

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Interstate/International Quarantine Order

#### *Recitals*

A. Chronic Wasting Disease (CWD) is an infectious, progressive and always fatal disease of cervids (elk, white-tailed deer, mule deer, black-tailed deer, red deer and hybrids thereof, and the like).

B. There is no known treatment for CWD infection, no vaccine against this disease and no feasible live animal test that can detect the presence of CWD.

C. CWD is known to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials.

D. CWD has been designated a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389) at 3 Pa.C.S. § 2321(d).

E. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

F. The Department also has broad authority under the Domestic Animal Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

G. CWD is of particular concern to the captive/farmed cervid industry in that presence of CWD infection in a herd may result in the destruction of the entire herd and may severely limit the market for product of this Commonwealth.

H. CWD also has the potential to severely impact upon the native cervid population of this Commonwealth should it enter this Commonwealth.

I. CWD has been detected in cervids in New York and West Virginia and is known to be present in a number of other States and several Canadian Provinces.

J. The Department has concern that certain high-risk materials from hunter-harvested cervids taken in areas where CWD is known to be present pose an unacceptable risk of introducing CWD into this Commonwealth and seeks to prohibit the importation of these high-risk materials through this Order.

K. The Department has issued an Interstate/International Quarantine Order addressing the presence of CWD, to take effect on October 1, 2005. The Department wishes to rescind that Order and supplant it with this Order. This Order provides a clearer explanation of those cervid parts affected by this quarantine.

#### *Order of Quarantine*

With the foregoing recitals incorporated into this Order by reference, the Pennsylvania Department of Agriculture hereby establishes an Interstate and International Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(c). The terms of this Order are as follows:

1. The Quarantined Area affected by this Interstate and International Quarantine Order is as follows:

All States and Canadian provinces with a history of having free-ranging cervids infected with CWD. This quarantine includes:

a. *The following States:* Colorado, Illinois, Nebraska, New Mexico, South Dakota, Utah, West Virginia (only Hampshire county), Wisconsin, and Wyoming

b. *The following Canadian Provinces:* Alberta, Saskatchewan

2. This Order prohibits the importation into the Commonwealth of Pennsylvania the following animal parts originating from any hunter-harvested cervid in the Quarantined Area:

a. Head (including brain, tonsils, eyes and retropharyngeal lymph nodes);

b. Spinal Cord/Backbone;

c. Spleen;

d. Skull plate with attached antlers, if visible brain or spinal cord material is present;

e. Cape, if visible brain or spinal cord material is present;

f. Upper canine teeth, if root structure or other soft material is present;

g. Any object or article containing visible brain or spinal cord material;

h. Unfinished taxidermy mounts; and

i. Brain-tanned hide.

3. This Order shall not be construed to limit the importation into this Commonwealth of the following animal parts originating from any hunter-harvested cervid in the Quarantined Area:

a. Meat, without the backbone;

b. Skull plate with attached antlers, if no visible brain or spinal cord material is present;

c. Tanned hide or raw hide with no visible brain or spinal cord material present;

d. Cape, if no visible brain or spinal cord material is present;

e. Upper canine teeth, if no root structure or other soft material is present; and

f. Finished taxidermy mounts.

4. This Order is immediately effective as of October 1, 2005, and shall remain in effect unless rescinded or modified by subsequent order.

5. Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

6. This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported cervids.

7. This Order rescinds and supplants the previous Order of PDA on this subject matter, as published in the October 1, 2005 edition of the *Pennsylvania Bulletin*.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 05-1901. Filed for public inspection October 14, 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 October 4, 2005.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-4-05	Valley Forge Trust Company King of Prussia Montgomery County	120 South Warner Road King of Prussia Montgomery County	Approved
10-4-05	Royal Asian Bank Philadelphia Philadelphia County	6331 Castor Avenue Philadelphia Philadelphia County	Approved

Royal Asian Bank has been operated as a division of Royal Bank America, Narberth, wholly-owned subsidiary of Royal Bancshares of Pennsylvania, Inc. Royal Asian Bank will become a separately chartered Pennsylvania nonmember bank and wholly-owned bank subsidiary of Royal Bancshares of Pennsylvania, Inc.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-05	Standard Bank, PaSB, Monroeville, and Hoblitzell National Bank of Hyndman, Hyndman Surviving Institution—Standard Bank, PaSB, Monroeville	Monroeville	Filed
10-4-05	Royal Asian Bank (In Organization) Philadelphia Philadelphia County	Philadelphia	Approved

Purchase of assets/assumption of liabilities of four branch offices of Royal Bank America, Narberth

Located at:

6526 Castor Avenue  
Philadelphia  
Philadelphia County

7001 West Chester Pike  
Upper Darby  
Delaware County

418 Oak Lane Road  
Philadelphia  
Philadelphia County

1550 Lemoine Avenue  
Fort Lee  
Bergen County, NJ

This transaction is part of the reorganization on the part of Royal Bancshares of Pennsylvania, Inc. and separate charter of Royal Asian Bank (see "New Charter Applications" previously listed).

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-28-05	Nesquehoning Savings Bank Nesquehoning Carbon County	113 East Water Street Coaldale Schuylkill County	Filed
10-3-05	Orrstown Bank Shippensburg Cumberland County	308 Carolle Street Greencastle Franklin County	Approved
10-3-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Shadyside Giant Eagle 5550 Centre Avenue Pittsburgh Allegheny County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-3-05	Lebanon Valley Farmers Bank Myerstown Lebanon County	<i>To:</i> Southeast Corner of Route 422 and Locust Street Myerstown Lebanon County  <i>From:</i> Main and Locust Streets Myerstown Lebanon County <i>and</i>  <i>From:</i> 297 West Lincoln Avenue Myerstown Lebanon County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-29-05	Atlantic Central Bankers Bank Camp Hill Cumberland County	The purpose of the Articles of Amendment is to remove "Pennsylvania Independent Bank" from Articles Third, Ninth and Tenth of the Articles of Incorporation and wherever else it appears in the Articles of Incorporation and insert "Atlantic Central Bankers Bank" in its place.	Approved and Effective
10-3-05	Tioga-Franklin Savings Bank Philadelphia Philadelphia County	Amendment to Article II of the Articles of Incorporation provides for a change in the location and address of the bank's principal place of business from 326 East Girard Avenue to 320 East Girard Avenue, both addresses in Philadelphia, Philadelphia County.	

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-3-05	TruMark Financial Credit Union Trevose Bucks County	515 Old York Road Jenkintown Montgomery County	Approved

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1902. Filed for public inspection October 14, 2005, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Emergency Shelter Grant Program

The Department of Community and Economic Development (Department), Center for Community Building, Office of Community Development is anticipating applying for funding through the United States Department of Housing and Urban Development.

The Emergency Shelter Grant Program is established within Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. §§ 11371 — 11378). The program authorizes grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness.

One copy of the application may be submitted to the Department by local governments to the Customer Service Center, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120 in accordance with the Department's single application requirements. A copy of the application must also be sent to the appropriate regional office. The application window will open on October 14, 2005, and close at 5 p.m. on December 30, 2005. Applications received prior to or after these dates may not be considered for funding.

Applications forms and instructions may be obtained by contacting the Department's Center for Community Building, Office of Community Development in Harrisburg, (717) 787-5327 or the Department's Regional Offices. Persons with a disability or persons who require an alternate format (large type, Braille, and the like) should contact Edward Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327 to discuss how the Department may best accommodate their needs.

The following is the listing of the Department's Regional Offices and the counties they serve:

### *Regional Offices*

#### *Southeast*

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development  
Philadelphia State Office Building  
1400 Spring Garden Street, Room 1800  
Philadelphia, PA 19130  
(215) 560-2256

#### *Northeast*

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development  
409 Lackawanna Avenue  
3rd Floor, Oppenheim Building  
Scranton, PA 18503  
(570) 963-4571

#### *Central*

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties.

Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120  
(717) 787-7347

#### *Southwest*

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development  
1405 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

#### *Northwest*

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development  
100 State Street, Suite 205  
Erie, PA 16507  
(814) 871-4241

#### *Main Office*

Center for Community Building  
Office of Community Development  
400 North Street, 4th Floor  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
(717) 787-5327

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 05-1903. Filed for public inspection October 14, 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, October 26, 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.

(TDD) to discuss how the Department may accommodate their needs.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-1904. Filed for public inspection October 14, 2005, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033863	Camp-A-While, Inc. 1921 East Main Street Hegins, PA 17938-9143	Hegins Township Schuylkill County	Pine Creek (6C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0084611 (Sewage)	CMV Sewage Co., Inc. 200 Bailey Drive Stewartstown, PA 17363	York County North Codorus Township	UNT Codorus Creek/7H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0221007	Volant Borough P. O. Box 96 Volant, PA 16156	Volant Borough Lawrence County	Neshannock Creek 20-A	Y
PA0210161	Pennsylvania American Water—Butler 207 Oneida Valley Road Butler, PA 16001	Oakland Township Butler County	Connoquenessing and Thorn Creeks 20-c	Y
PA0102385	Springfield Restaurant Group—Iron Bridge Inn/Rachel's Roadhouse 1553 Perry Highway Mercer, PA 16137	Springfield Township Mercer County	UNT to Neshannock Creek and Neshannock Creek 20-A	Y

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

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

**PA0061123**, Sewage, **Moscow Sewer Authority**, P. O. Box 525, 309 Market Street, Moscow, PA 18444-0525. This proposed facility is located in Moscow Borough, **Lackawanna County**.

Description of Proposed Activity: Proposed increased discharge of treated sewage.

The receiving stream, Roaring Brook Creek, is in the State Water Plan watershed No. 5A and is classified for HW-CWF. The nearest downstream public water supply intake for American Water Company is located on Roaring Brook Creek and is 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.300 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	15.6	23.4	31.2
Total Suspended Solids	17.5	26.3	35.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.4		1.0
Nitrates/Nitrites	8.2		16.4
Phosphorus (Total)	0.4		0.8

Chesapeake Bay monitoring for Outfall 001.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia—N	Report		
Kjeldahl—N	Report		
Nitrite—N/Nitrate—N	Report		
Total Nitrogen	Report		
Total Phosphorus	Report		

<i>Parameter</i>	<i>Annual Mass Load (lb/yr.)</i>
Total Nitrogen (after completion of plant expansion).	9,740
Total Phosphorus (after completion of plant expansion).	1,217

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

**Application No. PA 0040860**, Industrial Waste, SIC Code 4953, **Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512. This facility is located in Earl and Oley Townships, **Berks County**.

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

The receiving streams, Furnace Run and Manatawny Creek, are in Watershed 3-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water Company located on the Schuylkill River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.08 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report	Monitor and Report			
pH (S.U.)		from 6.0 to 9.0 inclusive			
Dissolved Oxygen		5.0 mg/l at all times			
Total Suspended Solids	18	40	27	60	75
CBOD <sub>5</sub>	17	34	25	50	63
NH <sub>3</sub> -N	3.26	6.52	4.9	10	10
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)			200 10,000		
Total Residual Chlorine			1.0	2.0	2.5
Total Dissolved Solids	20,016	40,032	30,000	60,000	75,000
Color (P.C.)				100	100
α-Terpineol	0.013	0.028	0.019	0.042	0.042
Aniline	0.010	0.016	0.015	0.024	0.024
Benzoic Acid	0.049	0.079	0.073	0.119	0.119
Naphthalene	0.015	0.039	0.022	0.059	0.059
p-Cresol	0.010	0.016	0.015	0.024	0.024
Phenol	0.019	0.032	0.029	0.048	0.048
Pyridine	0.017	0.048	0.025	0.072	0.072
Arsenic	0.360	0.734	0.540	1.100	1.100
Chromium, VI	0.029	0.057	0.043	0.086	0.108
Total Zinc	0.197	0.357	0.296	0.535	0.535
Osmotic Pressure			5,000	5,000	5,000

The proposed effluent limits for Outfall 006 based on a design flow of 0.087 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report	Monitor and Report			
pH (S.U.)		from 6.0 to 9.0 inclusive			
Dissolved Oxygen		5.0 mg/l at all times			
Total Suspended Solids	22	44	30	45	60
CBOD <sub>5</sub>	18	36	25	50	63
NH <sub>3</sub> -N					
(5-1 to 9-30)	4.0	8.0	6.0	12	15
(10-1 to 4-30)	12	24	18	36	40
Total Dissolved Solids	726	1,452	1,000	2,000	2,500
Total Iron	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Total Cadmium	0.009	0.018	0.013	0.026	0.033
Aniline	0.010	0.016	0.015	0.024	0.024
Osmotic Pressure			238	238	238
Total Mercury	0.0002	0.0004	0.0003	0.0006	0.0007

The proposed monitoring requirements for Outfalls 002—005 and 008—010 are for the following parameters:

*Parameter*

CBOD<sub>5</sub>  
 Chemical Oxygen Demand  
 Total Suspended Solids  
 Total Dissolved Solids  
 Total Nitrogen  
 Total Iron  
 Oil and Grease  
 pH (S.U.)  
 Total Cadmium  
 Total Arsenic  
 NH<sub>3</sub>-N  
 $\alpha$ -Terpineol  
 Aniline  
 Benzoic Acid  
 Naphthalene  
 p-Cresol  
 Phenol  
 Pyridine  
 Chromium, VI  
 Total Zinc

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

The EPA waiver is in effect.

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

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

**WQG Permit No. WQG026101**, Sewage, **Menallen Township Sewer Authority**, 427 Searights Herbert Rd., Uniontown, PA 15401. This proposed facility is located in Menallen Township, **Fayette County**.

Description of Proposed Action/Activity: Application for the installation of a gravity sanitary sewer line interceptor.

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

**WQM Permit No. 1005405**, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and installation of a pump station and sewer extension to serve the Cobblestone Plan of Lots.



