIBit	49281-0597-05	5 × 1	0.5 ml	\$23.13
Tetanus Diphtheria adult Vaccine (Td adult):					
sanofi pasteur	(1) Td Adult	49281-0271-83	5.0 ml	0.5 ml	\$22.70
sanofi pasteur	(2) Decavac	49281-0291-10	10 × 1		\$37.80
Diphtheria, Tetanus, acellular Pertussis, Hepatitis B, Polio (DTaP, Hep B, OPV)					
GlaxoSmithKline	Pediarix	58160-0841-11	10 × 1	0.5 ml	\$75.70
GlaxoSmithKline	Pediarix	58160-0841-46	5 × 1	0.5 ml	\$75.70
Haemophilus Influenzae B Vaccine (HIB):					
Wyeth Pharmaceuticals	HibTITER	0005-0104-32	5 × 0.5	0.5 ml	\$25.54
sanofi pasteur	ActHIB	49281-0545-05	5 × 1	0.5 ml	\$24.33
Merck & Co.	Pedvax HIB	0006-4897-00	10 × 0.5	0.5 ml	\$25.44
Injectable Polio Vaccine Inactivated (Salk Enhanced IPV):					
sanofi pasteur	IPOL	49281-0860-10	5.0 ml	0.5 ml	\$24.35
Measles Mumps Rubella Vaccine (MMR):					
Merck & Co.	MMR II	0006-4749-00	0.5 ml	0.5 ml	\$44.72
Merck & Co.	MMR II	0006-4681-00	10 × 0.5	0.5 ml	\$43.19
Measles Vaccine (Rubeola):					
Merck & Co.	Atenuvax	0006-4709-00	0.5 ml	0.5 ml	\$17.73
Merck & Co.	Atenuvax	0006-4589-00	10 × 0.5	0.5 ml	\$15.95
Meningococcal Vaccine (MCV4):					
sanofi pasteur	Menactra	49281-0589-01			\$88.56
sanofi pasteur	Menactra	49281-0589-05			\$88.56
Mumps Vaccine (Mumps):					
Merck & Co.	Mumpsvac	0006-4753-00	0.5 ml	0.5 ml	\$20.45
Merck & Co.	Mumpsvac	0006-4584-00	10 × 0.5	0.5 ml	\$20.65
Rubella (German Measles):					
Merck & Co.	Meruvax II	0006-4747-00	0.5 ml	0.5 ml	\$18.57
Merck & Co.	Meruvax II	0006-4673-00	10 × 0.5	0.5 ml	\$17.78

Product Name, Company	Brand/Product Name	NDC Number	Unit	Dose	AWP/ Dose*
Hepatitis A Vaccine Pediatric (HEP-A):					
Merck & Co.	VAQTA	0006-4831-00	0.5 ml	0.5 ml	\$34.56
Merck & Co.	VAQTA	0006-4831-41	10 × 0.5	0.5 ml	\$32.66
Merck & Co.	VAQTA syringe	0006-4845-00	0.5 ml	0.5 ml	\$35.30
Merck & Co.	VAQTA syringe	0006-4845-38	5 × 0.5	0.5 ml	\$33.31
GlaxoSmithKline	Havrix	58160-0837-01	0.5 ml	0.5 ml	\$30.11
GlaxoSmithKline	Havrix	58160-0837-11	10 × 0.5	0.5 ml	\$28.79
GlaxoSmithKline	Havrix syringe	58160-0837-50	25 × 0.5	0.5 ml	\$28.79
GlaxoSmithKline	Havrix syringe	58160-0837-46	5 × 0.5	0.5 ml	\$28.79
Hepatitis A Vaccine Adult (HEP-A):					
Merck & Co.	VAQTA	0006-4841-00	1.0 ml	1.0 ml	\$68.35
Merck & Co.	VAQTA	0006-4841-38	5 × 1.0	1.0 ml	\$66.64
Merck & Co.	VAQTA	0006-4841-41	10 × 1.0	1.0 ml	\$64.73
Merck & Co.	VAQTA syringe	0006-4844-00	1.0 ml	1.0 ml	\$70.60
Merck & Co.	VAQTA syringe	0006-4844-38	5 × 1.0	1.0 ml	\$66.64
GlaxoSmithKline	Havrix	58160-0835-01	0.5 ml	0.5 ml	\$29.92
GlaxoSmithKline	Havrix syringe	58160-0835-41	1 × 0.5	0.5 ml	\$29.28
GlaxoSmithKline	Havrix syringe	58160-0835-46	5 × 0.5	0.5 ml	\$29.28
Hepatitis B Vaccine (HEP-B):					
Merck & Co.	(1) Recombivax HB	00006-4980-00	0.5 ml	0.5 ml	\$27.26
Merck & Co.	(1) Recombivax HB	00006-4981-00	10 × 0.5 ml	0.5 ml	\$25.93
Merck & Co.	(2) Recombivax HB	00006-4769-00	0.5 ml	0.5 ml	\$27.26
Merck & Co.	(2) Recombivax HB	00006-4876-00	10 × 0.5	0.5 ml	\$25.62
Merck & Co.	(2) Recombivax HB	00006-4849-00	5 × 0.5	0.5 ml	\$27.28
Merck & Co.	(2) Recombivax HB	00006-4969-00	5 × 0.5	0.5 ml	\$27.28
Merck & Co.	(3) Recombivax HB	00006-4773-00	3.0 ml	0.5 ml	\$33.46
Merck & Co.	(3) Recombivax HB	00006-4775-00	1.0 ml	1.0 ml	\$33.49
Merck & Co.	(3) Recombivax HB	00006-4872-00	10 × 1.0	1.0 ml	\$33.15
Merck & Co.	(3) Recombivax HB	00006-4873-00	10 × 3.0	0.5 ml	\$32.94
Merck & Co.	(3) Recombivax HB	00006-4848-00	5 × 1.0	1.0 ml	\$33.50
Merck & Co.	(3a,b) Recombivax HB	00006-4995-00	1.0 ml	1.0 ml	\$33.49
Merck & Co.	(3a,b) Recombivax HB	00006-4995-41	10 × 1.0	1.0 ml	\$33.15
Merck & Co.	(3c) Recombivax HB	00006-4992-00	1.0 ml	1.0 ml	\$93.31
GlaxoSmithKline	(4) Engerix-B	58160-0856-01	0.5 ml	0.5 ml	\$23.07
GlaxoSmithKline	(4) Engerix-B	58160-0856-11	10 × 0.5	0.5 ml	\$23.07
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-46	5 × 0.5	0.5 ml	\$23.07
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-50	25 × 0.5	0.5 ml	\$23.07
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-57	25 × 0.5	0.5 ml	\$23.07
GlaxoSmithKline	(5) Engerix-B	58160-0857-01	1.0 ml	1.0 ml	\$55.35
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-46	5 × 1.0	1.0 ml	\$54.24
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-50	25 × 1.0	1.0 ml	\$54.24
<p>(1) Pediatric/Adolescent formulation (preservative-free) @ 5 mcg/.5ml (2) Adolescent/infant high risk formulation @ 10 mcg/ml DISCONTINUED (3) Adult formulation @ 10 mcg/1 ml DISCONTINUE (3a) Adult formulation (preservative free) @ 10 mcg/1 ml (3b) Two dose regimen for 11 through 15 years of age (preservative free) (3c) Dialysis formulation (preservative free) @ 40 mcg/1 ml (4) Pediatric formulation @ 10 mcg/0.5 ml (5) Adult formulation @ 20 mcg/ml</p>					
Hepatitis B / HIB					
Merck & Co.	COMVAX	0006-4898-00	10 × 0.5	0.5 ml	\$47.98
Hepatitis A & Hepatitis B Vaccine:					
GlaxoSmithKline	Twinrix	58160-0850-01	1.0 ml	1.0 ml	\$84.96
GlaxoSmithKline	Twinrix	58160-0850-11	10 × 1.0	1.0 ml	\$83.60
GlaxoSmithKline	Twinrix syringe	58160-0850-46	5 × 1.0	1.0 ml	\$83.88
Influenza Vaccine :					
sanofi pasteur	Fluzone PF	49281-0373-25	10 × 0.5	0.25 ml	\$25.92
sanofi pasteur	Fluzone	49281-0374-11	10 × 1	0.5 ml	\$12.27
sanofi pasteur	Fluzone	49281-0374-15	10 × 1	0.5 ml	\$9.18
MedImmune	Flumist	66019-0101-01	10 × 1	0.5 ml	\$16.20

Product Name, Company	Brand/Product Name	NDC Number	Unit	Dose	AWP/ Dose*
Pneumococcal Vaccine:					
Wyeth Pharmaceuticals	Prenar	0005-1970-67	5 × 0.5	0.5 ml	\$71.09
Merck & Co.	Pneumovax 23	0006-4739-00	2.5 ml	0.5 ml	\$23.27
Merck & Co.	Pneumovax 23	0006-4739-50	10 × 2.5 ml	0.5 ml	\$26.12
Merck & Co.	Pneumovax 23	0006-4943-00	10 × 0.5	0.5 ml	\$26.12
Merck & Co.	Pneumovax 23 syringe	0006-4894-00	5 × 0.5	0.5 ml	\$19.30
Varicella Virus Vaccine Live (Chickenpox):					
Merck & Co.	Varivax**	00006-4827-00	10 × 0.5	0.5 ml	\$72.02
Merck & Co.	Varivax**	00006-4826-00	0.5 ml	0.5 ml	\$75.53

*Indicates the Estimated Acquisition Cost (EAC) as stated in the Department of Public Welfare, Office of Medical Assistance Programs, Medical Assistance Regulations at 55 Pa. Code § 1121.56 (relating to drug cost determination).

**Comes with a box of 10 vials of diluent (package B: 00006-4309-00)

Persons with disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Alice Gray, Director, Division of Immunizations, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5681 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1727. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Carbon-Schuylkill Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carbon-Schuylkill Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1728. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Carlisle Regional Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Carlisle Regional Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1729. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frick Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1730. Filed for public inspection September 16, 2005, 9:00 a.m.]

notice that North Shore Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1732. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Hazleton General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hazleton General Hospital has requested an exception to the requirements of 28 Pa. Code § 101.191 (relating to multiple-clinical facilities).

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

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

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

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

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

[Pa.B. Doc. No. 05-1731. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Punxsutawney Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Punxsutawney Area Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

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

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

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

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

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

[Pa.B. Doc. No. 05-1733. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of North Shore Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

Application of St. Clair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that St. Clair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B1, 7.2.B2, 7.2.B5—7.2.B7, 7.2.B9, 7.2.B11, 7.2.B12, 7.2.B13a, 7.2.B14—7.2.B17, 7.2.B19 and 7.2.B22.

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1734. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of South Hills Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that South Hills Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

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

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

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

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

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

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

[Pa.B. Doc. No. 05-1735. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of South Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that South Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 555.2 and 555.3 (relating to principle; medical staff membership; and requirements for membership and privileges).

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

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

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

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

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

[Pa.B. Doc. No. 05-1736. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Surgery Center of Lebanon, LP for Exception

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

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

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

[Pa.B. Doc. No. 05-1737. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Temple East, Inc./Northeastern Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Temple East, Inc./Northeastern Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1738. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application of Westmoreland Regional Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Regional Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1739. Filed for public inspection September 16, 2005, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Chronic Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, October 28, 2005, from 10 a.m. to 3 p.m. in Room 327, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information, contact Robert Staver, Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services at (717) 772-5138. Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Robert Staver at (717) 772-5138 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1740. Filed for public inspection September 16, 2005, 9:00 a.m.]

Health Research Advisory Committee Public Hearing and Meeting

The Health Research Advisory Committee (Committee) of the Department of Health (Department) will hold a public hearing on November 21, 2005, and a meeting on November 22, 2005, at the Harrisburg Hilton and Towers, Corner of Second and Market Streets, Harrisburg, PA.

The primary purpose of the public hearing is to obtain suggestions for health research priorities under the Tobacco Settlement/Act 77, Commonwealth Universal Research Enhancement Program for the State Fiscal Year 2006-07. Current and past State fiscal year priorities for both formula funded and nonformula funded health research are posted on the Department's website at www.health.state.pa.us/cure.

The public hearing will be held on November 21, 2005, from 1:30 p.m. to 5 p.m. Public comments must be

submitted by e-mail to John Koch at jkoch@state.pa.us by 2:30 p.m. on October 24, 2005. Persons wishing to present written statements orally at the public hearing must contact John Koch at (717) 783-2548 by 2:30 p.m. on October 24, 2005, to make a reservation for testifying at the hearing.

Written comments must be limited to no more than five single-spaced typewritten pages. Comments should recommend research on one or more health related issues that have a significant impact on the health of Pennsylvanians. Although comments may include data supporting the significance of a particular health related issue, written comments should identify, in priority order, the specific research issues and questions that need to be addressed. Testimony should include the specific aims of the research being proposed.

Oral testimony will be limited to 3 minutes. Prior to the public hearing, a copy of written comments will be provided to the Committee members for their review. Therefore, oral presentations should not repeat the written comments but instead should focus on the highlights or key research issues contained in the written comments. If time permits, 2 minutes will be allowed for questions and answers following the oral testimony. Persons will be scheduled on a first come, first served basis, as time permits. Oral testimony that is duplicative of previously presented testimony may not be allowed if time is limited.

On November 22, 2005, a meeting of the Committee will be held from 9 a.m. to 3:30 p.m. The purpose of the meeting is to review the findings of the nonformula health research projects related to health disparities and to discuss the research priorities for the State Fiscal Year 2006-07.

The hearing and meeting are open to the public. No reservations are required to attend the hearing or meeting, but those wishing to present oral testimony at the public hearing must submit their written comments in advance in accordance with the guidance provided previously.

For additional information, contact Patricia W. Potrzebowski, Director, Bureau of Health Statistics and Research or Robin C. Cohick, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914 or (717) 783-2548.

Persons with a disability who wish to attend the hearing or meeting and require an auxiliary aid, service or other accommodation should contact Patricia W. Potrzebowski or Robin Cohick at (717) 783-2548 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The hearing and meeting are subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1741. Filed for public inspection September 16, 2005, 9:00 a.m.]

Immunization Practices for Children in Child Care Group Settings

In accordance with 28 Pa. Code § 27.77(c) (relating to immunization requirements for children in child care

group settings), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization, is updating the list of Morbidity and Mortality Weekly Report (MMWR) publications that contain the Advisory Committee on Immunization Practices (ACIP) recommendations that meet the standards of 28 Pa. Code § 27.77(c). Children in child care group settings as defined by 28 Pa. Code § 27.77(c) are required to be immunized in accordance with the recommendations included in the following publications. The Department is providing a summary of the publications for the ease of reference of the public:

August 5, 2005/Vol. 54/No. 30

Tiered Use of Inactivated Influenza Vaccine in the Event of a Vaccine Shortage

The United States has experienced disruptions in the manufacture or distribution of inactivated influenza vaccine during three of the last five influenza seasons. Delays in delivery of influenza vaccine or vaccine shortages remain possible, in part, because of inherent time constraints in manufacturing the vaccine, given the annual updating of influenza vaccine strains and uncertainties regarding vaccine supply (including licensure of new vaccine preparations).

July 29 2005/Vol. 54/No. 29

National, State, and Urban Area Vaccination Coverage Among Children Aged 19-35 Months—United States, 2004

The National Immunization Survey (NIS) provides vaccination coverage estimates for children aged 19-35 months for each of the 50 states and 28 selected urban areas. This report summarizes results from the 2004 NIS, which indicated Nationwide increases in coverage with at least one dose of varicella vaccine, pneumococcal conjugate vaccine, and the 4:3:1, 4:3:1:3:3 and 4:3:1:3:3:1 vaccine series. These levels represent an important accomplishment by exceeding for the first time the *Healthy People 2010* goal of greater than or equal to 80% coverage for the 4:3:1:3:3 vaccine series.

Immunization Information System Progress—United States, 2003

One of the National Health Objectives for 2010 is to increase to at least 95% the proportion of children aged less than 6 years who participate in fully operational, population-based immunization registries (objective 14-26). Immunization registries are confidential, computerized information systems that collect and consolidate vaccination data from multiple health-care providers, generate reminder and recall notifications, and assess vaccination coverage. A registry with added capabilities, such as vaccine management, adverse event reporting, lifespan vaccination histories, and interoperability with electronic medical records (EMRs), is called an immunization information system (IIS). This report summarizes data from the Centers for Disease Control's (CDC) 2003 Immunization Registry Annual Report, a survey of IIS grantees in 50 states, five cities and the District of Columbia that receive funding under section 317b of the Public Health Service Act. The findings of the 2003 IRAR indicate that approximately 44% of United States children aged less than 6 years participated in an IIS. In addition, 76% of public vaccination provider sites and 36% of private vaccination provider sites submitted immunization data to an IIS during the last 6 months of 2003. Increasing health-care provider participation by linking EMRs to IISs is vital to meeting the National health objective.

July 1, 2005/Vol. 54/No. 25

Notice to Readers: Satellite Broadcast on Immunization Update 2005

The CDC's National Immunization Program and the Public Health Training Network will present a live satellite broadcast, "Immunization Update 2005," on July 28, 2005, from 9 to 11:30 a.m. EDT, and a rebroadcast of the same program that day from 12 to 2:30 p.m. EDT. Both broadcasts will include a live question-and-answer session, during which participants nationwide can interact with course instructors by means of toll-free telephone lines.

July 30, 2005/Vol. 54/No. 21

Prevention and Control of Meningococcal Disease: Recommendations of the ACIP

In January 2005, a tetravalent meningococcal polysaccharide-protein conjugate vaccine ([MCV4] Menactra,™ manufactured by Sanofi Pasteur, Inc., Swiftwater, Pennsylvania) was licensed for use among persons aged 11-55 years. CDC's ACIP recommends routine vaccination of young adolescents (defined in this report as persons aged 11-12 years) with MCV4 at the preadolescent health-care visit (at age 11-12 years). Introducing a recommendation for MCV4 vaccination among young adolescents might strengthen the role of the preadolescent visit and have a positive effect on vaccine coverage among adolescents. For those persons who have not previously received MCV4, ACIP recommends vaccination before high-school entry (at approximately age 15 years) as an effective strategy to reduce meningococcal disease incidence among adolescents and young adults. By 2008, the goal will be routine vaccination with MCV4 of all adolescents beginning at age 11 years. Routine vaccination with meningococcal vaccine also is recommended for college freshmen living in dormitories and for other populations at increased risk (that is, military recruits, travelers to areas in which meningococcal disease is hyperendemic or epidemic, microbiologists who are routinely exposed to isolates of *Neisseria meningitidis*, patients with anatomic or functional asplenia, and patients with terminal complement deficiency). Other adolescents, college students and persons infected with human immunodeficiency virus who wish to decrease their risk for meningococcal disease may elect to receive vaccine.