**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305010	Ray Tuthill Tuthill Corp., Blue Mtn. Ski Area P. O. Box 216 Palmerton, PA 18071	Carbon	Lower Towamensing Township	Aquashicola Creek HQ-CWF, MF

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505021	LTS Development, LLC P. O. Box 160 Shawnee-On-Delaware, PA 18356	Monroe	Smithfield Stroud and Price Townships	Michaels Run HQ-CWF
PAI024505022	Winds West, Inc. R. R. 4, Box 4402 Stroudsburg, PA 18360	Monroe	Pocono Township	Pocono Creek HQ-CWF

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805022	Alice Dewire 1305 Macada Rd. Bethlehem, PA 18017 and Richard Kingston, Jr. 1232 Oakside Rd. Bethlehem, PA 18017	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAI024805023	Nazareth Development, LLC Attn: David Seyfried 25 South Main St. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024805024	Nic Zawarski & Sons, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	City of Bethlehem	Monocacy Creek HQ-CWF

*Luzerne County Conservation District: Smith Pond Rd., Lehman, PA 18627-0250, (570) 674-7991.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024005004	Landview Properties, Inc. 205 Windsor Way Moscow, PA 18444	Luzerne	Dallas Township	Bowman Creek HQ-CWF and Toby Creek CWF

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032205001	Jorich Land Development, Inc. 1620 Mountain Road Dauphin, PA 17018	Dauphin	Middle Paxton Township	Clark Creek HQ-CWF
PAI033605010	Reuben S. Brubacher 582 Lambert Road Narvon, PA 17555	Lancaster	Caernarvon Township	Black Creek HQ-WWF

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032105013	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Cumberland	Silver Springs and Hampden Townships	Trindle Springs Run- Conodoguinet Creek HQ-CWF/WWF
PAI033605009	Craig Fernsler P. O. Box 121 Dresher, PA 19025	Lancaster	Colerain Township	West Branch Octoraro Creek HQ-CWF;MF

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


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

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## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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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:

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

**Former Lehigh New England Railroad Property**, Wind Gap Borough and Plainfield Township, **Northampton County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914 15106 has submitted a Notice of Intent to Remediate (on behalf of various clients, remediators, and property owners, including Nolan Perin, c/o NAPER Development Corp., Inc.; Jerrold Bermingham, National Resources Associates LP; David Cox, WalMart Stores, Inc.; Brendan Sheehan and Scott Perin, Grand Central Sanitary Landfill, Inc.; and Bill and Caroline Hicks) concerning the remediation of soils found or suspected to have been contaminated with metals and semivolatile organic contamination as the result of historic industrial operations. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 5, 2005. The properties are proposed to be developed into a retail shopping center complex.

**Anemostat Plant (888 North Keyser Avenue)**, City of Scranton, **Lackawanna County**. Bryon Nickerson, Senior Project Manager, SAIC, 916 Springdale Drive, Exton, PA 19341-2805 has submitted a revised Notice of Intent to Remediate (on behalf of his client, North Keyser Properties, LLC, 801 Corey Street, Moosic, PA 18507) concerning the remediation of soils and/or groundwater found or suspected to be contaminated with chlorinated solvents as the result of historic site operations. The applicant proposes to meet the Site-Specific Standard as opposed to the previously proposed Statewide Health Standard. A revised Notice of Intent to Remediate was published in *The Scranton Times* on July 19, 2005. The proposed future use of the property will remain as industrial.

**Honeywell Pottsville Plant**, Norwegian Township, **Schuylkill County**. Dayne Crowley, P. G., MACTEC Engineering & Consulting, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200 Pittsburgh, PA 15106 has submitted a Notice of Intent to Remediate (on behalf of his client, Judd Weiss, 98 Westwood Road, Pottsville, PA 17901-1834) concerning the remediation of soils found to have been impacted by acetone because of a release from piping located outside of an AST containment area. The applicant proposes to remediate the site to meet the Site-Specific Soil Standard. Future use of the property will remain the same. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

## PLAN APPROVALS

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

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

**48-304-032A: Victaulic Co. of America** (4901 Kesslersville Road, Easton, PA 18045) for construction of a second cold core making machine to the existing system in Forks Township, **Northampton County**.

**48-313-097: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) for construction of a black oxide manufacturing process and associated air cleaning devices in Easton, **Northampton County**.

**54-308-022: Alcoa Extrusions, Inc.** (53 Pottsville Street, Cressona, PA 17929) for reactivation of melting furnace No. 5 to include the installation of low NOx burners in Cressona Borough, **Schuylkill County**.

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

**36-05014G: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604) for installation of two cartridge filter dust collection systems at their secondary aluminum processing plant in Manheim Township, **Lancaster County**. The plant is subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants—Secondary Aluminum Plants, 40 CFR Part 63—National Emission Standards for Hazardous Air Pollutants—Surface Coating of Metal Coils and 40 CFR Part 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating.

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

**32-00387A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for construction of a Coal Prep Plant in Washington Township, **Indiana County**.

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

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

**06-05069H: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for modification of their lead/acid battery assembly facility in Richmond Township, **Berks County**. The modification includes grid casting, formation and lead oxide mills. Some of these sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The changes will have net increase in potential annual emissions of lead—0.22 ton; H<sub>2</sub>SO<sub>4</sub> Mist—4.9 tons; NOx—1.3; CO—2.2 tons and VOC—0.1 ton. The plan approval will include restrictions, testing, monitoring, work practices, recordkeeping and reporting require-

ments designed to keep the sources operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit Application 06-05069. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**ER 36-05002A: Armstrong World Industries, Inc.** (1067 Dillerville Road, Lancaster, PA 17603) for emission reduction credits (ERC) from the shutdown of sources at their Lancaster flooring plant in the City of Lancaster, **Lancaster County**. The company will receive 95.1 tons of ERC for VOC emissions and 1.9 tons of ERC for NOx emissions.

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

**41-399-027: Smurfit-Stone Container Enterprises, Inc.** (2940 Reach Road, Williamsport, PA 17701) for modification of a paperboard/plastic film gluing operation at 64 River Road in Porter Township, **Lycoming County**.

The proposed modification is an increase in the amount of glue used in the paperboard/plastic film gluing operation so that the resultant VOC emissions will increase from a maximum of 2.7 tons per year to a maximum of 11.27 tons per year. In addition to emitting up to 11.27 tons of VOCs per year, the modified paperboard/plastic film gluing operation will emit up to .82 ton of HAPs per year.

The Department of Environmental Protection's (Department) review of the information submitted by Smurfit-Stone Container Enterprises, Inc. indicates that the modified paperboard/plastic film gluing operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the modification of the paperboard/plastic film gluing operation.

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

1. No more than 5,000 gallons of adhesives/glues shall be used in the paperboard/plastic film gluing operation in any 12-consecutive month period.

2. No more than a combined total of 20 gallons of any VOC-containing or volatile HAP-containing material, other than adhesives/glues, shall be used in, or in association with, the paperboard/plastic film gluing operation in any 12-consecutive month period. This includes cleanup solvents.

3. The adhesives/glues used in the paperboard/plastic film gluing operation shall not contain VOCs in excess of 4.48 pounds of VOCs per gallon of adhesive/glue nor shall they contain volatile HAPs in excess of .31 pound of volatile HAPs per gallon of adhesive/glue.

4. The volatile hazardous air pollutant content of any volatile HAP-containing material, other than adhesives/glues, used in, or in association with, the paperboard/plastic film gluing operation shall not exceed 3.76 pounds of HAPs per gallon of material. This includes cleanup solvents.

5. The total combined VOC emissions from the paperboard/plastic film gluing operation shall not exceed

11.27 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed .82 ton in any 12-consecutive month period.

6. The atmospheric exhaust of the spray booth in which adhesives/glues are applied to paperboard and plastic film shall be equipped with filters on any occasion that adhesives/glues are being applied.

7. All VOC-containing materials and volatile hazardous air pollutant-containing materials (adhesives/glues, cleanup solvents, and the like) used in, or in association with, the paperboard/plastic film gluing operation shall be stored in closed containers when not in actual use. Adhesive/glue spray lines, guns, and the like shall be cleaned by either flushing a solid liquid stream of solvent into an appropriate container or by soaking equipment in closed containers of liquid solvent. Under no circumstances shall cleaning solvent be sprayed or flushed from a spray gun or line into the air. Under no circumstances shall cleaning solvent be flushed from a spray gun or line into a container in an atomized spray. All used cleaning solvent and any used solvent-wet cleaning cloths or rags shall be stored in closed containers and shall never be treated in any manner which would unnecessarily promote the evaporative loss of solvent to the atmosphere.

8. Records shall be maintained of the identity, composition and amount of each adhesive/glue, cleanup solvent and any other VOC-containing or volatile HAP-containing material used in the paperboard/plastic film gluing operation each month.

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

**30-00099E: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) for combustion of low sulfur Powder River Basin (PRB) Coal at their Hatfield's Ferry Power Station.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to the Allegheny Energy Supply Company, a Title V Facility, to authorize the combustion of low sulfur Powder River Basin (PRB) Coal at the Hatfield's Ferry Power Station as described in its application to the Department received on July 12, 2005. Allegheny Energy expects to blend the current fuel with up to 40% PRB. Burning PRB at this level will reduce SO<sub>2</sub> emissions by approximately 48,573 tons per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

*Special Conditions for Plan Approval PA-30-00099E*

1. This Plan Approval authorizes Allegheny Energy Supply Company (AES) to co-fire with PRB coal at the Hatfield's Ferry Power Station (Hatfield) located in Monongahela Township, Greene County. (25 Pa. Code § 127.12b)

2. AES shall submit a report to the Department describing in detail any decrease/increase in emissions resulting from the combustion of PRB. The report shall characterize emissions for the following pollutants; PM, PM<sub>10</sub> (filterable and condensable), SO<sub>x</sub> (as SO<sub>2</sub>), NO<sub>x</sub>,

CO, VOC, Hg and visible emissions (percent opacity) and shall express emissions in lbs/mmBtu, lbs/hr, and tons/year. The report shall be submitted within 90 days of testing at the maximum PRB firing rate. (25 Pa. Code § 127.12b)

3. AES shall perform stack testing on all three units in the combined stacks, while co-firing at least 25% PRB, for PM, PM10 (filterable and condensable), SOx (as SO<sub>2</sub>), NOx, CO, VOC, Hg and visible emissions, and shall be conducted within 120 days of initiation of co-firing PRB. Stack testing at the maximum PRB co-firing rate shall be conducted within 18 months or within 120 days after the maximum co-firing rate has been achieved. CEM data from approved monitors may be substituted for stack test data. The stack test for PM10 (filterable and condensable) shall be performed prior to co-firing with PRB unless existing test results are available (25 Pa. Code §§ 123.45 and 139.11).

i) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

ii) At least 60 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

iii) At least 15 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

iv) All relevant operating parameters (for example, boiler steam flow, air flow, gross megawatts, O<sub>2</sub>; CEMS readings, heat input, SO<sub>3</sub> injection rate (lb/hr), and stack flue gas volumetric flow rate) shall be recorded at appropriate intervals throughout the duration of the stack tests. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices, including the SO<sub>3</sub> injection system, are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

v) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

4. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(i) The owner/operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(ii) Operation of the sources covered by this Plan Approval is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(iii) Upon receipt of the Notice of the Completion of Construction from the owner/operator, the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the

Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(iv) Upon determination by the owner/operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the owner/operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(v) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for an Administrative Amendment to the Title V Operating Permit (TVOP) at least 60 days prior to the expiration date of the Plan Approval. The Administrative Amendment shall incorporate the conditions of this Plan Approval into the TVOP.

(vi) The owner/operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120 days, by submitting an extension request as described previously.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address which follows. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Written comments must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or 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 based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines that notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to the Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality at the address listed previously.

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

**AMS 05028 and 05038: Kinder Morgan Liquid Terminals** (3300 North Delaware Avenue, Philadelphia,

PA 19134) for installing internal floating roofs on tanks 125, 153, 205—208, and 210 in the City of Philadelphia, **Philadelphia County**. Emission limits are being set at 6.48 tons/yr VOCs for tank 125, 5.01 tons/yr VOC's for tanks 205—208 and 210 and 5.82 tons/yr VOCs for tank 153. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

**28-05019: Valley Quarries, Inc.** (169 Quarry Road, Chambersburg, PA 17201) for operation of two asphalt plants at their Chambersburg facility in Guilford Township, **Franklin County**. The plants have the potential to emit 100 tons per year of SOx. The No. 2 asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Asphalt Concrete Plants. This renewal of the State-only operating permit will include emission limits, work practice standards, monitoring, recordkeeping and reporting provisions to ensure the plants comply with the applicable air quality requirements.

**36-03106: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for operation of their Schoeneck limestone/dolomite quarry and crushing and screening plant in West Cocalico Township, **Lancaster County**. This is a non-Title V State-only facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-05009: Lebanon Methane Recovery Inc.** (920 Rosstown Road, Lewisberry, PA 17339) for a Synthetic Minor Operating Permit renewal in North Lebanon Township, **Lebanon County**. The facility's major sources of emissions include two landfill gas fired engine-generators, which primarily emit NOx. The synthetic minor operating permit renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**17-00059: Energy Link, Inc.** (840 Philadelphia Street, Suite 305, Indiana, PA 15701) for operation of a coal stockpiling and railcar loading operation (Corman Yard Coal Pile) in Lawrence Township, **Clearfield County**.

Coal is brought onto the site by truck and placed into stockpiles from which it is subsequently removed by front end loaders and loaded into railcars. The air contaminant emissions from this operation are not expected to exceed 5.01 tons of particulate matter per year, of which no more than 1.31 tons per year are expected to be PM10.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Plan Approval 17-

305-049. These previously-established conditions include a requirement that a water truck equipped with a pressurized spray bar and a trailer-mounted water tank equipped with a pressurized spray nozzle or hose be readily available at all times for use in controlling fugitive dust from site roadways and stockpiles, a requirement that all trucks entering or exiting the site by means public roadways have their truck beds tarped or otherwise covered unless empty, a requirement that the speed limit on all site roadways be 5 miles per hour, a requirement that the front end loader bucket-to-railcar freefall height be kept to a minimum during railcar loading and a limitation of 85,000 tons on the amount of coal processed per year.

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

**11-00510: AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15942) for operation of coal processing plant at Madison Mine in Jackson Township, **Cambria 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:

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

\* The parameter is applicable at all times.

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

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

**30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in Morris Township, **Washington County** to add surface permit area for fresh water supply system at Prosperity Portal and Archer Run Slope, Surface Acres Proposed 282.8. Receiving Stream: UNT to Short Creek, classified for the following use: TSF. Application received August 24, 2005.

**32011301 and NPDES Permit No. NA, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to transfer the in process new underground permit for the Palmerton Deep Mine in Burrell Township, **Indiana County** and related NPDES permit from Laurel Energy, LLP. No additional discharges. Application received: August 29, 2005.

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

**56950111 and NPDES No. PA0213225. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936-8906, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Shade Township, **Somerset County**, affecting 349.9 acres. Receiving streams: UNT to Shade Creek and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received September 23, 2005.

**56950106 and NPDES No. PA0213161. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Stonycreek

Township, **Somerset County**, affecting 122.0 acres. Receiving streams: UNTs to Schrock Run and Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 23, 2005.

**Permit No. 11900101 and NPDES No. PA0598721. Cooney Brothers Coal Company**, P. O. Box 246, Crescon, PA 16630, permit renewal for reclamation only of a bituminous surface auger mine in Adams and Summerhill Townships, **Cambria County**, affecting 180.0 acres. Receiving streams: UNTs to South Fork of Little Conemaugh River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Highland Sewer and Water Authority Beaverdam. Application received September 23, 2005.