This report updates previous reports from ACIP concerning prevention and control of meningococcal disease. It also provides updated recommendations regarding use of the tetravalent meningococcal polysaccharide vaccine (MPSV4) and on antimicrobial chemoprophylaxis.

April 15, 2005/Vol. 54/No. 14

Notice to Readers: National Infant Immunization Week—April 24 through 30, 2005

National Infant Immunization Week is April 24 through 30, 2005. The theme this year is "Vaccination: an Act of Love. Love Them. Protect Them. Immunize Them." This annual event emphasizes the importance of timely infant and childhood vaccination, one of the most effective ways to protect infants and children from potentially serious diseases.

April 8, 2005/Vol. 54/No. 13

Update: Influenza Activity—United States, 2004-05 Season Notice to Readers

This report summarizes influenza activity in the United States during October 3, 2004, through March 26, 2005,

updates the previous summary, and describes the composition of the 2005-06 influenza vaccine. Influenza activity was moderate in the United States overall, but varied by region. Preliminary data collected through the seven components of the CDC Influenza Surveillance System indicate that national influenza activity peaked in early-February.

50th Anniversary of the First Effective Polio Vaccine—April 12, 2005

April 12, 2005, marks the 50th anniversary of the announcement that the polio vaccine, developed by Jonas Salk and his team of scientists at the University of Pittsburgh, worked. "Safe, effective, and potent" were the words used to announce to the world that an effective vaccine had been found against a disease that once paralyzed 13,000–20,000 persons each year in the United States.

April 1, 2005/Vol. 54/No. 12

Estimated Influenza Vaccination Coverage Among Adults and Children—United States, September 1, 2004, through January 31, 2005

In response to the unexpected shortfall in the 2004-05 influenza vaccine supply, CDC recommended in October 2004 that vaccine be reserved for persons in certain priority groups, including persons aged 65 years or older and 6-23 months, persons aged 2-64 years with conditions that increased their risk for influenza complications, residents of chronic-care facilities, close contacts of infants aged less than 6 months, and health-care workers with direct patient contact. To monitor influenza vaccination coverage during the 2004-05 season, the Behavioral Risk Factor Surveillance System, an ongoing, State-based, telephone survey of civilian, noninstitutionalized persons, added new questions to collect information on priority status and the month and year of vaccination for adults and children. This report is based on analysis of data collected during February 1 through 27, 2005, regarding respondent-reported receipt of influenza vaccination during September 1, 2004, through January 31, 2005. The results of this analysis indicated that influenza vaccination coverage levels through January 2005 among adults in priority groups nearly reached those in recent years, whereas coverage levels among adults not in priority groups were approximately half of levels in 2003, in part because 9.3% of those unvaccinated persons in nonpriority groups declined vaccination this season. The results further suggested that designation of the priority groups successfully directed the nation's influenza vaccine supply to those at highest risk. In addition, vaccination coverage among children aged 6-23 months was notable (48.4%), given that 2004-05 was the first year this group was recommended for influenza vaccination.

February 18, 2005/Vol. 54/No. 6

Hepatitis A Vaccination Coverage Among Children Aged 24-35 Months—United States, 2003

This report is the first national analysis of hepatitis A vaccination coverage among children. The results indicate that, in 2003, vaccination coverage levels with at least 1 dose of hepatitis A vaccine for children aged 24-35 months varied from 6.4% to 72.7% in areas where routine vaccination is recommended. In addition, hepatitis A vaccination coverage rates for children aged 24-35 months are lower than overall rates for other vaccines recommended for children. Sustaining and improving vaccination coverage among young children is needed to ensure continued declines in hepatitis A incidence in the United States.

Additional information relating to vaccinations may be obtained from the Department's website at www.dsf.health.state.pa.us/health and from the National Immunization Program of the Centers for Disease Control and Prevention at the following website: www.cdc.gov/nip/default.htm.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille), should contact Alice Gray, Director, Division of Immunization, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5681 or for speech and/or hearing impaired persons, at V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1742. Filed for public inspection September 16, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Funding and Reform Commission Meeting

The Transportation Funding and Reform Commission will meet on Thursday, September 29, 2005, at 9:30 a.m. in Conference Room 8N1, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Chairperson Allen D. Biehler will preside. The meeting is open to the public.

The meeting location is accessible to persons with disabilities. Persons having special needs or requiring special aides should contact Jeanie Schneider, Department of Transportation, Bureau of Public Transportation at (717) 787-3921 prior to the meeting.

ALLEN D. BIEHLER,
Secretary

[Pa.B. Doc. No. 05-1743. Filed for public inspection September 16, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

JDM Materials Company v. DEP; EHB Doc. No. 2005-264-K

JDM Materials Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Telford Borough, Bucks County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to

the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-1744. Filed for public inspection September 16, 2005, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. Representative Nicholas A. Micozzie, Chairperson of the House Insurance Committee, has requested that the Council review House Resolution 400, Printer's Number 2469 (Bunt). House Resolution 400 directs the Council to study the requirement of comprehensive insurance coverage for the diagnosis and treatment of infertility.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of documentation to the Council no later than 5 p.m. on November 17, 2005. The documentation should be mailed to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with the following information categories described in section 9 of Act 14:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of this Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of this Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) Relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the results of at least one professionally accepted, controlled trial com-

paring the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) The results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 05-1745. Filed for public inspection September 16, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-67	Department of Labor and Industry General Provisions 35 Pa.B. 3807 (July 9, 2005)	8/8/05	9/7/05
12-68	Department of Labor and Industry Qualifications for Vocational Experts 35 Pa.B. 3820 (July 9, 2005)	8/8/05	9/7/05

**Department of Labor and Industry Regulation
#12-67 (IRRC #2484)
General Provisions
September 7, 2005**

We submit for your consideration the following comments on the proposed rulemaking published in the July 9, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

1. Section 121.1.—Definitions.—Clarity.

Employer

This term incorporates by reference two definitions of “employer” found in Sections 103 and 401 of the Workers’ Compensation Act (Act). Section 103 of the Act is under Article I, relating to interpretation and definition. Section 401 of the Act is under Article IV, relating to procedure. The definitions from the Act differ and are not interchangeable. Therefore, both statutory definitions should not be combined in one regulatory definition. The Department should select one statutory definition that is most

appropriate for Chapter 121, relating to general provisions. If one statutory definition is more appropriate in a certain section than the other statutory definition, then that definition should be referenced in or added to that section.

Insured employer

The definition of this term includes employers who chose to insure their workers’ compensation liabilities through a workers’ compensation insurance carrier. The Department has indicated that this term also encompasses employers who cover their liabilities through the State Workmen’s Insurance Fund. The final-form regulation should be amended to reflect this fact.

2. Section 121.3.—Filing of forms.—Clarity.

Subsection (a) and (c)

These subsections use the terms “electronic format” and “electronic means.” The Department has stated that forms can be filed electronically on their website or through an approved electronic data interchange protocol. Because these terms are vague and could include methods other than those noted by the Department such as e-mail or telephone, we recommend that the terms be defined.

Subsection (b)

This subsection allows the Bureau of Workers' Compensation (Bureau) to return forms that are not properly completed or filed. The final-form regulation should require the Bureau to inform the applicant why the form was not completed or filed correctly.

Subsection (d)

This subsection addresses how the filing date will be determined when delivery is made using the United States Postal Service. However, it does not address how the filing date will be determined if other means of delivery are used.

The Department recently amended Section 101.82 of its regulations on unemployment compensation relating to time for filing an appeal from determinations of the Department. This section establishes how the filing dates for appeals filed by a variety of means including U.S. mail, common carrier, fax, electronic transmission and personal delivery will be determined. Language similar to Section 101.82 should be included in this subsection.

3. Section 121.3b.—Posting workers' compensation information.—Clarity.*Subsection (a)*

This subsection requires an employer to post information at its primary place of business and its "sites of employment." We note that language used in this subsection is similar to language in the Act. However, the phrase "sites of employment" lacks clarity and could make it difficult for an employer to fulfill all of its responsibilities. For example, what would the "site of employment" be for a visiting nurse or pharmaceutical salesperson that works exclusively from their home or automobile? The final-form regulation should specify how an employer can meet its obligations if some or all of its employees do not report to a particular "site of employment."

Subsection (b)

Paragraph (6) states the following: "If your claim is denied, you have the right to request a hearing before a workers' compensation judge." For clarity, this subsection should be amended to state, "If your claim is denied by your employer, you have the right to request a hearing before a workers' compensation judge." (emphasis added)

4. Section 121.7.—Notice of compensation payable and notice of temporary compensation payable.—Clarity.*Subsections (c) and (d)*

These subsections allow an employer to file certain forms as "amended" or "estimated" by clearly identifying those forms as such. We asked the Department how an employer would be able to clearly identify forms filed electronically as "amended" or "estimated." The Department responded that they intend to revise the forms to include a box that could be checked to indicate that the forms are "amended" or "estimated." We believe this revision is appropriate and recommend that the forms be amended before this regulation is finalized. The same comment applies to the similar language in Section 121.8(c) and (d), Section 121.9(d) and (e), and Section 121.12(a).

Subsection (e)

This subsection contains two subjects. The first relates to amending a Notice of Compensation Payable, Form LIBC-495, and Notice of Temporary Compensation Payable Form, LIBC-501. The second relates to filing a

Supplemental Agreement for Compensation for Disability or Permanent Injury, Form LIBC-337. These two provisions should be separated into two distinct subsections. The same comment applies to the similar language in Section 121.8(d) and Section 121.9(e).

Subsection (f)

This subsection states that an employer "may" file a Notice of Compensation Payable, Form LIBC-495, when an employee's injury has not resulted in lost time from work in medical only cases. The Department has indicated that filing Form LIBC-495 is not the only form that can be used. However, employers are expected to file either Form LIBC-495 or other forms for medical only cases. The final-form regulation should be amended to reflect the fact that employers are expected to notify the Department of medical only cases. It should also list what forms could be filed to meet this requirement.

5. Section 121.11.—Supplemental agreements for compensation for death.—Clarity.

Subsection (b) states that, "Form LIBC-338 *may* be changed" (emphasis added) when one of the listed changes occur. It is our understanding that a Supplemental Agreement for Compensation of Death, Form LIBC-339 *must* be used to amend Form LIBC-338 when one of the listed changes occurs. To reflect the requirement to amend the agreement, the word "may" should be replaced with "shall" in the final-form regulation. The same comment applies to similar language in Section 121.12(a) as it applies to correcting errors in computing wages and Form LIBC-495 and Form LIBC-501.

6. Section 121.16.—Updating claims status.—Need; Reasonableness; Paperwork; Preparation costs.

This section requires insurers to file an Annual Claims Status report, Form LIBC-774.

We have three concerns with this requirement. First, the Department has indicated that this form has yet to be developed. Without having this form, it is impossible for this Commission to assess whether it places unnecessary burdens on the regulated community. We suggest that this form be developed and shared with the regulated community before this regulation is returned in final-form.

Second, commentators have questioned the need for requiring the submission of the new Form LIBC-774 as a replacement for Form LIBC-392, which insurers did not routinely submit, although required to do so. The Department should explain the purpose and need for Form LIBC-774.

Finally, the Department should explain what additional paperwork will be required and provide an estimate of the preparation costs associated with filing the form for both the Department and the insurers.

7. Section 121.17.—Change in compensation.—Clarity.*Subsections (a), (b) and (c)*

These subsections state that certain forms "may" be filed if there is a change in compensation. The Department has indicated that Subsections (a) and (b) pertain to situations in which both the employer and employee are in agreement pertaining to changes in compensation and Subsection (c) pertains to suspension or modification of compensation by the employer. It is our understanding that in these subsections the proper forms must be filed. As currently drafted, these subsections do not reflect this fact. To improve clarity, we recommend that Subsections

(a) and (b) be amended to reflect that if the employer and employee are in agreement, then the appropriate forms shall be filed with the Bureau and Subsection (c) be amended to require the filing of a Notification of Suspension or Modification, Form LIBC-751.

Additionally, Subsection (c) references Sections 413(c) and (d) of the Act, but does not include a corresponding Purdon's citation. To be consistent with the rest of the proposed rulemaking, we recommend that the Purdon's citation be included.

8. Section 121.18.—Subrogation.—Clarity.

Subsection (a) states, “[I]f a third party obtains recovery. . . .” It is our understanding from our discussions with the Department that “third party” should be deleted and replaced with “employee.”

9. Section 121.21.—Reimbursement for silicosis, anthraco-silicosis or coal workers’ pneumoconiosis.—Clarity.

Subsection (b)

Paragraph (1) requires certain information to be reported “. . . in a format as required by the Bureau.” What is the required format? Will the Bureau provide a form for the requested information? The final-form regulation should include an explanation of the format that will be required in this subsection or delete the phrase, “. . . in a format required by the Bureau.”

Subsection (c)

This subsection states that insurers shall keep records for three years and that these records shall be available for inspection at reasonable times. We have two concerns. First, the final-form regulation should include an explanation as to when the three-year retention period begins. Second, the phrase, “reasonable times” is vague and should be changed to “normal business hours” in the final-form regulation. This comment also applies to similar language in Section 121.30(d).

10. Section 121.25.—Issuance of compensation checks.—Clarity.

Paragraph (2) states that “[N]otice of the first payment to a claimant shall be sent to counsel of record.” The final-form regulation should specify who is responsible for notifying the counsel of record and the manner in which counsel of record will be notified.

11. Section 121.27.—Orders to show cause.—Clarity.

Subsection (a)

This subsection references “the act or regulations.” The term “act” is defined at Section 121.1, relating to definitions. However, the term “regulations” is not defined. For clarity, the Department should include specific references to the regulations that must be followed. This comment also applies to the similar language in Subsection (g) of this section and in Section 121.27a(a) and Section 121.30(e).

Subsection (d)

This subsection states that a hearing will be conducted under this section and, when applicable, 1 Pa. Code Part II. The phrase “when applicable” is vague. The final-form regulation should either delete this phrase or provide more detail as to when 1 Pa. Code Part II will be followed.

Subsection (e)

This subsection requires that hearings be recorded and that the Department keep transcripts of the hearings.

Since the Department is not required to keep records for a specific time period, the phrase, “and kept by the Department” should be deleted.

Additionally, this section refers to “the Department” while the rest of the regulation refers to “the Bureau.” The regulation should be consistent in references to the agency throughout the regulation.

12. Section 121.27a.—Bureau intervention and penalties.—Clarity.

Subsection (a)

This subsection contains two “may” provisions. The first relates to the possible imposition of penalties by a workers’ compensation judge for an alleged violation of the act or regulations. The second pertains to the notification of the imposition of penalties by the workers’ compensation judge to the Bureau. The first “may” provision is appropriate because the workers’ compensation judge has discretion when imposing penalties. However, once it is determined that penalties will be imposed, we believe the notification of the Bureau should be mandatory. Therefore, the second “may” provision should be “shall” to require notification of the Bureau.

Subsection (b)

This subsection states that the workers’ compensation judge will provide a copy of the description of the nature of the alleged violation to the Bureau and provide copies of the notification to all parties. It is our understanding that it is the Department’s intent that the Bureau and the other parties will be notified at the same time. To improve clarity, Subsection (b) should include language to that effect.

**Department of Labor and Industry Regulation
#12-68 (IRRC #2485)**

Qualifications for Vocational Experts

September 7, 2005

We submit for your consideration the following comments on the proposed rulemaking published in the July 9, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Labor and Industry to respond to all comments received from us or any other source.

1. Section 123.201b. Definitions.—Clarity.

Financial interest, Subsection (ii)

This subsection uses the term “employment relationship,” whereas Subsections (i) and (iii) use the terms “employs the vocational expert” and “employing the vocational expert.” If the phrase “employment relationship” is intended to include circumstances other than the employment of the vocational expert by the insurer, the Department should clarify that intent.

2. Section 123.202a. Qualifications for vocational experts under Act 53 of 2003.—Protection of the public welfare; Feasibility; Reasonableness.

Subsection (a)(1)

Under this subsection, a vocational expert is qualified if he or she possesses a professional counselor license. Although the list of professional counselor examinations in 49 Pa. Code Section 49.11 includes the “Certified Rehabilitation Counselor (CRC) Examination given by CRCC,” it also includes other examinations that do not appear to be relevant to vocational experts, such as the

“Art Therapy Credentials Board (ATCB) Certification Examination given by ATCB” and the “Advanced Alcohol & Other Drug Abuse Counselor Examination given by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc.” The Department should review 49 Pa. Code Section 49.11 and narrow the scope of examinations the Department finds acceptable for a vocational expert.

Subsection (a)(2)

Under this subsection, a person holding a bachelors degree must also have either certification by a professional organization or one year’s experience. A person who is certified by a professional organization is accountable to that organization. How will a person with one year’s experience be held accountable for their actions? Why is the option for a lower level of accountability provided?

3. Section 123.204. Conduct of expert witness.—Reasonableness.

Code of Professional Ethics for Rehabilitation Counselors

Section 123.201 states that the “act’s requirements for compliance with the Code of Professional Ethics for Rehabilitation Counselors . . . are also contained in this subchapter.” However, we did not find any further reference to the Code of Professional Ethics for Rehabilitation Counselors (Code of Ethics). We agree with the Insurance Federation of Pennsylvania, Inc. that a specific reference to the Code of Ethics should be added to Section 123.204.

Subsection (a)

The disclosure required by this subsection is needed for the workers’ compensation judge to make a compliance determination under Section 123.203(c). Therefore, we recommend that the regulation require this disclosure to be in writing.

This subsection does not specify when disclosure must be made to the employee. The Pennsylvania Workers’ Compensation Judges’ Association commented that a time frame is needed so a judge can determine compliance with Section 123.203(c). We agree and recommend that the Department add language addressing the time frame for disclosure to the appropriate section of its regulations.

Subsection (b)

This subsection requires documentation of the interview, but does not state what must be done with the documentation. Commentators questioned whether the employee gets a copy and when. An employee who undergoes this assessment has a vested interest in the outcome regardless of whether the outcome was in the employee’s favor or the insurer’s favor. The Department should add the requirement, in the appropriate section of its regulations, that the employee be given a copy of the vocational expert’s report within a specific, reasonable time frame.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1746. Filed for public inspection September 16, 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, con-

tact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-280	State Board of Education Pupil Personnel Services and Students	9/6/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1747. Filed for public inspection September 16, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

Christopher E. Gagnon has filed an application to acquire a controlling interest of American Independent Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1748. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of ACE Employers Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth, with ACE American Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The survivor of the merger would be ACE American Insurance Company. The initial filing was received on August 31, 2005, and was made under 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets), the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient

detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1749. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Allied Insurance Company, a nonadmitted stock insurance company organized under the laws of California, with ACE American Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The survivor of the merger would be ACE American Insurance Company. The initial filing was received on August 31, 2005, and was made under 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets), the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1750. Filed for public inspection September 16, 2005, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of INA Surplus Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth, with Illinois Union Insurance Company, a foreign eligible surplus lines insurer organized under the laws of the State of Illinois. The survivor of the merger would be Illinois Union Insurance Company. The initial filing was received on August 31, 2005, and was made under 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets), the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsyl-*

vania Bulletin. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1751. Filed for public inspection September 16, 2005, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual M215.3—Field Procurement Handbook, Revision No. 5, Dated July 20, 2005.