**Permit No. 56940101 and NPDES Permit No. PA0212768. Future Industries Inc.**, P. O. Box 157, Meyersdale, PA 15552-0157, permit revision—land use change on Robert Sanner property from Forestland and Wildlife Habitat to cropland and land use change on Merrill Enterprises Inc. property from forestland to wildlife habitat in Brothersvalley Township, **Somerset County**, affecting 106.5 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on August 15, 2005.

**Permit No. 5679123 and NPDES Permit No. PA0599166, Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, renewal of NPDES Permit, Southampton Township, **Somerset County**. Receiving streams: UNT to Shoemaker Run and to Shoemaker Run classified for the following use: high quality. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received August 31, 2005.

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

**03980101 and NPDES Permit No. PA0202541. Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Renewal application for continued operation and reclamation of a bituminous surface mine,

located in Kittanning Township, **Armstrong County**, affecting 207 acres. Receiving streams: Mill Run and UNTs to Mill Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 26, 2005.

**02900102 and NPDES Permit No. PA0591980. USA South Hills Landfill, Inc.** (3100 Hill Road, Library, PA 15129). Renewal application for continued operation and reclamation of a bituminous surface mine, located in South Park and Union Townships, **Allegheny and Washington Counties**, affecting 103.4 acres. Receiving stream: UNT to Peters Creek, classified for the following use: TSF. Renewal application received: September 29, 2005.

**65020104 and NPDES Permit No. PA0250252. Robbie Coal and Fuel, Inc.** (1159 University Drive, Dunbar, PA 15431). Application received to revise the permit to include blasting at a bituminous surface mining site located in East Huntingdon Township, **Westmoreland County**, affecting 25.1 acres. Receiving streams: UNT to Buffalo Run, classified for the following use WWF. There is no known public water supply within 10 miles downstream from the point of discharge. Application received August 4, 2005.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**24-05-02 and NPDES Permit No. PA0258024. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Proposal to enter into a Government Financed Reclamation Construction Contract on a 29.0 acre site in Jay Township, **Elk County**. The proposal includes total reclamation of 10.2 acres of aban-

doned mine lands, including channel restoration and reconstruction of 1,350 feet of UNT 1 to Bennett Branch Sinnemahoning Creek and 7 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: UNTs to Bennett Branch Sinnemahoning Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 12, 2005.

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

**40840206R4. Northampton Fuel Supply Company, Inc.** (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing and coal ash disposal operation in Plains Township, **Luzerne County** affecting 126.9 acres. Receiving stream: none. Application received September 16, 2005.

*Noncoal Applications Returned*

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

**52040301. ER Linde Construction Corp.,** (R. R. 6 Box 6825, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 83.5 acres, receiving stream: Little Blooming Grove Creek. Application received March 31, 2004. Application returned September 21, 2005.

*Noncoal Applications Received*

*Effluent Limits*

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

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

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to 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: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**43950302. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Renewal of NPDES Permit No. PA0227030, East Lackawannock Township, **Mercer County**. Receiving streams: UNT to Beaver Run and Beaver Run to Neshannock Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: September 26, 2005.

**37920303. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Transfer of an existing topsoil and sand and gravel operation in Taylor Township, **Lawrence County** affecting 56.0 acres. Receiving streams: Edwards Run and the Beaver River, classified

for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from S & S Processing, Inc. Application received: September 27, 2005.

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

**0179301A1C3 and NPDES Permit No. PA0122297. Wilson C. Clapsaddle,** (1790 Baltimore Pike, Gettysburg, PA 17325), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Mt. Joy Township, **Adams County**, receiving streams: UNT to Rock Creek, classified for the following use: WWF. Application received September 19, 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(a) of the FWPCA (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-887. Glazier Group, LP**, 5901 Atkinson Road, New Hope, PA 18938-5301, Springfield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a new driveway crossing over the Silver Creek Tributary to Cooks Creek (EV) to provide access for a two lot subdivision. The proposed driveway consists of a bridge measuring 25 feet long by 22 feet wide with clear height above the 100-year flood elevation. Box culverts are also proposed on each side of the bridge measuring 8 feet wide by 4 feet high.

The site is located about 1,600 feet west of intersection of Old Bethlehem Road and Peppermint Valley Road (Hellertown, PA USGS Quadrangle N: 6.5 inches W: 8.00 inches).

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

**E35-390. Siniawa XII, LP**, 851 Commerce Boulevard, Suite 207, Dickson City, PA 18519-1677, in Dickson City Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 426-foot long stream enclosure extension of an existing approximate 1,700 LF enclosure in a tributary to the Lackawanna River (CWF) consisting of an 84-inch corrugated metal pipe, concrete

inwall and a grouted R-6 rock apron. The project is located on the south side of Commerce Boulevard approximately 0.25 mile south of Route 6 (Scranton, PA Quadrangle N: 16.5 inches; W: 1.5 inches).

**E35-389. David Stafursky**, 502 Main Street, Archbald, PA 18403, in Archbald Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two at-grade road crossings and various utility line crossings in the floodway of Wildcat Creek (CWF). The project is located on the north side of Betty Street (SR 1010) approximately 0.2 mile east of SR 0006 (Olyphant, PA Quadrangle N: 22.4 inches; W: 10.75 inches).

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

**E21-373: Community Refuse Service, Inc.**, 135 Vaughn Road, Shippensburg, PA 17257 in Hopewell and North Newton Townships, **Cumberland County**, ACOE Baltimore District.

To construct and maintain 93 linear feet of 8-foot by 8-foot box culvert on a UNT to Conodoquinnet Creek (WWF) (Latitude: 40° 08' 29"; Longitude: 77° 30' 16"), to fill or excavate 0.49 acre of PEM wetlands and 0.19 acre of POW wetlands (Latitude: 40° 08' 18", 40° 08' 10", 40° 08' 05"; Longitude: 77° 30' 28", 77° 30' 35", 77° 30' 21"), and construct and maintain a minimum of 0.68 acre of PEM/PSS wetlands (Latitude: 40° 07' 55"; Longitude: 77° 29' 57") for the purpose of constructing a 102-acre expansion of the existing Cumberland County Landfill and a 90-acre soil borrow area north and east of the intersection of SR 4003 and Vaughn Road in Hopewell Township, Cumberland County. The project proposes to directly affect 93 linear feet of stream channel and 0.68 acre of wetlands.

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

**E24-241, Department of Transportation (Department), District 2-0**, 1924-30 Daisy Street, Clearfield, PA. SR 0219, Sections C10 and D10, in Johnsonburg, **Elk County**, ACOE Pittsburgh District (Ridgeway, PA Quadrangle N: 22 inches; W: 8 inches to N: 19.5 inches; W: 6.5 inches).

The Department is proposing construction of 9,135 feet of roadway including the following:

- To construct and maintain a 7-span continuous curved plate girder bridge having clear spans of 110 feet, 145 feet, 145 feet, 145 feet, 145 feet, 145 feet, 110 feet and an underclearance of 38 feet on a 22° skew across West Branch of Clarion River on SR 0219.
- To construct and maintain a 6-span continuous prestressed concrete I-beam bridge having clear spans of 118.76 feet, 106.09 feet, 108.99 feet, 130.62 feet, 129.48 feet, 99.40 feet and a minimum underclearance of 33.77 feet on 0°, 9°, 18°, 20°, 14°, 30° and 90° skews across Clarion River on SR 0219.
- To construct and maintain a 9-span continuous composite prestressed concrete I-beam and steel curved plate girder bridge having a clear spans of 110 feet, 110 feet, 110 feet, 110 feet, 110 feet, 190 feet, 280 feet, 190 feet and an underclearance of 31.97 feet across Johnson Run on SR 0219, Segment 0570, Offset 1752.

The project also includes 5,267 cubic yards of fill in the Clarion River floodplain and 9,365 cubic yards of fill in the West Branch Clarion River floodplain.

The project also includes 150 feet of watercourse impacts as well as temporary impacts to 0.04 acre of palustrine emergent wetlands and the placement 1.09

acres of fill in of palustrine emergent wetland. The Chapter 93 designation for the Clarion River, West Branch of Clarion River and Johnson Run is CWF.

## 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0052833 (IW)	Excelsior Brass Works June Avenue Blandon, PA 19510-0140	Berks County Maidencreek Township	Willow Creek 3B	Y
PA0070157 (Sewage)	Tulpehocken Area School District Bethel Elementary School 428 New Schaefferstown Road Bernville, PA 19506-8939	Berks County Bethel Township	UNT Little Swatara Creek 7D	Y

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<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088188 (Sewage)	Gratz Borough Municipal Authority 125 North Center Street P. O. Box 276 Gratz, PA 17030	Dauphin County Gratz Borough	UNT Wiconisco Creek 6C	Y
PA0021709 (Sewage)	Birdsboro Municipal Authority 202 East Main Street Birdsboro, PA 19508	Berks County Birdsboro Borough	Hay Creek 3C	Y
PA0032506 (Sewage)	Department of Conservation and Natural Resources Reed's Gap State Park 1405 New Lancaster Valley Road Milroy, PA 17603	Mifflin County Armagh Township	Honey Creek 12/A	Y
PA0082465 (Sewage)	Camp Penn United Methodist Church—Central PA Conference 8005 Old Forge Road Waynesboro, PA 17268	Franklin County Quincy Township	Trucker Run 13C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0000825 Industrial Waste	Col-Fin Specialty Steel Corp. Front Street Fallston, PA 15066	Beaver County Fallston Borough	Beaver River	Y
PA0005240 Industrial Waste	Allegheny Ludlum Corp. 100 River Road Brackenridge, PA 15014-1597	Westmoreland County Derry Township	UNT to Saxman Run	Y
PA0205222 Industrial Waste	Koppel Steel Corporation P. O. Box 750 Beaver Falls, PA 15010	Beaver County Koppel Borough	Beaver River and UNT to Beaver River	Y
PA0028657 Sewage	Nanty Glo Sani. Sew. Auth. 879 Wood Street Nanty Glo, PA 15943	Cambria County Nanty Glo Borough	South Branch Blacklick Creek	Y
PA0092550 Sewage	Brady's Bend Township Water & Sew. Auth. 221A St. Mary's Cemetery Rd. East Brady, PA 16028	Armstrong County Brady's Bend Township	Sugar Creek	Y
PA0094099 Sewage	PA Dist. Brethren Church 902 Cumberland Highway Berlin, PA 15530	Somerset County Greenville Township	UNT of Miller Run	Y
PA0205095 Sewage	John Kowalik, Jr. R. D. 3, Box 470 New Alexandria, PA 15670	Westmoreland County New Alexandria Borough	UNT to a UNT of Loyalhanna Creek	Y
PA0205460 Sewage	Loretta Schermock Georgetown Hts. Mobile Estates 20215 Sunny Shores Drive Humble, TX 77346	Beaver County Greene Township	Smiths Run	Y
PA0216666 Sewage	Cumberland Coal Resources, LP 158 Portal Road P. O. Box 1020 Waynesburg, PA 15370	Washington County Whiteley Township	Whiteley Creek	Y
PA0218448 Sewage	Whitehorn Homeowners Association 281 Wolf Lake Road New Alexandria, PA 15670	Westmoreland County Salem Township	UNT to Whitehorn Creek	Y
PA0218570 Sewage	Central Mainline Sew. Auth. P. O. Box 56 Lilly, PA 15938	Cambria County Portage Township	Little Conemaugh River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0104299	Lutherlyn Camp & Retreat Center P. O. Box 355 Prospect, PA 16052-0355	Connoquenessing Township Butler County	Semiconon Run 20-C	Y
PA0045039	Department of Conservation and Natural Resources—Oil Creek State Park 305 State Park Road Oil City, PA 16301-9733	Cornplanter Township Venango County	Oil Creek	Y
PA0030686	Cross Creek Resort, Inc. R. D. 3, Box 188 Titusville, PA 16354	Cherrytree Township Venango County	UNT to Cherrytree Run	Y
PA0002461	Dresser Manufacturing Division 41 Fisher Avenue Bradford, PA 16701	City of Bradford McKean County	Tunungwant Creek 16-C	Y

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

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

**NPDES Permit No. PA0247502 Amendment No. 1**, Sewage, **John D. and Kathleen E. Kauffman**, 1130 Creek Road, Carlisle, PA 17013-8932. This proposed facility is located in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PA0247651**, Industrial Waste, **United Parcel Service**, Lewistown Facility, 1821 South 19th Street, Harrisburg, PA 17104. This proposed facility is located in Armagh Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Tea Creek in Watershed 12-A.

### *Public Notice of Permit Issuance*

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on October 1, 2005, issued a National Pollutant Discharge Elimination System Permit to:

**Permit No. PA 0021709**

**Permittee: Birdsboro Municipal Authority**

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	7.0		14
(11-1 to 4-30)	20		40
Total Residual Chlorine	0.50		1.60
Total Copper	0.038		0.076
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,000/100 ml as a geometric average	

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

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

**NPDES Permit No. PA0253014**, Sewage, **Capps Development, LLC**, 3889 Washington Rd., McMurray, PA 15317. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: NPDES permit issuance to discharge treated sewage from Bella Serra Banquet Facility Sewage Treatment Plant.

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

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

**WQM Permit No. 2805402**, Sewerage, **Quincy Township Sewer Authority**, 7375 Mentzer Gap Road, Waynesboro, PA 17268. This proposed facility is located in Quincy Township and Mont Alto Borough, **Franklin County**.

Description of Proposed Action/Activity: Construction/operation of the White Rock Sewer Extension.

**WQM Permit No. 2104407**, Transfer 1, Sewerage, **John D. and Kathleen E. Kauffman**, 1130 Creek Road, Carlisle, PA 17013-8932. This proposed facility is located in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/operation of sewerage facilities consisting of a dual compartment septic tank, Ecoflo ST-650 peat filter, tablet chlorinator and contact tank.

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

**WQM Permit No. 0305402**, Sewerage, **Worthington-West Franklin Joint Municipal Authority**, 102 West Main Street, Worthington, PA 16262. This proposed facility is located in Worthington Borough and West Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant, main pump station and gravity collection system.

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

Description of Proposed Action/Activity: Construction and operation of approximately 6.5 miles of 24-inch diameter gravity interceptor sewer lines. These new sewers will provide for the abandonment of the existing Earl Lohr Sewage Treatment Plant. This new interceptor sewer will connect to the existing South of Greensburg Interceptor for treatment to the New Stanton Sewage Treatment Plant.

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

**WQM Permit No. WQG018414**, Sewerage, **John and Paula Walsh**, R. D. 1, Box 72C, Youngsville, PA 16371. This proposed facility is located in Brokenstraw Township, **Warren County**.