Administrative Circular No. 05-13—Mailing Address Change—Commonwealth Media Services, Still Imaging Section, Dated August 3, 2005.

Administrative Circular No. 05-14—Refueling of Commonwealth Automotive Fleet Vehicles, Dated August 3, 2005.

Administrative Circular No. 05-15—Automotive Fleet Preventive Maintenance Schedule, Dated August 5, 2005.

Administrative Circular No. 05-16—State Employees Purchasing Vehicles at the Commonwealth Auction, Dated August 5, 2005.

Administrative Circular No. 05-17—Placing of Decals and Logos on Commonwealth Vehicles, Dated August 5, 2005.

Administrative Circular No. 05-18—Appropriation, Authorization, and Expenditure of Federal Funds, Dated August 9, 2005.

Administrative Circular No. 05-19—2006—07 Budget Instructions, Dated August 15, 2005.

Administrative Circular No. 05-20—Holidays—2006, Dated August 31, 2005.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 05-1752. Filed for public inspection September 16, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5191, 2401 Vare Avenue, Philadelphia, PA 19145.

Lease Expiration Date: September 30, 2010

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,700 net useable square feet of new or existing retail commercial space within a 1/4-mile radius of the intersection of Vare Avenue and 24th Street, Philadelphia.

Proposals due: October 7, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-1753. Filed for public inspection September 16, 2005, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water and Drinking Water State Revolving Fund Programs Public Hearing on Federal Fiscal Year 2006 and 2007 Project Priority Lists

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2006/2007 Project Priority Lists (PPLs) of drinking water and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from moneys approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs.

The projects to be considered for a loan from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included on the PPLs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed on this Commonwealth's FY 2006/2007 PPL are expected to proceed with design and engineering or to construction in the near future.

Federal guidance on development of the PPLs requires that the lists be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

The Department has scheduled a public hearing for 10 a.m. on November 2, 2005, in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The hearing is scheduled for the purpose of receiving comments from the public regarding the FY 2006/2007 PPLs. Interested persons are invited to express their views on the priority rating or ranking of projects on the PPLs. Persons wishing to offer comments at the public hearing should contact the Infrastructure Grants Administrative Section at the address or telephone number listed as follows or by e-mail at amaisano@state.pa.us by 4 p.m., November 1, 2005. Where written statements are prepared and will be submitted at the hearing, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

It is not necessary to appear at the public hearing to present comments on the list of projects. Interested persons may submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the hearing. To be considered by the Department and PENNVEST, the written comments must be received by the Infrastructure Grants Administrative Section on or before the date of the hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the FY 2006/2007 PPLs may be requested from or are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website as follows:

www.dep.state.pa.us/dep/deputate/watermgt/wsm/WSM_TAO/Finan_Tech_Asst.htm

Department of Environmental Protection
 Bureau of Water Standards and Facility Regulation
 Division of Technical and Financial Assistance
 Infrastructure Grants Administrative Section
 10th Floor, Rachel Carson State Office Building
 400 Market Street
 Harrisburg, PA 17101
 (717) 787-6744

PENNVEST
 22 S. Third Street
 4th Floor, Keystone Building
 Harrisburg, PA 17101
 (717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority

and
 PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 05-1754. Filed for public inspection September 16, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Delegation of Certain Routine, Ministerial and Nonpolicymaking Public Meeting Agenda Items; M-00970915

Public Meeting held
August 25, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Bill Shane, concur-
ring and dissenting in part; Kim Pizzigrilli; Terrance
J. Fitzpatrick, dissenting

*Commonwealth Telephone Company PSI/SPI Filing for
Year 2005; Supplement No. 94 to Tariff Telephone Pa.
PUC No. 24; Supplement No. 87 to Tariff Telephone PA.
PUC No. 23; R-00050551*

*Petition for Amended Alternative Regulation and Network
Modernization Plan of Commonwealth Telephone
Company; P-00961024F1000*

*Petition for Alternative Regulation and Network
Modernization Plan of Commonwealth Telephone
Company; P-00961024*

Order

By the Commission:

I. BACKGROUND

Before us for disposition are the Commonwealth Telephone Company (CTCo or the Company) annual 2005 Price Stability Index and Service Price Index (PSI/SPI) filing and the associated revenue and proposed tariff rate increases. CTCo's annual 2005 PSI/SPI filing was made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) (Act 183) and pursuant to the Company's Alternative Regulation and Network Modernization Plan (Chapter 30 Plan) that this Commission approved at Docket No. P-00961024F1000.¹

CTCo possesses the statutory right under 66 Pa.C.S. § 3105(a)(1)(iii) and its approved Chapter 30 Plan to seek and obtain an automatic revenue and rate increase as contemplated by the new Chapter 30 law. Under the Company's Price Stability Plan (PSP), the PSI/SPI calculates the allowable change (increase or decrease) in rates for noncompetitive services based on the annual change in the Gross Domestic Product Price Index (GDP-PI). The PSP also addresses revenue neutral rate rebalancing/restructuring. The PSP set forth in CTCo's Chapter 30 Plan is a complete substitution of the rate base/rate of return regulation. Further, CTCo's Chapter 30 Plan acknowledges that nothing in its Plan shall be construed to limit the requirement under 66 Pa.C.S. § 1301 that rates shall be just and reasonable.

Pursuant to a previous Settlement Agreement,² CTCo is prohibited from any increase in its SPI until its banked decreases from prior PSI/SPI filings are retired. In accordance with CTCo's Chapter 30 Plan, banked amounts, including principal and interest, shall be assumed to be retired in 12 equal monthly increments in the future PSI

period and interest will accrue on such increments through the end of the month in which the increment is retired.

II. COMPANY FILING AND RATE PROPOSAL

On February 1, 2005, CTCo filed its annual PSI/SPI Price Stability Index (PSI) Report using the change in 2003 and 2004 third quarter GDP-PI that produced a 2.25% increase allowable for noncompetitive rates. On May 3, 2005, CTCo served advance notice of the forthcoming filing upon the Commission, the Office of Small Business Advocate, the Office of Consumer Advocate, and the Office of Trial Staff. Notice requirements for end-users were met via billing notices. Fifteen days later, the Company filed proposed tariff supplements seeking to consolidate the Company's existing rate groups from 12 to six and to increase monthly rates for basic dial-tone and nonpublished telephone number service with an effective date of September 1, 2005. No complaints were filed and no hearings were held.

According to CTCo, the retirement of the former banked amount combined with the 2005 PSI/SPI rate changes would result in an annualized revenue increase of \$3.2 million and a new banked amount of \$98,723.

CTCo submitted two tariff supplements affecting specific elements of noncompetitive local service:

- Supplement 87 to Tariff Telephone PA. PUC No. 23 increases the monthly rate for nonpublished telephone number service from \$1.50 to \$2.25 and affects 45,700 end-users.

- Supplement 94 to Telephone Tariff PA. PUC No. 24 consolidates existing local service rate groups from 12 to six and increases the monthly rates, thereby affecting all residential access lines, business access lines and Private Branch Exchange (PBX) trunks.

III. DISCUSSION

A. Procedural Disposition

Chapter 30 annual PSI/SPI filings by incumbent local exchange carriers (ILECs) have previously been disposed of through the issuance of Secretarial Letters. However, due to concerns outlined below, PSI/SPI filings will now be accomplished through Commission action at the Public Meeting.

1. The new Chapter 30 law virtually provides automatic revenue and rate increases for those ILECs with price stability mechanism (PSM) plans and price cap formulas, where the statutorily mandated inflation offset values have been reduced to 0% or 0.5% depending on the amended network modernization plan option that these ILECs have selected. The past practice of issuing Secretarial Letters for annual Chapter 30 ILEC PSI/SPI filings largely addressed revenue and rate decreases that were caused by the higher values of the inflation offsets established by the Commission in the respective ILEC PSM and price cap formulas.

2. Automatic revenue and rate increases under the new Chapter 30 law annual ILEC PSI/SPI filings have concrete revenue and rate impacts on end-user consumers. The Commission should disclose these effects in a transparent and adequately documented fashion. The issuance of Secretarial Letters does not accomplish these purposes. Since these filings impact end-user consumers in a substantial fashion, the Commission will publicly rule on these filings at Public Meeting.

3. Although these filings may be uncontested, the allocation of the related revenue increases among the

¹ *Petition for Amended Alternative Regulation and Network Modernization Plan of Commonwealth Telephone Co.*, Docket No. P-00961024F1000 (Order entered March 3, 2005).

² Commission Order adopting the Recommended Decision of Administrative Judge Smolen at P-00032020, P-00961024F0002, P-00961024, and R-00027695, dated July 21, 2003.

ILECs' categories of services may and will present issues that will be decided by this Commission at a Public Meeting.

4. The new Chapter 30 law annual ILEC PSI/SPI filings will not be separated from other proceedings that are pending before this Commission or the Federal Communications Commission, e.g., intercarrier compensation, intrastate and interstate access charge reform, intrastate and interstate universal service fund (USF) support, etc.³ The interaction of such policy issues with the ILECs' PSI/SPI filings are better decided at Public Meeting.

5. The disposition of the new Chapter 30 law ILEC PSI/SPI filings will involve issues that link the ILECs' non-competitive services with the services that have been classified as competitive under 66 Pa.C.S. § 3016(b), and ILEC "service bundles" that consist of protected, non-competitive, and competitive services that are offered and flexibly priced under 66 Pa.C.S. § 3016(e). Such issues are better decided at Public Meeting.

The issuance of Secretarial Letters for the disposition of matters pending before the Commission is inextricably linked with the authority delegation that this Commission has provided to its Staff Bureaus and Offices to dispose of such matters. A review of this Commission's delegation of authority to its Staff Bureaus and Office Directors discloses that the substantial revenue and rate increases that are being implemented through the new Chapter 30 law annual ILEC PSI/SPI filings should be handled through Public Meetings and the issuance of Commission Orders rather than through the issuance of Secretarial Letters.

The original intent of the Commission's delegation of authority to its Staff Bureaus and Office Directors was the reduction of the Public Meeting agenda. The Staff Bureaus and Offices would deal with certain ministerial items not requiring the formal vote of the Commission.⁴ Subsequent actions of the Commission delegating additional authority to the Staff Bureaus and Office Directors specifically focused on routine matters or actions that would not have had negative rate effects on end-user consumers of public utility services within the Commonwealth, or constituted uncontested compliance filings in matters previously approved by the Commission after full evidentiary adjudications. For example, the related Commission action on July 9, 1998, permitted the Bureau of Fixed Utility Services to dispose of matters pertaining to:

2. Uncontested compliance tariff filings made in response to § 1308(d) general rate increases approved by the Commission.

* * * * *

4. Uncontested local exchange telephone company extended area service filings which have *no rate effect* for the company's intrastate regulated services and *no rate effect* for the end-users of the company's intrastate regulated services.

5. Uncontested local exchange telephone company extended area service filings resulting in rate changes for the company's end-user customers *into preexisting rate structure elements and or bands*, and where the total

³ See generally *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund*, Docket No. I-00040105; *In re Developing a Unified Intercarrier Compensation Regime*, (FCC Rel. March 3, 2005), CC Docket No. 01-92 (Further Notice of Proposed Rulemaking, FCC 05-33).

⁴ *Delegation of Certain Routine, Ministerial and Nonpolicy-making Public Meeting Agenda Items*, Docket No. M-00970915, adopted March 13, 1997, 27 Pa.B. 2220 (May 3, 1997).

overall revenue effect is either *neutral* or *decreases* the company's intrastate regulated operations [revenues].

6. Uncontested additions of routes to preexisting and preapproved optional calling plans which have *no* or *de minimis* rate and revenue effects.

Delegation of Additional Routine, Ministerial and Nonpolicy-making Public Meeting Agenda Items, Docket No. M-00970915, adopted July 9, 1998, 28 Pa.B. 3566 (July 25, 1998) (emphasis added).

The new Chapter 30 law annual ILEC PSI/SPI filings do not constitute "compliance filings" and are not encompassed within "pre-existing" authority delegation parameters which may have not been established in the first place for two key reasons.

First, the ILECs' PSI/SPI filings cannot be "compliance filings" since their compatibility with the ILECs' respective new Chapter 30 law Amended Chapter 30 Plans must be adjudicated anew by this Commission each time these filings are made. Furthermore, the Commission still has the statutory mandate, authority, and responsibility under 66 Pa.C.S. § 3019(h) to adjudicate whether the proposed rate changes are just and reasonable and non-discriminatory respectively under sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§ 1301 and 1304. This mandate and responsibility is not compatible with the nature of "ministerial acts" that this Commission can easily delegate to one of its Staff Bureaus or Offices.

Second, a "compliance filing" also presupposes a previous evidentiary adjudication of a matter before the Commission that has specified the basic parameters of the "compliance filing." Naturally, such an adjudication cannot take place in advance for the new Chapter 30 law annual ILEC PSI/SPI filings since neither the changes in the annual GDP-PI index are known in advance, nor have the ILECs themselves decided on how to implement their respective proposed revenue and rate increases until they make these filings with the Commission, i.e., what services will absorb these proposed revenue and rate increases. Thus, these matters are not of a "routine ministerial" nature that can be disposed of through delegation of authority to a Staff Bureau or Office and the issuance of summary Secretarial Letters.

The Commission conducts full evidentiary adjudications and decides via Public Meeting votes on the rate increase requests by water and wastewater utilities amounting to a few thousand dollars. Accordingly, ILEC requests under the new Chapter 30 law for multimillion dollar revenue and rate increases should be processed with the same degree of transparency.

B. Substantive Compliance

1. Banked Revenues

The new Chapter 30 law annual ILEC PSI/SPI submissions must conform to their corresponding Commission-approved Amended Chapter 30 Plans. The instant Commonwealth PSI/SPI filing contains the disposition of past PSM accumulated revenue decreases that have been "banked" by the Company. CTC's 2003 and 2004 "banked" revenue decreases were carried forward and are being retired through the present PSI/SPI filing. The retirement of these "banked" decreases is carried out in the Company's present PSI/SPI filing purportedly in compliance with a related settlement that this Commission approved at Docket No. P-00032020, et al.⁵

⁵ *Petition of Commonwealth Telephone Company For Recognition of an Exogenous Event Under Its Alternative Regulation Plan, et al.*, Docket Nos. P-00032020, P-00961024F0002, P-00961024, R-00027695 (Order entered July 21, 2003).

Based on our review, some confusion exists relating to the Company's presentation of the retirement of the banked principal and interest from 2003 and 2004. While the Company's calculation appears to be correct, the presentation in the instant filing was unclear, because the banked amount from the years 2003-2004 to be carried forward to the 2005 filing was not clearly identified. CTCO is directed to work with Bureau of Fixed Utility Services to clarify and re-file its Exhibit 3 (from its original filing) to resolve this confusion.

2. Rate Group Restructuring

The present Commonwealth PSI/SPI submission does not simply implement a PSM revenue and rate increase; it also includes the restructuring of basic local exchange service rates. The Company in its current filing is consolidating its 12 basic local exchange service dial-tone line groups to six. According to the Company's Amended Chapter 30 Plan, in the event that the Company proceeds with a "rate rebalancing and restructuring," the "Company shall provide cost studies of each service for which a rate change is proposed at the time of the filing where such rate change is proposed." CTCO, Chapter 30 Plan, Part B.3. Although the proposed rate increases may be compatible with other provisions of the Company's Amended Chapter 30 Plan relating to rate increase limitations (Amended Chapter 30 Plan, Part B.1 (a)), the submission of the cost studies as specified in the Amended NMP has not been made.

3. Nonpublished Telephone Number Service

The Company is proposing a 50% rate increase in the rate element for non-published directory numbers of residential and business customers from \$1.50 per month to \$2.25 per month. The use of nonpublished directory numbers is often linked with such issues as the protection of personal privacy, domestic abuse situations, public safety agency interests and operations, etc. Under the new Chapter 30 law, the Commission retains jurisdiction over "quality of service standards" that address the "privacy of telecommunications services." 66 Pa.C.S. § 3019(b)(2). There has not been an adequate justification presented on whether a 50% proposed rate increase for nonpublished directory numbers is in the public interest and whether it will negatively affect the ability of those CTCO residential and business customers to protect their privacy for legitimate reasons. Furthermore, since the Company did not submit any cost studies with its filing, the Commission cannot ascertain whether this particular rate element will now be providing a higher residual profit to the Company's operations at its new monthly level. For this reason, this proposed increase for the nonpublished directory numbers is not adequately supported and is contrary to the above-referenced public interest considerations; *Therefore,*

It Is Ordered That:

1. The new Chapter 30 law annual ILEC PSI/SPI filings with revenue and rate increases that are made under the provisions of 66 Pa.C.S. § 3015, be presented to the Commission for disposition at the Commission's Public Meeting.

2. The proposed revenue and rate increase proposed by Commonwealth Telephone Company through the consolidation of its 12 basic local exchange service dial-tone line groups to six be permitted to go into effect as filed.

3. The Company submit a revised Exhibit 3 (from its original filing) within 30 days of the entry date of this Order.

4. The Company's failure to file any cost studies associated with its rate rebalancing and restructuring proposals is not in compliance with its Amended Chapter 30 Plan.

5. The Company's 2005 PSI/PSM filing is in partial compliance with its Commission-approved Amended Chapter 30 Plan.

6. The Company be given the alternative to either "bank" the proposed revenue increase associated with the nonpublished telephone number service or, alternatively, allocate the proposed revenue increase amount associated with the nonpublished telephone number service to the basic local exchange services and rate elements that are the subject of Moving Paragraph No. 2 in accordance with the applicable provisions of the Company's Amended Chapter 30 Plan, and that the Company provide the appropriate notification to the Commission within ten (10) days after the date of entry of the Commission's Order disposing of this matter. In the event that the Company does not accept either alternative, the proposed revenue and rate increase for nonpublished telephone number service will be suspended and investigated for a period not to exceed six months on whether it is just and reasonable under 66 Pa.C.S. § 1301, whether it negatively impacts the privacy protection interests of the Company's end-users, and whether it complies with the Company's Commission-approved Amended Chapter 30 Plan.

7. The Company file the appropriate modified tariff supplements to become effective on one day's notice in accordance with the above-referenced ordering paragraphs.