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

**WQM Permit No. WQG018406**, Sewerage, **Bradley W. Irwin**, 8971 Old Route 422, New Castle, PA 16101. This proposed facility is located in Franklin 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**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804033	N.A.P.E.R. Development Corp., Inc. P. O. Box 639 Wind Gap, PA 18091	Northampton	Plainfield Township and Wind Gap Borough	Little Bushkill Creek HQ-CWF
PAI023904027	North Whitehall Township 3256 Levans Rd. Coplay, PA 18037	Lehigh	North Whitehall Township	Jordan Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032104005	BPC Commerce Center 620 North Reading Road Ephrata, PA 17522	Cumberland	Silver Spring Township	Trindle Spring Run 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*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lehigh Township Northampton County	PAG2004805034	Umberto and Elizabeth Fantozzi 4035 Cedar Drive Walnutport, PA 18088	Bertsch Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Jackson Township Lebanon County	PAG2003805028	Jeffrey J. Horst 1828 Creston Drive Lebanon, PA 17046	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
Jackson Township Lebanon County	PAG2003805027	Jacob L. King 875 South Railroad Street Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
South Annville Township Lebanon County	PAG2003805034	Henry Yingst 1010 South Lincoln Avenue Lebanon, PA 17042	Gingrich Run TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
Jackson Township Lebanon County	PAG2003805023	Irvin High Dutchwood Manufacturing 1317 Hilltop Road Myerstown, PA 17067	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
Southampton and Shippensburg Townships Cumberland County	PAG2002105022	AH & T Investments, LLC Meadowsgreen Land Subdivision 15051 Taylors Mill Place Haymarket, VA 20169-1034	Burd Run CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812
Hamburg Borough Berks County	PAG2000605082	Thomas Richey Cedar Hamburg, LLC 524 Camp Hill Mall 32nd St. and Trindle Rd. Camp Hill, PA 17011	UNT to Schuylkill WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bonneauville Borough Adams County	PAR100077R	Pete Paturzo Brown Meadows Limited, Inc. P. O. Box 733 Camp Hill, PA 17001-0733	Chicken Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Wayne Township Lawrence County	PAG2003705005	Ellwood City Borough 525 Lawrence Ave. Ellwood City, PA 16117	Connoquenessing Creek WWF	Lawrence Conservation District (724) 652-4512
Washington Township Jefferson County	PAG2003305004	Clearfield Jefferson Counties Regional Airport Authority P. O. Box 299 Falls Creek, PA 15840	Keys Run and UNT CWF	Jefferson Conservation District (814) 849-7463
Butler County Cherry Township	PAG209105003	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Findlay Run Tributary to Slippery Rock Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Cambria County Chest Township	PAG2091105004	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Wyerough Run CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Clearfield County Morris Township	PAG2091705005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Alder Run CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Red Lion Borough	PAR123524	Conagra Foods, Red Lion 9 Conagra Drive Omaha, NE 68103	North Branch Muddy Creek CWF/7I	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Highspire Borough	PAR123519	Conagra Foods, Highspire 9 Conagra Drive Omaha, NE 68103	Laurel Run CWF/7C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greentree Borough Allegheny County	PAR806150	United States Postal Service 770 Trumbull Drive Pittsburgh, PA 15242-9721	Whiskey Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fraizer Township Allegheny County	PAR606161	Bastin Truck Parts 1716 Butler-Logan Road Tarentum, PA 15084	Unnamed feeder to Tawney Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Shrewsbury Township	PAG043573 (transfer)	Richard Evans Bonnie Harvey 17389 Brose Road New Freedom, PA 17349	UNT Deer Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Brokenstraw Township Warren County	PAG049206	John and Paula Walsh R. D. 1, Box 72C Youngsville, PA 16371	UNT to Irvine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG049198	Bradley W. Irwin 8971 Old Route 422 New Castle, PA 16101	UNT to Little Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Fork Borough Cambria County	PAG056209	Kick Brothers, Inc. 220 Lake Street South Fork, PA 15956	Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

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

*General Permit Type—PAG-8*

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

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

**Operations Permit** issued to: **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348 (PWS ID 3390073) Lower Macungie Township, **Lehigh County** on September 26, 2005, for the operation of facilities approved under Construction Permit No. 3900505 and Minor Amendment of April 30, 2002.

**Permit No. 3540071, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 204 East Sunbury Street Shamokin, PA 17872
Borough or Township	East Union Township
County	<b>Schuylkill</b>
Type of Facility	Public Water Supply
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Construct Issued	September 20, 2005

**Permit No. 3540070, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 204 East Sunbury Street Shamokin, PA 17872
Borough or Township	Hazle Township
County	<b>Luzerne</b>
Type of Facility	Public Water Supply
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Operate Issued	September 20, 2005

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

**Permit No. M.A.—Construction** Public Water Supply.

Applicant	<b>Pennsylvania-American Water Company</b> Township or Borough Milton Borough
County	<b>Northumberland</b>
Responsible Official	Nick O. Rawe, Vice President Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued Date	9/28/2005
Description of Action	Replacement of the media and underdrain system in Milton Filter No. 1.

**Permit No. 5905501—Construction** Public Water Supply.

Applicant	<b>U. S. Army Corps of Engineers</b>
Township or Borough	Middlebury Township
County	<b>Tioga</b>
Responsible Official	Marilyn Jones U. S. Army Corps of Engineers R. D. 1, Box 65 Tioga, PA 16946
Type of Facility	Public Water Supply—Construction
Consulting Engineer	George Bielen, P. E. U. S. Army Corps of Engineers 306 Railroad Street Danville, PA 17821
Permit Issued Date	9/28/05
Description of Action	Approval of the existing Ives Run Recreation Area water system, including Well No. 1, a 150,000 gallon finished water storage tank, distribution system and chlorination facility and authorizes construction of a new EPD pressure sand filtration plant.

**Permit No. 4105501—Operation** Public Water Supply.

Applicant	<b>Meadow Brook Mobile Home Park</b>
Township or Borough	Muncy Creek Township
County	<b>Lycoming</b>

Responsible Official Donald DeBlase, Manager  
Pocono, LLC  
100 Linden Oaks, Suite 103  
Rochester, NY 14625

Type of Facility Public Water Supply—Operation

Consulting Engineer Steve Gilbert  
HDC, Inc.  
700 Campbell Street  
Williamsport, PA 17701

Permit Issued Date 9/28/05

Description of Action Operation of the recently constructed Barium Removal System for Well No. 3 at Meadow Brook Mobile Home Park. This includes two Culligan Hi-Flo 3 water softeners connected in parallel, a 1,500 gallon Norwesco waste brine tank, a Well-Rite model WR100R hydropneumatic tank and a 600 pound brine pot.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Sewickley Township	233 Miller Road Rochester, PA 15074	Beaver

*Plan Description:* The approved plan provides for construction of a 2,000 gallon per day small flow sewage treatment plant to serve five residential lots under the ownership of Daniel and Joyce Brenner. The property is located along Glen Eden Road in New Sewickley Township, Beaver County. The proposed discharge point is to a tributary of Brush Creek, classified as a WWF. Any required NPDES Permits of WQM Permits must be obtained in the name of the applicant as appropriate. The Department's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

**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>
Silver Spring Township	6475 Carlisle Pike Mechanicsburg, PA 17055	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Silver Spring Township, Cumberland County. The proposed Silver Spring Commerce Park development consists of a ten building-lot mixed commercial development and a new municipal pump station with a sewage flow of 67,050 gpd tributary to the Silver Spring Township Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Charleston Township	251 Catlin Hollow Rd. Wellsboro, PA 16901	Tioga

*Plan Description:* The approved plan provides for construction of new low pressure sewers and grinder pumps to serve existing development on the Mt. Zion Road section of the township with connection to the existing Charleston Township Municipal Sewers. 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.

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

**HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

**Proposed Interim Response**

**Mount Pleasant Street Residences, Borough of Southwest Greensburg, Westmoreland County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at Mount Pleasant Street Residences, Borough of Southwest Greensburg, Westmoreland County.

The Mount Pleasant Street Residences site consists of eight residential dwellings located along Mount Pleasant Street in the Borough of Southwest Greensburg. The residences are located across Mount Pleasant Street from an active Sunoco Gasoline Station.

The Sunoco Station has a long history of product releases and complaints of gasoline vapors in adjacent Mount Pleasant Street Residences. In response to these complaints, Sunoco conducted groundwater and soil sampling, soil gas surveys and indoor air sampling events at the Mount Pleasant Street Residences. The sampling indicates that VOCs are present in soils, groundwater and within the residences. Sunoco has concluded that the reoccurring odors in the residences are not a result of their operations.

A Health Consultation was conducted by the Agency for Toxic Substances and Disease Registry (ATSDR) to determine if residents were exposed to VOCs in their homes at levels that would harm their health. Due to insufficient data, ATSDR recommended that additional investigation be conducted at the Mount Pleasant Street Residences to determine whether VOCs are entering these homes at harmful levels.

The Department has considered several alternatives for a response at the site including:

1. No action.
2. Restricting the site.
3. Conducting an investigation.

The Department has determined that conducting a further investigation at the site is the appropriate alternative. The Department chose this alternative because it complies with section 501(a) of the HSCA (35 P. S. § 6020.501(a)) and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are

necessary at the site to protect human health and the environment. The Department's proposed action is intended to fully characterize the site and enable the Department to determine the most appropriate method to remediate the site.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from October 15 until December 15. Persons may submit written comments into the record during this time only by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. The Department has scheduled the hearing on Thursday, November 17 at 6 p.m. at the Department of Environmental Protection Greensburg District Mining Office, Armbrust Professional Center located on SR 819. Persons wishing to present comments may register with Helen Humphreys before 4:30 p.m. on November 16 by telephone at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Proposed Interim Response**

##### **John Harhai Landfill, Mount Pleasant Township, Westmoreland County.**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at John Harhai Landfill, Mount Pleasant Township, Westmoreland County.

The site consists of a 16 acre abandoned landfill used for the disposal of industrial and municipal wastes from 1965 to 1978. An unknown quantity of industrial waste was dumped or buried at the site. Several exposed drums containing various wastes are present at the site. Adjacent to the exposed drums, there are several mounded areas that may contain additional drums. Hazardous substances have been detected at the site in past sampling events. Contaminants may be leaving the site through ground and surface water. The John Harhai Landfill currently poses a substantial threat to public health, safety and the environment

The Department has considered several alternatives for a response at the site including:

1. No action.
2. Restricting the site.
3. Conducting an investigation.

The Department has determined that conducting a further investigation at the site is the appropriate alternative. The Department chose this alternative because it

complies with section 501(a) of the HSCA (35 P. S. § 6020.501(a)) and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are necessary at the site to protect human health and the environment. The Department's proposed action is intended to fully characterize the site and enable the Department to determine the most appropriate method to remediate the site.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from October 15 until December 15, 2005. Persons may submit written comments into the record during this time only, by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. The Department has scheduled the hearing on Thursday, November 17 at 7:15 p.m. at the Department of Environmental Protection Greensburg District Mining Office in the Armbrust Professional Center located on SR 819. Persons wishing to present comments may register with Helen Humphreys before 4:30 p.m. on November 16, 2005, by telephone at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

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

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the

cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Turkey Hill Store No. 223 (434 Main Street)**, Pen Argyl Borough, **Northampton County**. Kelly Lee Kinkaid, P. G., Liberty Environmental, Inc., 10 N. 5th Street, Suite 800, Reading, PA 19601 has submitted a Final Report (on behalf of her client, Turkey Hill Minit Markets, c/o Bill Weisser, 257 Centerville Road, Lancaster, PA 17603) concerning the remediation of soil impacted by the release of No. 2 fuel oil constituents from a historic accidental release. The report was submitted to document attainment of the Statewide Health Standard.

**Growmark FS—Coplay**, Borough of Coplay, **Lehigh County**. John Oswald, RMT Inc., 744 Heartland Trail, P. O. Box 8923, Madison, WI 53708 has submitted a Final Report (on behalf of his client, Growmark FS, 1701 Towanda Avenue, Bloomington, IL 61701) concerning the remediation of site soils found or suspected to have been contaminated by pesticides. The report was submitted to document attainment of the residential Statewide Health Standard.

**Former Anemostat Plant**, City of Scranton, **Lackawanna County**. Bryon Nickerson, SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341 has submitted a combined Remedial Investigation, Risk Assessment Report and Cleanup Plan (on behalf of his client, Keyser Properties, Inc., 260 North Elm Street, Westfield, MA 01085) concerning the characterization and remediation of site soils and groundwater found to be contaminated with chlorinated solvents. The reports were submitted in partial fulfillment of the Site-Specific Standard.

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

**Former Aumiller's Cameron Street Body Shop Inc.**, City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Ruth Ann Krug, 1400 Montfort Drive, Harrisburg, PA 17110 and Howard Henry, Howard Tire Company, Inc., 3103 Walnut Street, Harrisburg, PA 17109, submitted a Final Report concerning remediation of site

soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**FCI USA, Inc. Clearfield**, Clearfield Borough, **Clearfield County**, HRP Associates, Inc., 4811 Jonestown Road, Suite 235 Harrisburg, PA 17055 has submitted a Baseline Risk Assessment Report concerning soil and groundwater contaminated with solvent contaminated waste oil. This Baseline Risk Assessment Report is necessary for attainment of an Act 2 cleanup standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information

concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Growmark FS—Coplay**, Borough of Coplay, **Lehigh County**. John Oswald, RMT Inc., 744 Heartland Trail, P. O. Box 8923, Madison, WI 53708 submitted a Final Report (on behalf of his client, Growmark FS, 1701 Towanda Avenue, Bloomington, IL 61701) concerning the remediation of site soils found or suspected to have been contaminated by pesticides. The report demonstrated attainment of the Statewide Health Standard and was approved on September 28, 2005.

**Former Anemostat Plant**, City of Scranton, **Lackawanna County**. Bryon Nickerson, SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341 submitted a combined Remedial Investigation, Risk Assessment Report and Cleanup Plan (on behalf of his client, Keyser Properties, Inc., 260 North Elm Street, Westfield, MA 01085) concerning the characterization and remediation of site soils and groundwater found to be contaminated with chlorinated solvents. The reports were submitted in partial fulfillment of the Site-Specific Standard and were approved on September 29, 2005.

**Former Penn Fuel Gas Manufactured Gas Plant—Pen Argyl Site**, Plainfield Township and Pen Argyl Borough, **Northampton County**. The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238-1359, submitted a combined Risk Assessment Report and Cleanup Plan (on behalf of its client, PPL Gas Utilities, Inc., Two North Ninth St., Allentown, PA 18101) concerning the risk assessment and remedy selection for soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The reports were submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards and were approved on September 21, 2005.

**Seamans Property (Foxton Lake Road)**, Jackson Township, **Susquehanna County**. Martin Gilgallon, P. G., Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, Bruce Seamans, R. D. 1, New Milford, PA 18834) concerning the remediation of soils found or suspected to have been contaminated with home heating oil constituents as the result of an accidental release from an aboveground storage tank. The report was submitted within 90 days of the release. The report documented attainment of the non-residential Statewide Health Standard and was approved on July 1, 2005. The property will continue to be used as a seasonal residential cottage.

**Luciw Farm Leak Site**, Salem Township, **Luzerne County**. Jennifer L. Huha, P. G., Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 submitted a Final Report (on behalf of Sunoco Inc., Post Road and Blueball Avenue, Marcus Hook, PA 19061) concerning the remediation of site groundwater found or suspected to have been contaminated with petroleum hydrocarbons. The report demonstrated attainment of the residential Statewide Health Standard and was approved on August 30, 2005.

## REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**Registration under General Permit No. WMGR 090R049.** Development of **Sharpville Furnace, Ltd.**, 1127 Main Street, Sharpville, PA 16150-2051.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on September 26, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## 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.*

**23-302-142GP: Sunoco Partners Marketing and Terminal, LP** (1801 Market Street—3/10 PC, Philadelphia, PA 19103-1699) on September 3, 2005, to operate two boilers/Btu/hr in Tinicum Township, **Delaware County**.

**46-302-232GP: Merck and Co., Inc.** (P. O. Box 1000, UG1M-05, North Wales, PA 19486) for a hot water boiler in Upper Gwynedd Township, **Montgomery County**.

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

**48-310-055GP3: Reading Materials, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 27, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at the intersection of Hanoverville Road and Keystone Drive, Lower Nazareth Township, **Northampton County**.

**48-310-056GP3: Atlas Machining and Welding, Inc.** (P. O. Box 72, Northampton, PA 18067) on September 27, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their ESSROC Cement Company, Route 248 and Easton Road, Lower Nazareth Township, **Northampton County**.

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

**GP1-22-03039: Harrisburg School District** (2101 North Front Street, Harrisburg, PA 17110) on September 27, 2005, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in City of Harrisburg, **Dauphin County**.

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

**GP5-63-00923: Great Lakes Energy Partners, LLC** (P. O. Box 235, 150 North Avenue, Yatesboro, PA 16263) on September 27, 2005, to install and operate a natural gas well booster compressor system at their Village Green Compressor Station in Mt. Pleasant Township, **Washington County**.

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**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.*

**15-0027H: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) on September 29, 2005, to operate an air contamination source in Tredyffrin Township, **Chester County**.

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

**40-303-023: Popple Construction, Inc.** (200 Main Street, Laflin, PA 18702) on September 29, 2005, to construct a batch asphalt plant and associated air cleaning device at their facility in Plains Township, **Luzerne County**.

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

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

**09-0009D: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on September 29, 2005, to operate a printing press and thermal oxidizer in New Britain Township, **Bucks County**.

**09-0087B: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on September 27, 2005, to operate a SiF<sub>4</sub> process scrubber in Falls Township, **Bucks County**.

**15-0114: Action Manufacturing Co.** (100 East Erie Avenue, Philadelphia, PA 19134) on September 30, 2005, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

**46-0035D: SmithKline Beecham d/b/a GlaxoSmithKline** (1250 South Collegeville Road, Collegeville, PA 19426) on September 28, 2005, to modify the incinerator in Upper Merion Township, **Montgomery County**.

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

**01-05016D: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on August 29, 2005, to install a new 250 ton per hour bucket elevator controlled by a fabric filter at their Charmian facility in Hamiltonban Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**06-05069B: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on September 28, 2005, to modify a lead/acid battery assembly facility controlled by various scrubbers and fabric collectors in Richmond Township, **Berks County**. This plan approval was extended.

**22-05003A: Stroehmann Bakeries, Inc.** (3996 Paxton Street, Harrisburg, PA 17111) on June 4, 2005, to replace a catalytic oxidizer which controls VOC emissions from the ovens at their Capitol Bakery in Swatara Township, **Dauphin County**. This plan approval was extended.

**36-03076D: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on September 29, 2005, to modify the existing limestone crushing plant at their Weaverland Quarry in East Earl Township, **Lancaster County**. This plan approval was extended.

**38-03014B: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on October 1, 2005, to modify their Millard limestone crushing plant in North Londonderry Township, **Lebanon County**. This plan approval was extended.

**38-03035A: V and S Lebanon Galvanizing, LLC** (1000 Buckeye Park Road, Columbus, OH 43207-2509) on September 26, 2005, to construct a surface preparation and coating operation in Union Township, **Lebanon 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.*

**47-00001A: PPL Montour, LLC** (18 McMichael Road, Washingtonville, PA 17884) on September 30, 2005, to operate two bituminous coal-fired utility boilers (Units 1 and 2) and associated air cleaning devices (two electrostatic precipitators, two selective catalytic reduction systems and two flue gas injection systems) on a temporary basis until January 28, 2006, at their Montour Steam Electric Station in Derry Township, **Montour County**. The plan approval has been extended.

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

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

**15-00030: NVF Co.** (400 West Mulberry Street, Kennett Square, PA 19348) on September 29, 2005, to operate the waste heat boiler of a Facility Title V Operating Permit in Kennett Square Borough, **Chester County**.

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

**28-05011: Waste Management Disposal Services of PA, Inc.—Mountain View Reclamation** (9446 Letzburg

Road, Greencastle, PA 17225-9317) on September 27, 2005, for their Mountain View Reclamation facility in Antrim and Montgomery Townships, **Franklin County**. This action is a renewal of the Title V Operating Permit.

**36-05001: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) on September 26, 2005, to operate their ceiling tiles plant in East Donegal Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit.

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

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

**15-00031: Henry Company** (336 Cold Stream Road, Bldg. 7, Kimberton, PA 19442) on September 26, 2005, to modify the facility Title V Operating Permit in East Pikeland Township, **Chester County**.

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

**06-05023: Stroehmann Bakeries, Inc.** (640 Park Avenue, Reading, PA 19611) on September 26, 2005, to operate a bread baking facility controlled by a thermal oxidizer in the City of Reading, **Berks County**. This operating permit was administratively amended to incorporate the emergency generator that the facility operates and some minor changes to a few sources. This is revision No. 1.

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

**18-00024: Excel Homes, LLC** (P. O. Box 420, Avis, PA 17721) to correct a mistake and reinsert Source ID 031, consisting of various small natural gas-fired combustion units, into the permit in Pine Creek Township, **Clinton County**.

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

**11-00356: Dominion Peoples** (1201 East 55th Street, Cleveland, OH 44103-1081) on September 27, 2005, for an administrative amendment to their Title V Operating Permit for Rager Mountain—Laurel Ridge Station in Jackson Township, **Cambria County**. The facility is a compressor station primarily used for the storage and distribution of natural gas. The revision updates the mailing address, responsible official, and permit contact for the facility.

**04-00235: FirstEnergy Generation Corp.** (P. O. Box 128, Shippingport, PA 15077) on September 19, 2005, amended for a change of ownership at their Bruce Mansfield Plant in Shippingport Borough, **Beaver County**. This is a Title V Facility.

**65-00634: Dominion Transmission, Inc.** (1201 East 55th Street, Main Building, Cleveland, OH, 44103) on September 29, 2005, for an administrative amendment to their Title V operating permit in Murrysville Borough, **Westmoreland County**. The facility's major source of emissions includes two internal combustion engines and a space heating boiler which primarily emit NOx as well as

small quantities of fugitive VOC emissions from facility pumps, valves, flanges, and the like. The Title V permit is being amended for a change of the responsible official.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

*Coal Permits Actions*

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

**32950202 and NPDES No. PA0213039. Cambria Reclamation Corporation**, 2929 Allen Parkway, Suite 2200, Houston, TX 77019-0000, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Center Township, **Indiana County**, affecting 287.3 acres. Receiving streams: UNT to Yellow Creek and Yellow Creek classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received June 17, 2005. Permit issued September 26, 2005.

**56793091 and NPDES Permit No. PA0119296. Hardrock Coal Company**, 275 Saddle Ridge Road, Berlin, PA 15530, surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 555.7 acres. Receiving streams: UNTs to/and Tubs Run and UNT to Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 28, 2004. Permit issued September 26, 2005.

**Permit No. 11950103 and NPDES No. PA023152. RJC Kohl, Inc.**, P. O. Box 299, Nicktown, PA 15762, permit renewal for reclamation only of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 76.6 acres. Receiving stream: UNTs to Fox Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2005. Permit issued September 27, 2005.

**Permit No. 32000109 and NPDES No. PA0248827. Britt Energies Inc.**, 2450 Philadelphia St., Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface, auger and sandstone mine in White Township, **Indiana County**, affecting 33.5 acres. Receiving streams: UNTs to/and Yellow Creek, classified for the following use: trout stocking fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 17, 2005. Permit issued September 27, 2005.



**Permit No. 56000105 and NPDES No PA0235351.** Hoffman Mining Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface auger mine in Shade Township, Somerset County, affecting 76.6 acres. Receiving streams: UNTs to/and Dark Shade Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2005. Permit issued September 27, 2005.

**32000104 and NPDES No. PA0235318.** Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to include an additional 2.0 acres of which 0.4 acre is projected for coal removal in Pine Township, Indiana County, affecting 57.3 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 12, 2005. Permit issued September 26, 2005.

**32050102 and NPDES Permit No. PA0249700.** Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, commencement, operation and restoration of a bituminous surface-auger mine in Burrell Township, Indiana County, affecting 108.9 acres. Receiving streams: UNTs to Toms Run/and Conemaugh River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 21, 2005. Permit issued September 29, 2005.

*Greensburg District Mining Office: Armbrust Building, R. R. 2, Box 603C, Greensburg, PA 15601-0982, (724) 925-5500.*

**03020108 and NPDES Permit No. PA0250198.** Seven Sisters Mining Co., Inc. (P. O. Box 300, U.S. Route 22, Delmont, PA 15626-0300). Permit revised to add Lower Freeport coal mining and update all supporting modules at an existing bituminous surface mining site located in South Bend Township, Armstrong County, affecting 183.5 acres. Receiving streams: UNTs to Crooked Creek. Application received: March 30, 2005. Permit revision issued: September 28, 2005.

**26970103 and NPDES Permit No. PA0201961.** Piccolomini Contractors, Inc. (P. O. Box 4, Waltersburg, PA 15488). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Franklin Township, Fayette County, affecting 53.0 acres. Receiving streams: UNT to Redstone Creek, Redstone Creek to Monongahela River. Application received: July 14, 2005. Renewal issued: September 29, 2005.

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

**49050101 and NPDES Permit No. PA0224430.** Faragut Anthracite Company (100 Lehigh Avenue, Mt. Carmel, PA 17851), commencement, operation and restoration of an anthracite surface mine operation in Coal and Zerbe Townships, Northumberland County affecting 578.0 acres, receiving stream: Shamokin Creek. Application received January 12, 2005. Permit issued September 27, 2005.

**54030103C2 and NPDES Permit No. PA0224367.** Jett Contracting Company (P. O. Box 243, Brockton, PA 17925), correction update NPDES Permit for discharge of treated mine drainage from an existing anthracite surface mine operation Blythe Township, Schuylkill

County affecting 116.0 acres, receiving stream: Morgan's Run. Application received July 21, 2005. Correction issued September 29, 2005.

#### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**32052802. Penn Run Quarry,** 456 Weston Road, Penn Run, PA 15765, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Cherryhill Township, Indiana County, affecting 6.8 acres. Receiving streams: UNTs to Penn Run. Application received May 25, 2005. Permit issued September 26, 2005.

**31020302 and NPDES No. PA0249319. Glenn O. Hawbaker, Inc.,** 1952 Waddle Road, State College, PA 16803, transfer of an existing noncoal surface mine from Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920 located in Morris Township, Huntingdon County, affecting 182.1 acres. Receiving stream: UNT to Frankstown Branch Juniata River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 28, 2005. Permit issued September 26, 2005.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669.*

**20050802. Shain Bowers** (14872 Mackeyhill Road, Waterford, PA 16441). Commencement, operation and restoration of a small noncoal gravel operation in Rockdale Township, Crawford County affecting 5.0 acres. Receiving streams: Kelly Run. Application received: May 19, 2005. Permit Issued: September 29, 2005.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 9621-3118.*

**4875SM2A2C4 and NPDES Permit No. PA0119563.** Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation for an incidental boundary correction and NPDES Permit revision in Dover Township, York County affecting 156.3 acres, receiving stream: Fox Run. Application received May 26, 2005. Correction issued September 29, 2005.

**38950301C and NPDES Permit No. PA0223646.** Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Cornwall Borough, Lebanon County, receiving stream: Snitz Creek. Application received August 9, 2005. Renewal issued September 29, 2005.

**45950302C2 and NPDES Permit No. PA0613037.** Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Tobyhanna Township, Monroe County, receiving stream: Twomile Run. Application received August 9, 2005. Renewal issued September 29, 2005.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151-161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**



*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**42054003. St. Lawrence Explosive Corp.** (P. O. Box 230, Adams Center, NY 13606). Blasting activity permit to excavate for installation of natural gas pipelines in Eldred, Ceres, and Sharon Townships, Singlehouse Borough, **McKean and Potter Counties**. This blasting activity permit will expire on March 26, 2006. Application received: August 30, 2005. Application Issued: September 26, 2005.

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

**35054117. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Margaret Estates in Dunmore Borough, **Lackawanna County** with an expiration date of September 30, 2006. Permit issued September 26, 2005.

**39054117. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Route 222 Bypass in Lower Macungie Township, **Lehigh County** with an expiration date of September 25, 2006. Permit issued September 26, 2005.

**45054142. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Cobble Creek Estates in Pocono Township, **Monroe County** with an expiration date of September 30, 2006. Permit issued September 26, 2005.

**52054119. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Mtn. Forest Lake Development in Delaware Township, **Pike County** with an expiration date of September 30, 2006. Permit issued September 26, 2005.

**67054044. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Motter Tract Subdivision in Springettsbury Township, **York County** with an expiration date of September 30, 2006. Permit issued September 27, 2005.

**23054009. Knowlton Construction Supplies, Inc.** (450 West Knowlton Road, Media, PA 19063) and Maurer & Scott, Inc., (P. O. Box 20843, Lehigh Valley, PA 18002), construction blasting for Dirt and Rock Removal at Knowlton Supply in Aston Township, **Delaware County** with an expiration date of October 26, 2006. Permit issued September 28, 2005.

**09054110. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Thompson Tract in Bedminster Township, **Bucks County** with an expiration date of October 1, 2006. Permit issued September 29, 2005.

**09054111. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting for Estates of Warrington Ridge in Warrington Township, **Bucks County** with an expiration date of December 31, 2006. Permit issued September 29, 2005.