8. The Commission Order in this matter be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1755. Filed for public inspection September 16, 2005, 9:00 a.m.]

Monitoring and Enforcement of Network Modernization Plans; M-00051872

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, dissenting statement follows; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Amendment to NMP); P-00930715F0002

Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Petition For Reconsideration of May 15, 2002 Order); P-00930715

Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations; M-00001353

Tentative Order

By the Commission:

The Monitoring and Enforcement of Network Modernization Plan docket at M-00051872 is intended to develop appropriate monitoring and enforcement procedures in

incumbent local exchange carriers' (ILECs) network modernization plans consistent with the provisions of the new Chapter 30, commonly known as Act 183. 66 Pa.C.S. §§ 3011—3019.

Briefly, at our Public Meeting of March 23, 2005, the Commission had before it a proposed Tentative Order setting forth the details for an audit of the Network Modernization Plan (NMP) of Verizon Pennsylvania Inc. (Verizon PA) in response to a previous order entered September 17, 2003, at the previously captioned P-00930715F0002 and P-00930715 dockets. Because of the enactment of Act 183, however, which occurred after we announced our intent to audit Verizon PA's NMP, we concluded that further evaluation was necessary to determine the best way to fulfill our statutory role of monitoring and enforcing ILECs' compliance with the NMP provisions of Act 183. At the March 23, 2005 Public Meeting, therefore, we approved an Order that was entered on April 15, 2005, at the immediately previously cited dockets and at M-00051872 that directed the filing of comments by interested parties on all relevant issues relating to the development of a useful, comprehensive and appropriate NMP monitoring and enforcement program in accordance with Act 183.

Among the comments received from interested parties, Verizon PA and Verizon North Inc. (collectively, "Verizon") offered an alternative plan to pay for their NMP audits whereby the companies would not object to paying for outside consultants to perform the audits if the outside consultants were paid from the approximately \$1 million then still in the "Escrow Fund" established by the Commission's April 11, 2001 Order in the previously captioned Verizon PA Structural Separation proceeding at M-00001353 (April 11, 2001 Order).

After reviewing this proposal, including how the Escrow Fund monies have been spent in the past and the proposed usage for the remaining amount, and in consideration of Verizon's proposal to apply any remaining funds toward their NMP audits, we are initially persuaded that this proposal is reasonable and should be accepted by this Commission, subject to the requirement that Verizon will make up any funding shortfall if the Escrow Fund is insufficient to cover the full cost of the Verizon NMP audit(s) now or in the future.

However, because the Escrow Fund was originally created to facilitate the Commission's analysis of metric reports, some interested parties could contend that the Commission should not, in effect, expand the purpose of the Escrow Fund to permit the use of these monies for an NMP audit. Alternatively, others could observe that both uses of the Escrow Fund relate to and directly facilitate the Commission's technical ability to monitor Verizon's compliance with its obligations under the Public Utility Code and Commission orders.

Therefore, before issuing a Final Order addressing the nature, extent and funding of any monitoring and enforcement program that may be needed to verify independently each company's network deployment as reported in its NMP updates, and consistent with the mandate of 66 Pa.C.S. § 703(g), we seek comments on Verizon's alternative funding proposal to use the Escrow Fund created by our April 11, 2001 Order; *Therefore,*

It Is Ordered That:

1. The Secretary serve a copy of this Tentative Order on all incumbent local exchange telecommunications carriers, on all parties to the Structural Separation proceeding at M-00001353 and the Performance Metrics and

Remedies docket at M-00011468, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

2. An original and 15 copies of any comments by interested parties shall be filed with the Secretary within 10 days of publication in the *Pennsylvania Bulletin* on the issue of NMP audit funding using the Escrow Fund established by this Commission in its April 11, 2001 Order at M-00001353.

3. Any money remaining in the Escrow Fund as of June 30, 2005, and for which there are no further contractual obligations during fiscal year 2006, shall remain unspent pending a Final Order in this matter.

4. The contact persons for this matter are Dennis Hosler, Bureau of Audits, (717) 772-0312, Lou Samsel, Bureau of Fixed Utility Services, (717) 787-5164, and Carl S. Hisiro, Law Bureau, (717) 783-2812.

JAMES J. MCNULTY,
Secretary

**Dissenting Statement of Vice Chairperson
James H. Cawley**

*Public Meeting August 11, 2005; AUG-2005-L-0079**

*Monitoring and Enforcement of Network Modernization
Plans; M-00051872*

*Verizon Pennsylvania Inc. Petition for Alternative Form of
Regulation under Chapter 30; 2000 Biennial Update to
Network Modernization Plan (Amendment to NMP);
P-00930715F0002*

*Verizon Pennsylvania Inc. Petition and Plan for
Alternative Form of Regulation Under Chapter 30; 2000
Biennial Update to Network Modernization Plan (Petition
For Reconsideration of May 15, 2002 Order); P-00930715*

Before us for disposition is the Staff recommendation on the development of appropriate monitoring and enforcement procedures for the incumbent local exchange carrier (ILEC) network modernization plans (NMPs), consistent with the provisions of Act 183 of 2004 or the new Chapter 30 law, 66 Pa.C.S. § 3011 et seq. The Staff report and recommendation correctly concludes that the Commission possesses the requisite authority under the Public Utility Code to perform an investigative-type audit for the independent verification of an ILEC's reported progress in implementing its Commission-approved NMP, and to require the ILEC in question to pay for such an audit.

However, the Staff recommendation defers the implementation of any such NMP auditing activity for Verizon Pennsylvania Inc. (Verizon PA) and Verizon North Inc. (Verizon North) until after their respective biennial reports are respectively filed on June 30, 2007 and March 31, 2007. I believe that since the Staff has concluded that the Commission possesses the requisite statutory authority to proceed with ILEC NMP audits, and to order affected ILECs to bear the costs of such audits, the delay for proceeding with an audit of at least the Verizon PA NMP implementation until 2007 is unwarranted.

It is an established fact that since the original 1994 Commission approval of Verizon PA's (then Bell Atlantic-Pennsylvania, Inc.) Alternative Regulation and Network Modernization Plan at Docket No. P-00930715 under the preceding version of the Chapter 30 law, Verizon PA's NMP has not undergone a comprehensive and independent audit. Although certain aspects of Verizon PA's NMP

implementation and broadband deployment and availability were tested in an evidentiary adjudication before this Commission in 2003, the Commission still stated the following:

In light of our disposition reached on the above issues, it is imperative that this Commission and the public have the assurance that Verizon PA will work toward meeting the requirements established herein. As such, it is necessary for this Commission to have confidence in the facts related to Verizon PA's network modernization filings as well as to *have appropriate enforcement tools readily available should non-compliance become an issue*. We are of the opinion that this information will be beneficial with regard to other Chapter 30 companies' network modernization filings as well.

In order to accomplish this, we shall direct the Bureau of Audits, in conjunction with the Law Bureau and the Bureau of Fixed Utility Services, to prepare, within sixty days after the date of entry of this Opinion and Order, a recommendation to the Commission detailing the nature and scope of an appropriate audit plan regarding the network plans of Verizon PA and other Chapter 30 companies. The recommendation shall address the appropriate reporting process, auditing procedures and types of information that Chapter 30 companies would need to file with the Commission so that the progress of each Chapter 30 network modernization plan can be adequately tracked and *independently verified*.

Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Amendment to NMP), Docket Nos. P-00930715F0002 and P-00930715, Order entered September 17, 2003, at 76 (September 2003 Order—Non-Proprietary Version, emphasis in italics added).

Almost two years have passed since the Commission first expressed its concrete intention to proceed with the independent audit and verification of Verizon PA's NMP implementation. Verizon PA is currently operating under an Amended NMP that this Commission approved under the statutory framework of the new Chapter 30 law. *Petition for Amended Network Modernization Plan of Verizon Pennsylvania Inc.*, Docket No. P-00930715F1000, Order entered May 20, 2005. However, Verizon PA's Amended NMP does not substantively change the Company's compliance benchmarks that have been established in its earlier NMPs approved by the Commission with or without modification. See *generally* September 2003 Order. Thus, for a period of eleven (11) years the implementation of Verizon PA's NMP has not been independently tested, examined, and verified through a comprehensive Commission-directed and supervised audit. Rather than proceeding with such an independent audit forthwith, the majority of the Commission is willing to wait for an additional 2-year period before engaging in this necessary endeavor.

I believe that the decision to postpone the independent audit of Verizon PA's NMP to 2007 will deprive this Commission of the opportunity to effectively exercise its enforcement powers that the new Chapter 30 law has vested to this independent regulatory agency. It is imperative that the Commission establish a baseline assessment of Verizon PA's original and Amended NMP implementation and compliance obligations through a comprehensive and independent audit. This independent audit and baseline assessment could have included

Verizon PA's Fifth Biennial Update to its NMP that was submitted to the Commission on or about June 30, 2005 at Docket No. P-00930715. The related audit activities could have included the verification of Verizon PA's compliance with the directives of the Commission's September 2003 Order. Furthermore, these audit activities could also have been used to train the Commission's own Staff in the compliance evaluation of Verizon PA's subsequent biennial Amended NMP updates. The development of the related Staff expertise would have been used for the in-depth evaluation of biennial reports from other ILECs with Commission-approved amended NMPs.

The independent audit could also have examined and independently verified Verizon PA's response times to requests for broadband facilities and services throughout its service territory and its various urban, suburban, and rural exchange areas. It must be understood that the past and ongoing deployment of broadband facilities in and of itself does not necessarily translate to the readily accessible availability of broadband services. For example, the presence of dark fiber in Verizon PA's network does not provide broadband services until the dark fiber links become lit and activated through the attachment of the appropriate electronics.