**23054105. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Northbrook in Bethel Township, **Delaware County** with an expiration date of December 31, 2006. Permit issued September 29, 2005.

**28054154. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Shippensburg School in Shippensburg Township and Shippensburg Borough, **Cumberland and**

**Franklin Counties** with an expiration date of September 30, 2006. Permit issued September 29, 2005.

**35054118. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Montage Business Park in Moosic Borough, **Lackawanna County** with an expiration date of September 30, 2006. Permit issued September 29, 2005.

**36054158. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Park Field Development in Manor Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued September 29, 2005.

**36054159. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a barn on Bachmantown Road in East Lampeter Township, **Lancaster County** with an expiration date of October 30, 2005. Permit issued September 29, 2005.

**36054160. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Florin Hill in Mt. Joy Borough, **Lancaster County** with an expiration date of September 29, 2006. Permit issued September 29, 2005.

**38054126. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Pine Ridge Village in Swatara Township, **Lebanon County** with an expiration date of December 31, 2006. Permit issued September 29, 2005.

**67054139. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a pool on Ridge Road in Fairview Township, **York County** with an expiration date of October 30, 2005. Permit issued September 29, 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.

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**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).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E05-330: Gary Rogers**, 996 Pleasant Hollow Road, Alum Bank, PA 15521 in Lincoln Township, **Bedford County**, ACOE Baltimore District.

To maintain an existing bridge on West Branch Georges Creek (WWF), a perennial stream, having a span of approximately 6.5 feet, a width of 22 feet, and an underclearance of approximately 4.5 feet, and to maintain fill in 0.02 acre of PEM wetlands for the purpose of maintaining an existing access to a single family home at a site (Latitude: 40° 13' 15"; Longitude: 78° 37' 56") approximately 1.7 miles west of the village of Lovely on the south side of SR 4030 in Lincoln Township, Bedford County. The acreage of wetland impacts is considered de minimis and wetland replacement is not required.

**E07-394: Ken Wachter**, R. D. 4, Box 203C, Tyrone, PA 16686 in Snyder Township, **Blair County**, ACOE Baltimore District.

To maintain 0.05 acre of fill and 70 linear feet of 4-inch PVC sanitary sewer line in PEM wetlands for the purpose of maintaining an existing single family home located at a site (Latitude: 40° 40' 08"; Longitude: 78° 16' 01") along Hoover's Lane in Snyder Township, Blair County. The acreage of wetland impact is considered de minimis and wetland replacement is not required.

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

**E27-077: Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. West Hickory Bridge Across Allegheny River, in Harmony Township and Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 12.7 inches; W: 4.2 inches).

The applicant proposes to remove the existing structure and to construct and maintain a three span, steel girder bridge having span lengths of 210 feet (west span), 320 feet (center span) and 230 feet (east span) and a minimum underclearance of 26.0 feet across the Allegheny River on SR 0127, Section B00 approximately 0.1 mile west of the intersection of SR 0127 and SR 62. Project includes a construction causeway downstream of the proposed bridge. The Allegheny River is a perennial

stream classified as a WWF. The project proposes to impact approximately 100 linear feet of stream.

**E43-323: Prime Auto Wash LLC**, 224 Arrowhead Drive, Slippery Rock, PA 16057. Prime Auto Wash, in Springfield Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 3.25 inches; W: 5.22 inches).

To fill a total of 0.074 acre of PEM wetlands for the construction of Prime Auto Wash on property located on the north side of Route 208 approximately 0.3 mile from the intersection of I-79 and Route 208. Project includes creation of 0.08 acre of replacement wetland (PEM) onsite.

[Pa.B. Doc. No. 05-1905. Filed for public inspection October 14, 2005, 9:00 a.m.]

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**State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting**

The Critical Water Planning Area Subcommittee of the State Water Plan Statewide Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held October 20, 2005, at 10 a.m. at the Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1906. Filed for public inspection October 14, 2005, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.18 (relating to EPS studies).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 05-1907. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Application of J C Blair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that J C Blair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.2 and 107.26(b)(2) (relating to medical staff membership; and 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 number 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. 05-1908. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Planning Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, November 1, 2005, from 10:30 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 South Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at (717) 783-0572, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1909. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Wednesday, December 14, 2005, from 10 a.m. to 2 p.m. Members of the public who wish to attend this meeting should report to the Department of Health, Health and Welfare Building, Room 812, 7th and Forster Streets, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Jayme L. Trogus, Public Health Educator, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 346-3905 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. 05-1910. Filed for public inspection October 14, 2005, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

St. Joseph's Manor  
1616 Huntingdon Pike  
Meadowbrook, PA 19046  
FAC ID 451002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25 (relating to kitchen).

Pinnacle Health SNF at Seidle Memorial Hospital  
120 S. Filbert Street  
Mechanicsburg, PA 17055  
FAC ID 192302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health

and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcerpt@state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons 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. 05-1911. Filed for public inspection October 14, 2005, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bah Humbucks Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Bah Humbucks.

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

3. *Play Symbols:* Each Pennsylvania Bah Humbucks instant lottery game ticket will contain one play area featuring a "SCROOGE NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SCROOGE NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), a Hat symbol (HAT) and a Wreath symbol (WREATH).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500 and \$20,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Bah Humbucks instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SCROOGE NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wreath symbol (WREATH), and a prize symbol of \$50\$ (FIFTY) appears in each of the ten "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WREATH symbol (WREATH), and a prize symbol of \$20\$ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in two of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in three of the "prize" areas on a single ticket, shall be entitled to a prize of \$500.

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

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

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wreath symbol (WREATH), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in each of the ten "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WREATH symbol (WREATH), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the "prize" areas, and a prize symbol of \$20\$ (TWENTY) appears in two of the "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hat symbol (HAT), and a prize symbol of \$100 (ONE HUN) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SCROOGE NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wreath symbol (WREATH), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in each of the ten "prize" areas on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WREATH symbol (WREATH), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in five of the "prize" areas, and a prize symbol of

\$5<sup>.00</sup> (FIV DOL) appears in two of the “prize” areas, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in three of the “prize” areas on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$50\$ (FIFTY) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Wreath symbol (WREATH), and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in each of the ten “prize” areas on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WREATH symbol (WREATH), and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in six of the “prize” areas, and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears in three of the “prize” areas, and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in one of the “prize” areas on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$20\$ (TWENTY) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$20.

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

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Wreath symbol (WREATH), and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in each of the ten “prize” areas on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT),

and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$4.

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

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$2.

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

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

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

	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 8,400,000 Tickets</i>
\$2	\$2	30	280,000
\$1 × 2	\$2	30	280,000
\$2 w/HAT	\$2	33.33	252,000
\$4	\$4	50	168,000
\$2 × 2	\$4	50	168,000
\$4 w/HAT	\$4	50	168,000
\$5	\$5	75	112,000
\$1 × 5	\$5	75	112,000
\$5 w/HAT	\$5	150	56,000
\$10	\$10	250	33,600
\$5 × 2	\$10	250	33,600
\$2 × 5	\$10	250	33,600
\$10 w/HAT	\$10	250	33,600
WREATH w/\$1 × 10	\$10	250	33,600

When Any of Your Numbers  
Match Either of the  
Scrooge Numbers,  
Win with Prize(s) of:

	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 8,400,000 Tickets
\$20	\$20	375	22,400
\$5 × 4	\$20	375	22,400
\$4 × 5	\$20	375	22,400
\$10 × 2	\$20	750	11,200
\$20 w/HAT	\$20	750	11,200
WREATH w/\$1 × 6 + \$4 × 3 + \$2	\$20	750	11,200
WREATH w/\$2 × 10	\$20	750	11,200
\$50	\$50	1,500	5,600
\$5 × 10	\$50	1,500	5,600
\$10 × 5	\$50	1,500	5,600
\$50 w/HAT	\$50	1,500	5,600
WREATH w/\$2 × 5 + \$5 × 2 + \$10 × 3	\$50	3,000	2,800
WREATH w/\$5 × 10	\$50	3,000	2,800
\$100	\$100	17,143	490
\$20 × 5	\$100	20,000	420
\$100 w/HAT	\$100	20,000	420
WREATH w/\$5 × 4 + \$10 × 4 + \$20 × 2	\$100	40,000	210
WREATH w/\$10 × 10	\$100	40,000	210
\$500	\$500	1,680,000	5
\$100 × 5	\$500	1,680,000	5
WREATH w/\$20 × 5 + \$50 × 2 + \$100 × 3	\$500	840,000	10
WREATH w/\$50 × 10	\$500	840,000	10
\$20,000	\$20,000	840,000	10

HAT = Win prize shown under it automatically.  
WREATH = Win all 10 prizes shown.

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

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

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

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1912. Filed for public inspection October 14, 2005, 9:00 a.m.]

## Pennsylvania Cookie dough Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Cookie dough.

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

3. *Play Symbols:* Each Pennsylvania Cookie dough instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$100 (ONE HUN), \$1,000 (ONE THO) and Candy Cane symbol (CNDYCANE).

4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100 and \$1,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 17,280,000 tickets will be printed for the Pennsylvania Cookie dough instant lottery game.

6. *Determination of Prize Winners:*

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

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area on a single ticket shall be entitled to a prize of \$80.

(d) Holders of tickets with two matching play symbols of \$40\$ (FORTY) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$80.

(e) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket shall be entitled to a prize of \$40.

(f) Holders of tickets with two matching play symbols of \$20\$ (TWENTY) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket shall be entitled to a prize of \$20.

(h) Holders of tickets with two matching play symbols of \$10<sup>00</sup> (TEN DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$20.

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

(j) Holders of tickets with two matching play symbols of \$5<sup>00</sup> (FIV DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$10.

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

(l) Holders of tickets with three matching play symbols of \$4<sup>00</sup> (FOR DOL) in the play area on a single ticket shall be entitled to a prize of \$4.

(m) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$4.

(n) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket shall be entitled to a prize of \$2.

(o) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$2.

(p) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket shall be entitled to a prize of \$1.

(q) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area on a single ticket shall be entitled to a prize of one Pennsylvania Cookie dough instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

<i>Win With Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 17,280,000 Tickets</i>
3-FREE's	TICKET	10	1,728,000
3-\$1's	\$1	15	1,152,000
3-\$2's	\$2	42.86	403,200
2-\$1's w/CANDYCANE	\$2	33.33	518,400
3-\$4's	\$4	75	230,400
2-\$2's w/CANDYCANE	\$4	60	288,000
3-\$5's	\$5	75	230,400
3-\$10's	\$10	300	57,600
2-\$5's w/CANDYCANE	\$10	300	57,600
3-\$20's	\$20	600	28,800
2-\$10's w/CANDYCANE	\$20	600	28,800
3-\$40's	\$40	4,000	4,320
2-\$20's w/CANDYCANE	\$40	4,000	4,320
3-\$80's	\$80	60,000	288
2-\$40's w/CANDYCANE	\$80	60,000	288
3-\$100's	\$100	60,000	288
3-\$1,000's	\$1,000	240,000	72

CANDYCANE = Win double the prize shown.

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

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cookie dough, prize money from winning Pennsylvania Cookie dough instant lottery game tickets will be retained by the Secretary for

payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cookie dough instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1913. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Pennsylvania jack Fro\$T Cash Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania jack Fro\$T Cash.

2. *Price:* The price of a Pennsylvania jack Fro\$T Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania jack Fro\$T Cash instant lottery game ticket will contain one play area featuring a "FROSTY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "FROSTY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), Snowman symbol (SNMAN) and Snowflake symbol (SNWFLAKE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$15, \$20, \$50, \$100, \$500, \$1,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania jack Fro\$T Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$500 (FIV HUN) appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$1,000.

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

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$500 (FIV HUN) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$500.

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

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$100 (ONE HUN) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$50\$ (FIFTY) appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$100.

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

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$50\$ (FIFTY) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$20\$ (TWENTY) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$10<sup>00</sup> (TEN DOL)



appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$15\$ (FIFTN) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$15.

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

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$10.

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

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$5.

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

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

<i>When Any of Your Numbers Match Any of the Frosty Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	\$5	20	300,000
\$5 w/SNOWMAN	\$5	18.75	320,000
\$2 x 5	\$10	120	50,000
\$5 x 2	\$10	120	50,000
\$10	\$10	120	50,000
\$10 w/SNOWMAN	\$10	60	100,000
\$5 w/SNOWFLAKE	\$10	60	100,000
\$5 x 3	\$15	150	40,000
\$10 + \$5	\$15	150	40,000
\$15	\$15	150	40,000
\$15 w/SNOWMAN	\$15	150	40,000
\$5 x 4	\$20	300	20,000
\$10 x 2	\$20	300	20,000
\$20	\$20	300	20,000
\$20 w/SNOWMAN	\$20	300	20,000
\$10 w/SNOWFLAKE	\$20	300	20,000
\$5 x 10	\$50	200	30,000
\$10 x 5	\$50	300	20,000
\$50	\$50	200	30,000
\$50 w/SNOWMAN	\$50	300	20,000
\$10 x 10	\$100	1,200	5,000
\$20 x 5	\$100	1,200	5,000
\$100	\$100	1,200	5,000
\$100 w/SNOWMAN	\$100	1,200	5,000
\$50 w/SNOWFLAKE	\$100	1,200	5,000
\$50 x 10	\$500	6,000	1,000
\$100 x 5	\$500	6,316	950
\$500	\$500	6,000	1,000
\$500 w/SNOWMAN	\$500	6,316	950
\$100 x 10	\$1,000	600,000	10

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

\$1,000  
\$500 w/SNOWFLAKE  
\$100,000

Win:  
\$1,000  
\$1,000  
\$100,000

Approximate Odds of 1 in:  
600,000  
600,000  
1,200,000

Approximate No. of Winners Per 6,000,000 Tickets  
10  
10  
5

SNOWMAN = Win prize under it automatically.  
SNOWFLAKE = Win double the prize under it automatically.

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

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

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

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1914. Filed for public inspection October 14, 2005, 9:00 a.m.]

**Pennsylvania Jolly Holidays Instant Lottery Game**

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

1. *Name:* The name of the game is Pennsylvania Jolly Holidays.

2. *Price:* The price of a Pennsylvania Jolly Holidays instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Jolly Holidays instant lottery game ticket will contain 12 play areas known as "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. The play symbols and their captions located in the 12 play areas are: Stocking symbol

(STKNG), Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Ear Muff symbol (EARMF), Hat symbol (HAT), Tree symbol (TREE), Drum symbol (DRUM), Sleigh symbol (SLEIGH), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Candy Cane symbol (CANE), Bag of Toys symbol (TOYS), Holly symbol (HOLLY), Bell symbol (BELL), Reindeer symbol (RNDEER), Cash symbol (CASH) and 5X symbol (5TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for GAME 1 through GAME 12 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$250, \$500, \$2,500 and \$250,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Jolly Holidays instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$250,000 (TWHNFYTH) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$2,500 (TWYFIVHUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$500 (FIV HUN) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$500 (FIV HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$100 (ONE HUN) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$500 (FIV HUN) appearing

23under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$250 (TWOHUNFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$250 (TWOHUNFTY) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$100 (ONE HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$100 (ONE HUN) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$50\$ (FIFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$25\$ (TWY

FIV) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$25\$ (TWY FIV) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$20\$ (TWENTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$15\$ (FIFTN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$15\$ (FIFTN) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$5.