The new Chapter 30 law has permitted ILECs that operate under Amended NMPs and price stability mechanism—price change opportunity (PSM/PCO) formulas—including Verizon PA—to avail themselves of annual revenue and rate increases through the statutory specification of the productivity offset value at 0% or 0.5% depending on the ILEC's rural or non-rural classification and its chosen amended NMP option. See generally 66 Pa.C.S. § 3015(a)(1). However, the new Chapter law also contemplates revenue and rate refunds and additional penalties if an ILEC fails to meet its interim and final Commission-approved amended NMP commitments and compliance obligations. 66 Pa.C.S. § 3015(a)(2). This statutory enforcement mandate to this Commission cannot be meaningfully and timely exercised unless the Commission is capable of policing the ILECs' amended NMP implementation and compliance obligations. I fear that, without the utilization of timely, comprehensive, and independent audits of the ILECs' amended NMPs, this Commission will be unable to meaningfully and timely exercise its policing functions entrusted to it by the General Assembly under the new Chapter 30 law.

In summary, I believe that the need of an independent verification of Verizon PA's NMP implementation and compliance requires that we proceed with the appropriate audit forthwith rather than waiting for two more years until 2007. I also agree with the Staff's assessment that the cost of the related audit activities be borne by Verizon PA pursuant to 66 Pa.C.S. § 516, and that such cost should not be offset by monies in the "Escrow Fund" established by the Commission through its April 11, 2001 Order in the Verizon PA Structural Separation proceeding at Docket No. M-00001353.

Therefore, for these reasons I dissent.

[Pa.B. Doc. No. 05-1756. Filed for public inspection September 16, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth

have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant by October 11, 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-00122084. Midnight Limousine, LLC (120 North Fifth Street, Indiana, Indiana County, PA 15701), a limited liability company of this Commonwealth—persons, in limousine service, between points in the Counties of Indiana, Armstrong, Allegheny, Jefferson and Westmoreland, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Michael J. Supinka, 936 Philadelphia Street, 3rd Floor, Indiana, PA 15701.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.*

A-00122083. Stephen G. Murray t/a Imperial Coach Limousine (453 West 8th Avenue, Homestead, Allegheny County, PA 15120)—persons, in limousine service, between points in Pennsylvania, including between points in Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00117471 to Imperial Coach Limousine, Inc., subject to the same limitations and conditions.

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-B. 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 this 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) from points in the County of Allegheny to other points in Pennsylvania and vice versa; (2) between points in the County of Allegheny; and (3) from points in the County of Allegheny to points within an airline distance of 25 statute miles of the City-County Building in the City of Pittsburgh, Allegheny County, which is to be a transfer of all the rights authorized under the certificate issued to Best Moving & Storage, Inc. at A-00107776, F. 1, Am-A, subject to the same limitations and conditions. *Attorney:* David M. Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo,

P. C., 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1757. Filed for public inspection September 16, 2005, 9:00 a.m.]

Telecommunications

A-310814F7005. North Pittsburgh Telephone Company and US LEC of Pennsylvania, Inc. Joint petition for approval of an interconnection agreement between North Pittsburgh Telephone Company and US LEC of Pennsylvania, Inc. under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and US LEC of Pennsylvania, Inc., by its counsel, filed on August 26, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and US LEC of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1758. Filed for public inspection September 16, 2005, 9:00 a.m.]

Tentative Order

Public Meeting held
August 25, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

Franklin Manor Utilities, Ltd.; A-230116

Tentative Order

By the Commission:

Franklin Manor Utilities, Ltd. ("Franklin Manor"), the owner and operator of a sewage treatment plant that serves certain residents of South Franklin Township, was issued a certificate of public convenience by the Commission on May 13, 1988, at A-230116. On June 20, 2005, the Pennsylvania Department of Environmental Protection ("DEP") issued an Administrative Order to South Franklin Township requiring the Township to assume responsibility for the operation and maintenance of the sewage treatment plant as a result of Franklin Manor's failure to properly operate and maintain the plant. The order sets forth a lengthy history of Franklin Manor's non-compliance with DEP's regulations, the most severe of which has resulted in the discharge of untreated sewage from the plant causing pollution to waters of the

Commonwealth in violation of Franklin Manor's National Pollutant Discharge Elimination System ("NPDES") permit.

Prior to issuance of the June 20, 2005 order to the Township, DEP pursued protracted enforcement action against Franklin Manor issuing two prior orders to address the operation and maintenance problems at the sewage treatment plant and filing several actions in Commonwealth Court. According to the DEP order, Franklin Manor repeatedly ignored DEP's orders as well as those issued by Commonwealth Court, failed to take appropriate action to correct the situation, and failed to comply with its NPDES permit obligations. A recent DEP inspection revealed a continued failure of Franklin Manor to properly operate the plant resulting in continued discharge of untreated sewage from the plant. As a result, DEP determined that the imminent discharge of inadequately treated sewage into waters of the Commonwealth was a situation requiring immediate remedial action and ordered the Township to take over operation of the plant within five (5) days of the date of receipt of the June 20, 2005 Order.

While the Township is not opposed to taking over operation of the sewage treatment plant, the Township has filed an appeal from DEP's order. One of the issues raised on appeal is that the plant is currently subject to the Commission's jurisdiction and therefore, the Township has no legal authority to operate and maintain the facility. Additionally, as long as Franklin Manor holds a certificate of public convenience allowing it to operate the plant, the Township is unable to finance the operation, maintenance and repair of the system by establishing rates and charging and collecting user fees.

A certificate of public convenience is a privilege and not a contract or property right under which the holder acquires vested rights. *Western Pennsylvania Water Company v. PUC*, 311 A.2d 370 (Pa. Cmwlth. 1973). As such, a certificate of public convenience may be revoked where the utility fails to perform its essential service functions to the public. Accordingly, we take judicial notice of DEP's June 20, 2005 order, and based upon the findings set forth therein, we conclude that Franklin Manor is incapable and unwilling to operate the sewage treatment plant in a lawful manner and has failed to provide "adequate, efficient, safe and reasonable service and facilities" in accordance with its statutory duty under Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501. Given that the Township has been ordered to take over operation of the system to serve customers within the Township pursuant to DEP's order, we believe that it is appropriate to revoke Franklin Manor's certificate of public convenience without the necessity of first filing a formal complaint, and we tentatively conclude that revocation of Franklin Manor's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. At the same time, revocation will not become effective until the Township legally and operationally is prepared to assume control of the sewage treatment system. *Therefore*,

It Is Ordered That:

1. Revocation of Franklin Manor's certificate of public convenience is hereby approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon Franklin Manor Utilities, Ltd., the Department of Environmental Protection Southwest Regional Counsel and Central Office Bureau of Regulatory Counsel, South

Franklin Township, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff; and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a ten (10) day comment period.

3. Absent the filing of adverse public comment within ten (10) days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Franklin Manor Utilities, Ltd. at A-230116 shall be cancelled consistent with the Township's resolution of its Appeal and an indication that it is ready to take over operation of the sewage treatment system.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1759. Filed for public inspection September 16, 2005, 9:00 a.m.]

Transfer by Sale

A-210052F5000 and A-230081F5000. St. Peters Town, LP, Warwick Water Works, Inc. and Warwick Drainage Company. Joint application of St. Peters Town, LP, Warwick Water Works, Inc. and Warwick Drainage Company for approval of the transfer by sale of all of the common stock of Warwick Water Works, Inc. and Warwick Drainage Company to St. Peters Town, LP.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 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.

Joint Applicants: St. Peters Town, LP, Warwick Water Works, Inc. and Warwick Drainage Company

Through and By Counsel: Daniel P. Delaney, Esquire, James P. Melia, Esquire, Kirkpatrick & Lockhart Nicholson Graham LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1760. Filed for public inspection September 16, 2005, 9:00 a.m.]

Transfer of Stock

A-210072F0003, A-230063F0003, A-230013F0004 and A-210093F0002. Penn Estates Utilities, Inc., Water and Wastewater Divisions, Utilities Inc. of Pennsylvania, and Utilities Inc.—Westgate Division. Joint application of Penn Estates Utilities, Inc., Water and Wastewater Divisions, Utilities Inc. of Pennsylvania and Utilities Inc.—Westgate Division, for approval of a stock transfer leading to a change in control of their parent corporation, Utilities, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 3, 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: Penn Estates Utilities, Inc., Utilities Inc. of Pennsylvania and Utilities Inc.—WestGate

Through and By Counsel: James P. Dougherty, Esquire, Susan E. Bruce, Esquire, McNees Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1761. Filed for public inspection September 16, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-071.1, Remove/Replace Six (6) Rolling Steel Doors, Pier 80 South, until 2 p.m. on Thursday, October 6, 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 20, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on September 29, 2005, at 10 a.m. at Pier 80 South. The meeting will begin at the Pier 78/80 Guardhouse, located

300 feet north of the intersection of Tasker Street and Columbus Boulevard, Philadelphia.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-1762. Filed for public inspection September 16, 2005, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 26, 2005	Ruth A Himes (D) (Death Benefit)	2:30 p.m.
December 14, 2005	John P. Wabby William J. Toomey, Jr. (Retirement Covered Compensation)	1 p.m.
December 21, 2005	Albert P. Burkhardt (Disability Retirement)	1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 05-1763. Filed for public inspection September 16, 2005, 9:00 a.m.]