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

*Get 2 Like Symbols Within the Same Game, Win With Prize(s) of*

*Win:*

*Approximate Odds of 1 in:*

*Approximate No. of Winners Per 4,320,000 Tickets*

\$5 × 2	\$10	30	144,000
\$10 w/CASH	\$10	30	144,000
\$10	\$10	30	144,000
\$5 × 3	\$15	60	72,000
\$5 + \$10	\$15	60	72,000
\$15 w/CASH	\$15	60	72,000
\$15	\$15	60	72,000
\$5 × 5	\$25	120	36,000
\$25 w/CASH	\$25	120	36,000
\$5 w/5X	\$25	120	36,000
\$25	\$25	120	36,000
\$5 × 10	\$50	300	14,400
\$10 × 5	\$50	300	14,400
\$50 w/CASH	\$50	300	14,400

Get 2 Like Symbols Within  
the Same Game, Win With  
Prize(s) of

	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 4,320,000 Tickets
\$10 w/5X	\$50	300	14,400
\$50	\$50	300	14,400
\$10 × 10	\$100	600	7,200
\$20 × 5	\$100	600	7,200
\$50 × 2	\$100	600	7,200
\$100 w/CASH	\$100	600	7,200
\$10 w/5X + \$50	\$100	300	14,400
\$100	\$100	300	14,400
\$25 × 10	\$250	1,200	3,600
\$50 × 5	\$250	1,200	3,600
\$250 w/CASH	\$250	1,200	3,600
\$50 w 5X	\$250	1,200	3,600
\$250	\$250	1,200	3,600
\$50 × 10	\$500	8,000	540
\$100 × 5	\$500	8,000	540
\$500 w/CASH	\$500	8,000	540
\$100 w/5X	\$500	8,000	540
\$500	\$500	8,000	540
\$500 × 5	\$2,500	24,000	180
\$500 w/5X	\$2,500	24,000	180
\$2,500	\$2,500	24,000	180
\$250,000	\$250,000	720,000	6

CASH—Win prize shown under it automatically.

5X—Win 5 times the prize shown under it.

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

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

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

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1915. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Pennsylvania Merry Millionaire Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Merry Millionaire.

2. *Price:* The price of a Pennsylvania Merry Millionaire instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Merry Millionaire instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO),

33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Stocking symbol (STOCK), Tree symbol (TREE) and 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$1MILL (MILLION).

5. *Prizes:* The prizes that can be won in this game are \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,880,000 tickets will be printed for the Pennsylvania Merry Millionaire instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (MILLION) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$10,000 (TEN THO) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$500 (FIV HUN) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$1,000 (ONE THO) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$500 (FIV HUN) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

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

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$500 (FIV HUN) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

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

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$200 (TWO HUN) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$100 (ONE HUN) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$200.

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

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$100 (ONE HUN) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$50\$ (FIFTY) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$50\$ (FIFTY) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Tree symbol (TREE), and a prize symbol of \$25\$ (TWY FIV) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$40\$ (FORTY) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Tree symbol (TREE), and a prize symbol of \$20\$ (TWENTY) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$25\$ (TWY FIV) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$25\$ (TWY FIV) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$25.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$20\$ (TWENTY) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Tree symbol (TREE), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$20.

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

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

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

<i>Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 2,880,000 Tickets</i>
\$10 × 2	\$20	30	96,000
\$10 w/TREE	\$20	30	96,000
\$20 w/STOCKING	\$20	30	96,000
\$20	\$20	60	48,000
\$25 w/STOCKING	\$25	30	96,000
\$25	\$25	30	96,000
\$10 × 4	\$40	75	38,400
\$20 × 2	\$40	75	38,400
\$20 w/TREE	\$40	75	38,400
\$40 w/STOCKING	\$40	75	38,400
\$40	\$40	75	38,400
\$10 × 5	\$50	150	19,200
\$25 × 2	\$50	150	19,200
\$25 w/TREE	\$50	150	19,200
\$50 w/STOCKING	\$50	150	19,200
\$50	\$50	150	19,200
\$10 × 10	\$100	300	9,600
\$10 w/10X	\$100	300	9,600
\$50 w/TREE	\$100	300	9,600
\$100 w/STOCKING	\$100	300	9,600
\$100	\$100	300	9,600
\$10 × 20	\$200	1,600	1,800
\$20 × 10	\$200	1,600	1,800
\$25 × 8	\$200	1,600	1,800

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

Prize(s) of:	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 2,880,000 Tickets
\$20 w/10X	\$200	1,600	1,800
\$100 w/TREE	\$200	1,600	1,800
\$100 × 2	\$200	1,600	1,800
\$200 w/STOCKING	\$200	1,600	1,800
\$200	\$200	1,600	1,800
\$25 × 20	\$500	3,636	792
\$50 × 10	\$500	3,636	792
\$100 × 5	\$500	3,636	792
\$50 w/10X	\$500	3,636	792
\$500 w/STOCKING	\$500	3,529	816
\$500	\$500	3,529	816
\$50 × 20	\$1,000	20,000	144
\$100 × 10	\$1,000	20,000	144
\$200 × 5	\$1,000	24,000	120
\$100 w/10X	\$1,000	20,000	144
\$500 × 2	\$1,000	20,000	144
\$500 w/TREE	\$1,000	20,000	144
\$1,000 w/STOCKING	\$1,000	20,000	144
\$1,000	\$1,000	20,000	144
\$500 × 10	\$5,000	120,000	24
\$1,000 × 5	\$5,000	120,000	24
\$500 w/10X	\$5,000	120,000	24
\$5,000	\$5,000	120,000	24
\$500 × 20	\$10,000	240,000	12
\$10,000 w/STOCKING	\$10,000	240,000	12
\$10,000	\$10,000	240,000	12
\$1,000,000	\$1,000,000	480,000	6

STOCKING = Win prize under it automatically.  
 TREE = Win double the prize under it automatically.  
 10X = Win 10 times the prize under it automatically.

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

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

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

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

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

disseminated through media used to advertise or promote Pennsylvania Merry Millionaire or through normal communications methods.

GREGORY C. FAJT,  
 Secretary

[Pa.B. Doc. No. 05-1916. Filed for public inspection October 14, 2005, 9:00 a.m.]

**Pennsylvania Winter Green '05 Instant Lottery Game**

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

1. *Name:* The name of the game is Pennsylvania Winter Green '05.
2. *Price:* The price of a Pennsylvania Winter Green '05 instant lottery game ticket is \$3.
3. *Play Symbols:* Each Pennsylvania Winter Green '05 instant lottery game ticket will contain three play areas designated as "Tree 1," "Tree 2" and "Tree 3." The play

symbols located in the three play areas are 53 distinctive play symbols. Each Pennsylvania Winter Green instant lottery game ticket will also contain a "YOUR SYMBOLS" area consisting of 20 of the 53 distinctive play symbols in a 4 x 5 grid. The play symbols which may be located in the three play areas, 20 of which may also be located in the "YOUR SYMBOLS" area are: Snowman symbol, Mitten symbol, Wreath symbol, Ear Muff symbol, Hat symbol, Tree symbol, Drum symbol, Sleigh symbol, Candle symbol, Ornament symbol, Trumpet symbol, Gingerbread Man symbol, Bag of Toys symbol, Holly symbol, Bell symbol, Reindeer symbol, Scarf symbol, Star symbol, Boot symbol, Candy Cane symbol, Snowflake symbol, Package symbol, Santa symbol, Snow Shovel symbol, Coat symbol, Jingle Bell symbol, Lights symbol, Stocking symbol, Cherub symbol, Money Bag symbol, Coins symbol, Dollar Sign symbol, Horse Shoe symbol, Bar symbol, Fire symbol, Candy symbol, Dove symbol, Toy Soldiers symbol, House symbol, Sled symbol, Skis symbol, Snowmobile symbol, Pipe symbol, Drumstick symbol, Skate symbol, Igloo symbol, Top Hat symbol, Hot Chocolate symbol, Train symbol, Bicycle symbol, Skier symbol, Angel symbol and Bow symbol.

4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$30, \$90, \$300 and \$30,000. The player can win up to seven times on each ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Winter Green '05 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets in which six of the "YOUR SYMBOLS" play symbols match the same exact six play symbols, in "Tree 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets in which five of the "YOUR SYMBOLS" play symbols match the same exact five play symbols, in either "Tree 1" or "Tree 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$300 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets in which four of the "YOUR SYMBOLS" play symbols match the same exact four play

symbols, in either "Tree 2" or "Tree 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$90 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$90.

(d) Holders of tickets in which four of the "YOUR SYMBOLS" play symbols match the same exact four play symbols, in "Tree 1," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in "Tree 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Tree 1" or "Tree 2," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$9 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$9.

(g) Holders of tickets in which two of the "YOUR SYMBOLS" play symbols match the same exact two play symbols, in "Tree 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$9 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$9.

(h) Holders of tickets in which two of the "YOUR SYMBOLS" play symbols match the same exact two play symbols, in either "Tree 1" or "Tree 2," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$6 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$6.

(i) Holders of tickets in which one of the "YOUR SYMBOLS" play symbols match the same exact one play symbol, in either "Tree 1," "Tree 2" or "Tree 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$3 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$3.

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

*When You Match All of the Symbols in a Complete Horizontal Line on Any Tree, Win the Prize Shown in the Arrow Pointing to That Line.*

<i>Tree 1</i>	<i>Tree 2</i>	<i>Tree 3</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$3			\$3	33.33	180,000
	\$3		\$3	33.33	180,000
		\$3	\$3	25	240,000
\$6			\$6	66.67	90,000
	\$6		\$6	66.67	90,000
\$3	\$3		\$6	66.67	90,000
	\$3	\$3	\$6	66.67	90,000
\$9			\$9	100	60,000
	\$9		\$9	100	60,000
		\$9	\$9	100	60,000
\$3	\$3	\$3	\$9	100	60,000
\$30			\$30	166.67	36,000
		\$30	\$30	166.67	36,000
\$6 + \$9	3	\$3 + \$9	\$30	250	24,000
\$3 + \$9	\$3 + \$6 + \$9		\$30	250	24,000



*When You Match All of the Symbols in a Complete Horizontal Line on Any Tree, Win the Prize Shown in the Arrow Pointing to That Line.*

Tree 1	Tree 2	Tree 3	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 6,000,000 Tickets
	\$90		\$90	1,200	5,000
		\$90	\$90	1,200	5,000
\$3 + \$9 + \$30 \$300	\$6	\$3 + \$9 + \$30	\$90	1,200	5,000
		\$300	\$300	24,000	250
		\$30,000	\$300	24,000	250
			\$30,000	600,000	10

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

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

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

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

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

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-1917. Filed for public inspection October 14, 2005, 9:00 a.m.]

prejudice to the right of Montgomery Sewer to raise any and all factual and legal issues raised in the appeal at Docket No. 2004-185-K in any future litigation between Montgomery Sewer and the Department regarding the Orchard Treatment Plant and that the Department's defenses to those issues are also preserved for future litigation.

The parties requested that the Environmental Hearing Board (Board) include the Stipulation for Settlement in the record of the case and dismiss the appeal without prejudice and subject to the rights set forth in the Stipulation for Settlement. Copies of the full Stipulation for Settlement are in the hands of William H. Gelles, Esquire, Commonwealth of Pennsylvania, Department of Environmental Protection, Southeast Regional Counsel, 2 East Main Street, Norristown, PA 17401, (484) 250-5930; and Steven A. Hann, Esquire, Hamburg, Ruben, Mullin, Maxwell & Lupin, 375 Morris Road, Lansdale, PA 19446, (215) 661-0400. Copies of the full Stipulation for Settlement are also available at the office of the Board and may be reviewed by interested parties on request during normal business hours. Interested members of the public may comment to the Board on the Stipulation of Settlement for a period of 30 days from the date of this notice.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-1918. Filed for public inspection October 14, 2005, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Montgomery Sewer Company, Inc. v. DEP; EHB  
Doc. No. 2004-185-K**

The Department of Environmental Protection (Department) and Montgomery Sewer Company, Inc. (Montgomery Sewer) have agreed to a settlement of the previously captioned matter. This appeal challenged the NPDES Permit No. PA0052094 issued by the Department to Montgomery Sewer on July 9, 2004, regarding the wastewater treatment plant owned and operated by Montgomery Sewer known as the Orchard Treatment Plan.

The parties have agreed to a settlement, under which the parties agree to dismiss the pending appeal without

## FISH AND BOAT COMMISSION

**Addition to List of Class A Wild Trout Waters;  
Unnamed Tributary to Ontelaunee Creek, Lehigh  
County**

The Fish and Boat Commission (Commission) has approved the addition of an unnamed tributary to Ontelaunee Creek (first tributary west of SR 309), Lehigh County, to its list of Class A Wild Trout Streams as set forth at 35 Pa.B. 4794 (August 20, 2005). This stream extends for a distance of 0.85 mile from the headwaters to the mouth, which is located at a latitude of 40°42'12" and a longitude of 75°45'58". The stream is located north of Mosserville, flows in a southerly direction along SR 309 and is the first tributary to Ontelaunee Creek to cross under Lentz Road west of SR 309.

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 05-1919. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Designation of Exclusive Use Fishing Areas

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas), designates the following water areas as being for the exclusive use of children or special populations, as indicated. These designations are effective when the waters are so posted after publication of this notice in the *Pennsylvania Bulletin*.

County	Water Area*	Length	Type
Schuylkill	Deep Creek	450 feet	Children Only
Schuylkill	Pine Creek	1/2 mile	Children Only
Erie	West Canal Basin Erie Harbor	170 feet	Special Populations Only

\*The exact areas will be marked with posters at the sites.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 05-1920. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Temporary Changes to Fishing Regulations; Rusty Crayfish

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful for a person to sell, purchase, offer for sale or barter live rusty crayfish (*Orconectes rusticus*) in this Commonwealth, to possess them in this Commonwealth, to introduce or import them into the waters of this Commonwealth and to transport them in or through this Commonwealth. These temporary modifications will go into effect immediately and will remain in effect until further notice but in no event will they remain in place after March 31, 2006.

The Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 05-1921. Filed for public inspection October 14, 2005, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinions

The Human Relations Commission (Commission), under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)), announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)) in the following cases:

*Tanika Vallati, PHRC Case No. 200302403 and Marilyn Noto, PHRC Case No. 200302412 v. Lamar Yoder (Pennsylvania Human Relations Commission, September 27, 2005)*

Enforcement Determination Hearing to assess compliance with prior PHRC Order. Determination—failure to comply.

Ruling 9-0 decision  
7 pages

*Karen Green v. North Philadelphia Health System, PHRC Case No. 200200633 (Pennsylvania Human Relations Commission, September 27, 2005)*

Religion-based refusal to accommodate and termination.

Ruling for complainant, 9-0 decision  
31 pages

The final orders in the previously listed cases are subject to appeal to Commonwealth Court and if appealed are subject to being affirmed, reversed or modified, in whole or part.

Copies of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 15¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Pennsylvania Place, Harrisburg, PA 17101.

The check or money order should be made payable to the "Commonwealth of Pennsylvania." Copies are also available under the Legal section of the Commission's website at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 05-1922. Filed for public inspection October 14, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

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

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5116	State Board of Nursing CRNP Prescriptive Authority Fees	9/30/05
16A-5612	State Real Estate Commission Biennial Renewal Fee Increases	9/30/05
16A-5118	State Board of Nursing Approval of Diploma Programs in Transition to Degree-Granting Status	9/30/05
16A-5414	State Board of Pharmacy Biennial Renewal Fees	9/30/05
16A-4512	State Board of Cosmetology Biennial Renewal Fee Increase	9/30/05
16A-489	State Board of Funeral Directors Continuing Education	9/30/05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1923. Filed for public inspection October 14, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Increase in Underwriting Authority of a Domestic Stock Casualty Insurance Company

Franklin Insurance Company (Franklin), a domestic stock casualty insurance company, has filed an application to increase its classes of underwriting authorities. The class of insurance that Franklin has applied to add is Fidelity and Surety as mentioned in 40 P. S. § 382(c)(1). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include 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 A. Kotal, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rkotal@state.pa.us](mailto:rkotal@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1924. Filed for public inspection October 14, 2005, 9:00 a.m.]

### Independence Blue Cross; Revised Rates for its Nongroup and Community Group Security 65 Plans; Rate Filing

Independence Blue Cross has filed filing no. 10-P-05 for approval increased rates for its nongroup Security 65 program. The revised rates are to be effective on January 1, 2006, and reflect an increase of 11.4% for standardized benefit Plan C and 16.0% for standardized benefit Plan H over the currently approved rates. The monthly premiums for subscribers enrolling at first eligibility are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>
Plan C	\$84.80	\$94.45
Plan H	\$141.45	\$164.00

These rate adjustments will affect approximately 37,000 subscribers in this Commonwealth and will generate approximately \$5.5 million in additional premium annually. No adjustment is requested for nongroup Security 65 standardized benefit Plans A and B.

Also included in the filing are reduced rates for insureds who choose to drop their prescription drug benefits. Plan H includes prescription drug benefits which the insured may eliminate from their coverage effective January 1, 2006, in exchange for a reduced premium rate. Rate reductions are filed for the company's Security 65 nongroup and community group programs and in both cases reflect a 42.8% rate reduction from the proposed January 1, 2006, rates. The proposed Plan H rates with and without Rx coverage are as follows:

	<i>Proposed with Rx</i>	<i>Proposed w/o Rx</i>
Nongroup	\$164.00	\$93.75
Community Group	\$141.45	\$80.85

Unless formal administrative action is taken prior to December 27, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30

days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1925. Filed for public inspection October 14, 2005, 9:00 a.m.]

—————  
[Correction]

**Independence Blue Cross; 7-P-05 Nongroup Basic Blue Hospital; Rate Filing**

An error occurred in a notice which appeared at 35 Pa.B. 5590 (October 8, 2005). The correct version of the first paragraph is as follows:

On September 23, 2005, the Insurance Department received from Independence Blue Cross a filing requesting a rate increase of 18.87% for non-HCTC eligibles and a rate decrease of 12.63% for the HCTC eligibles.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1873. Filed for public inspection October 7, 2005, 9:00 a.m.]

—————  
**QCC Insurance Co. (a Subsidiary of Independence Blue Cross); QCC-2-05 Nongroup Personal Choice; Rate Filing**

On September 23, 2005, the Insurance Department (Department) received from QCC Insurance Co. (a subsidiary of Independence Blue Cross) a filing for a rate increase for its nongroup Personal Choice product.

The company requests the following rate increases by benefit plan option: Prime 11.9%, High 16.2% and Standard 1.83%.

Unless formal administrative action is taken before December 28, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1926. Filed for public inspection October 14, 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.

#### *Executive Board*

Resolution #CB-05-210, Dated August 15, 2005. Authorizes the side letter with AFSCME that provides pay adjustments for the employees in the Insurance Company Examiner classes who hold or attain the designation of Accredited Financial Examiner (AFE) or Certified Financial Examiner (CFE) status.

#### *Governor's Office*

Administrative Circular No. 05-21—Address Change—Department of General Services, Bureau of Procurement, Dated September 13, 2005.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 05-1927. Filed for public inspection October 14, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Franklin County, Wine & Spirits Shoppe #2804, 9 South Main Street, Mercersburg, PA 17236-1515.

*Lease Expiration Date:* September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,400 net useable square feet of new or existing retail commercial space located within 1 mile of the intersection of Main Street and Seminary Street, Mercersburg.

*Proposals due:* November 4, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Matthew L. Sweeney, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 05-1928. Filed for public inspection October 14, 2005, 9:00 a.m.]

# PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

## Funding Opportunity Available for Clean, Alternative Energy Projects Related to Electric Power

The Pennsylvania Energy Development Authority (Authority) was established to promote applied energy research; to provide financial incentives for the deployment of clean, alternative energy projects in this Commonwealth; and to promote investment in the energy sector of this Commonwealth. The Authority is reopening its April 1, 2005, solicitation seeking applications for innovative, advanced energy research and deployment projects and for businesses interested in locating their advanced energy operations in this Commonwealth. For this round of funding, projects must be related to electric power. The total amount of available funding is \$3.5 million. Applicants who previously applied for this solicitation but were not selected are eligible to reapply, and previously selected applicants may apply to modify or expand an existing project.

For purposes of this financial assistance opportunity, "alternative energy projects and related research" refers to deployment projects, manufacturing or research involving the following types of fuels, technologies or measures: solar energy; wind; low-impact hydropower; geothermal; biologically-derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; and demand management measures, including recycled energy and energy recovery, energy efficiency and load management.

Under this program, the Authority may award financial assistance in the form of grants or loans of up to \$1 million or loan guarantees. Project work on grants must be completed and loans must close no later than June 30, 2006.

Eligibility differs depending on the type of assistance requested. For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; individuals; municipalities of this Commonwealth; and public corporations, authorities or bodies. In the case of applied research grants, the Commonwealth encourages the formation of public and private partnerships among postsecondary and private sector organizations. Applications for applied research grants proposed by a partnership will be given priority over those proposed by a single entity.

For loans, the following entities are eligible to apply: corporations; partnerships and other legal business entities; municipalities of this Commonwealth; and public corporations, authorities or bodies. Eligibility for loan guarantees is limited to corporations, partnerships and other legal business entities.

Funding is competitive and will be determined by vote of the Authority's Board of Directors. Guidelines and applications may be viewed and downloaded from the

Authority's website at [www.dep.state.pa.us](http://www.dep.state.pa.us), DEP Keyword "PEDA." Applications will be accepted until November 15, 2005.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 05-1929. Filed for public inspection October 14, 2005, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## September 2005 Review of Fuel Cost Recovery Surcharge; S. P. 28208

Public Meeting held  
September 29, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

### Order

#### *By the Commission:*

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28208, adopted June 10, 2004, authorized call or demand, paratransit and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset unanticipated fuel expenditures. All call or demand carriers were authorized to collect a fuel surcharge of thirty cents (\$.30) per trip for each paying passenger, and all paratransit and airport transfer carriers were authorized to collect a fuel surcharge of seventy cents (\$.70) per trip for each paying passenger in addition to tariff rates. The fuel surcharge was effective on June 14, 2004, and was scheduled to terminate on June 12, 2005.

At its Public Meeting of June 2, 2005 the Commission approved an extension of the temporary fuel surcharge until June 12, 2006. The Commission also required the Bureau of Transportation and Safety to investigate the merits of the fuel surcharge on a quarterly basis.

As a result of the volatile nature of gasoline prices in the aftermath of Hurricane Katrina, the amounts for the fuel surcharge were adjusted accordingly at the Public Meeting of September 9, 2005. Call or demand carriers were permitted to increase the fuel surcharge from \$.30 per trip for each paying passenger to \$.90 per trip for each paying passenger, and paratransit carriers and airport transfer carriers to increase the fuel surcharge from \$.70 per trip for each paying passenger to \$2.00 per trip for each paying passenger.

The Commission also recognized that the price of fuel is likely to fluctuate in the future months. To ensure that the surcharge is appropriately adjusted to the price of fuel, it was ordered that the temporary fuel surcharge was to be evaluated on a monthly basis until further notice.

According to data obtained from the Energy Information Administration of the Department of Energy, the average cost of regular unleaded gasoline for the week ending September 5, 2005 was \$3.29, an increase of 64% over the \$2.00 used at the beginning of the fuel surcharge. The most recent data for the week ending Sep-

tember 26, 2005 indicates that the price of gasoline is \$2.83 per gallon, which is a decrease of \$.46 or 14% from the average price for September 5, 2005.

The effect of this decrease results in an average cost of fuel per trip of \$1.28 for call or demand operations. This is a decrease of \$.21 or 14% from the previous cost of \$1.49. The average cost of fuel per trip for paratransit and airport transfer operations decreases from \$3.44 to \$2.96. That is a 14% decrease or a difference of \$.48.

Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the fuel surcharge. However, due to a decrease in prices we believe it is necessary to make adjustments to the fuel cost recovery surcharge; *Therefore,*

*It Is Ordered that:*

1. The Fuel Cost Recovery Surcharge established by Special Permission No. 28208 be continued.

2. Call or demand carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall decrease the charge from \$.90 per trip for each paying passenger to \$.70 per trip for each paying passenger.

3. Paratransit carriers and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall decrease the charge from \$2.00 per trip for each paying passenger to \$1.55 per trip for each paying passenger.

4. The decreases be approved to become effective October 3, 2005.

5. The Fuel Cost Recovery Surcharge will continue to be reviewed on a monthly basis with the next review taking place at the Public Meeting of October 27, 2005.

6. Call or demand motor carriers shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge has been decreased to \$.70 per trip for each paying passenger and is effective on October 3, 2005. The fuel surcharge shall terminate on June 12, 2006."

7. Paratransit and airport transfer motor carriers shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge has been decreased to \$1.55 per trip for each paying passenger and is effective on October 3, 2005. The fuel surcharge shall terminate on June 12, 2006."

8. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-1930. Filed for public inspection October 14, 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 November 7, 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-00122134. Nanette C. Francis t/d/b/a Go Fer U** (P. O. Box 1611, Easton, Northampton County, PA 18044)—persons, in paratransit service, between points in the City of Easton, and the Township of Forks, Palmer and Bethlehem, all located in Northampton County.

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

**A-00120433, Folder 1, Am-A (Corrected). Accurate Limousine, LLC** (12 Raintree Road, Chadds Ford, Chester County, PA 19317), a corporation of the Commonwealth—persons, between points in the County of Chester, and from points in said county, to points in Pennsylvania, and return: *So As To Permit* the transportation of persons, in limousine service, between points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

#### **Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00118987, Folder 2, Corrected. S & S Taxi Co.** (400 Eden Park Road, McKeesport, Allegheny County PA 15132)—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle; persons upon call or demand, in the Boroughs of Homestead, West Homestead, Munhall and West Mifflin, all in Allegheny County; and (1) in the Cities of McKeesport and Duquesne, Allegheny County; (2) in the Boroughs of Glassport, Liberty, White Oak, Dravosburg, Port Vue, Versailles and Lincoln and the Townships of Elizabeth and North Versailles, Allegheny County; (3) in the City of Clairton, and the Boroughs of Elizabeth and West Elizabeth, Allegheny County; (4) in the Borough Trafford, Westmoreland and Allegheny Counties; (5) in the Borough of Braddock, Allegheny County; (6) in that portion of the Borough of North Braddock, Allegheny County, located west and south of Braddock Avenue, and north of the body of water known as Turtle Creek; (7) in that portion of the Borough of West Mifflin, Allegheny County, located south and east of Lebanon Church Road, Buttermilk Hollow Road and the boundaries of the City of Pittsburgh, the Borough of Munhall and the Borough of Whitaker; (8) in that portion of the Borough Jefferson, Allegheny County, located east of SR 51 and Lewis Run Road; (9) in the Boroughs of East Pittsburgh, Wilmerding and Wall, Allegheny County, and

the Cities of New Kensington and the Cities of New Kensington, Arnold and Lower Burrell, Westmoreland County; and (10) in the Township of North Huntingdon, and the Boroughs of Irwin and North Irwin, all in Westmoreland County, which are held at A-00118987, F.2 and F.2, Am-A.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. GP Cab Co.; Doc. No. A-00121185C0501*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That GP Cab Co., respondent, maintains a principal place of business at 553 Snow Din Road, Upper Darby, PA 19082.

2. That respondent was issued a Certificate of Public Convenience by this Commission on December 21, 2004, at Application Docket No. A-00121185.

3. That respondent has failed to maintain evidence of bodily injury and property damage insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c) and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00121185, for failure to maintain evidence of current file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Wendy J. Keezel

### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this complaint and notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office  
Bureau of Transportation & Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE and FAXED FORM E's and H's ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-1931. Filed for public inspection October 14, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-082.1, Demolition & Restoration of Building No. 3 at Packer Avenue Marine

Terminal (PAMT) until 2 p.m. on Thursday, November 10, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 25, 2005. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement 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 November 3, 2005, at 11 a.m. at PAMT, Packer Ave. and Columbus Blvd., Service Road (Inside Gate), Philadelphia, PA 19148.

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

[Pa.B. Doc. No. 05-1932. Filed for public inspection October 14, 2005, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.  
Salaam M. Smith; Doc. No. 0934-42-05**

On July 14, 2005, Salaam M. Smith, license no. BM-011731-L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated June 24, 2005, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate

Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 05-1933. Filed for public inspection October 14, 2005, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
Anthony D. Marshburn; Doc. No. 0932-60-05**

On July 14, 2005, Anthony D. Marshburn, license no. MV-188314, of Upper Darby, Delaware County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated June 27, 2005, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

EDWIN K. GALBREATH, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1934. Filed for public inspection October 14, 2005, 9:00 a.m.]