

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 29, 2005.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-17-05	Valley Green Bank Philadelphia Philadelphia County	7226 Germantown Avenue Philadelphia Philadelphia County	Commenced Operations

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-14-05	Keystone Nazareth Bank & Trust Co. Bethlehem Northampton County	211 Best Avenue Walnutport Northampton County	Opened
11-23-05	The Scottdale Bank & Trust Company Scottdale Westmoreland County	Pechin Complex Connellsville Fayette County	Approved
11-23-05	Fulton Bank Lancaster Lancaster County	2350 North Reading Road Denver East Cocalico Township Lancaster County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-14-05	Fulton Bank Lancaster Lancaster County	<i>To:</i> 2057 South Queen Street York York Township York County <i>From:</i> 2081 Springwood Road York York Township York County	Effective
11-28-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2923 Willow Street Pike Willow Street Lancaster County <i>From:</i> 106 Willow Valley Square Lancaster Lancaster County	Approved
11-18-05	PeoplesBank, a Codorus Valley Company York York County	<i>To:</i> 48 East Market Street York York County <i>From:</i> 118 East Market Street York York County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-21-05	Pennsylvania Business Bank Philadelphia Philadelphia County	1401 Walnut Street Philadelphia Philadelphia County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-23-05	Standard Bank, PaSB Murrysville Westmoreland County	Redstone Highlands 4951 Cline Hollow Road Murrysville Westmoreland County (Limited Service Facility)	Approved
11-28-05	Keystone Nazareth Bank & Trust Bethlehem Northampton County	500 Route 940 Mt. Pocono Monroe County	Approved
11-29-05	CSB Bank Curwensville Clearfield County	BILO Supermarket Route 255 (Million Dollar Highway) St. Marys Elk County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-29-05	First Priority Bank Malvern Chester County	Articles of Amendment amend and restate the Articles of Incorporation in their entirety.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-23-05	Tri County Area Federal Credit Union, Pottstown, and KCC Credit Union, Boyertown Surviving Institution— Tri County Area Federal Credit Union, Pottstown	Pottstown	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-2319. Filed for public inspection December 16, 2005, 9:00 a.m.]

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 December 6, 2005.

BANKING INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-05	Jersey Shore State Bank Jersey Shore Lycoming County	820 Broad Street Montoursville Lycoming County	Approved
12-2-05	First Commonwealth Bank Indiana Indiana County	6999 Crider Road Mars Butler County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-05	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	<i>To:</i> 50 West Lancaster Avenue Ardmore Montgomery County <i>From:</i> 312 East Lancaster Avenue Wynnewood Montgomery County	Approved
12-5-05	Lafayette Ambassador Bank Easton Northampton County	<i>To:</i> One East Broad Street Bethlehem Northampton County <i>From:</i> 60 West Broad Street Bethlehem Northampton County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-10-05	First Commonwealth Bank Indiana Indiana County	The following branches were closed in conjunction with the purchase of assets/assumption of liabilities by Clearfield Bank and Trust Company, Clearfield: 101 High Street Williamsburg Blair County Route 22 Huntingdon Huntingdon County 501 Penn Street Huntingdon Huntingdon County 16 West Shirley Street Mount Union Huntingdon County 729 Main Street Saxton Bedford County Ashman Street Three Springs Huntingdon County	Effective
12-1-05	Leesport Bank Wyomissing Berks County	100 West Main Street Lansdale Montgomery County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-1-05	Franklin-Oil Region Credit Union Franklin Venango County	Franklin	Filed

Application represents conversion from an occupational-based credit union to a community charter with a proposed field of membership consisting of those who live, work, worship, volunteer, attend school in and businesses and other legal entities in Venango County.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-2320. Filed for public inspection December 16, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2005-2006 Career and Technical Education Child Care Curriculum Grants

Applications for curriculum grants funding are invited. The project period is from January 31, 2006, to June 30, 2006. The maximum amount per project is \$15,000.

1. Eligibility Requirements

Funding is available on a competitive basis to area vocational technical schools/career and technical education centers with approved Child Care and Support Services Management programs (19.078) or school districts with approved Child Care and Support Services Management programs (19.078).

2. Applications Deadline

Applications are due January 31, 2006, by 5 p.m.

3. How to Apply

The Department of Education (Department) has implemented an Internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: www.pde.state.pa.us. Click on "K-12 Schools," then on the left hand side click on "Career and Technical Education," "Grants and Funding," "Funding Sources." This page provides a listing of the various funding guidelines. Click on "Child Care Curriculum Grants."

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D.Ed.,
Acting Secretary

[Pa.B. Doc. No. 05-2321. Filed for public inspection December 16, 2005, 9:00 a.m.]

Availability of 2005-2006 Career and Technical Education Curriculum Grants

Applications for curriculum grants funding are invited. The project period is from January 31, 2006, to June 30, 2006. The maximum amount per project is \$15,000.

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers; area school districts with eight or more approved career and technical programs, two of which must be trade and industrial; and school districts with approved career and technical education agriculture programs.

2. Applications Deadline

Applications are due January 31, 2006, by 5 p.m.

3. How to apply

The Department of Education (Department) has implemented an Internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: www.pde.state.pa.us. Click on "K-12 Schools," then on the left hand side click on "Career and Technical Education," "Grants and Funding," "Funding Sources." This page provides a listing of the various funding guidelines. Click on "Curriculum Grants."

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D.Ed.,
Acting Secretary

[Pa.B. Doc. No. 05-2322. Filed for public inspection December 16, 2005, 9:00 a.m.]

Availability of 2005-2006 Career and Technical Education Equipment Grants

Applications for equipment grants funding are invited. The project period is from January 31, 2006, to June 30, 2006. The maximum amount per project is \$50,000.

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers; area school districts with eight or more approved career and technical programs, two of which must be trade and industrial; and school districts with approved career and technical education agriculture programs.

2. Applications Deadline

Applications are due January 31, 2006, by 5 p.m.

3. How to apply

The Department of Education (Department) has implemented an Internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: www.pde.state.pa.us. Click on "K-12 Schools," then on the left hand side click on "Career and Technical Education," "Grants and Funding," "Funding Sources." This page provides a listing of the various funding guidelines. Click on "Equipment Grants."

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D.Ed.,
Acting Secretary

[Pa.B. Doc. No. 05-2323. Filed for public inspection December 16, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS112202	BVI Precision Materials Solutions, Inc. 490 Norristown Road Suite 153 Blue Bell, PA 19422	Allentown City Lehigh County	Little Lehigh Creek 2C HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0082163 (Sew)	New Life for Girls Box D-700 Dover, PA 17315	York County Conewago Township	UNT to Laurel Run 7-F	Y
PA0025399 (Sew)	Christiana Borough 10 West Slokum Avenue Christiana, PA 17509	Lancaster County Christiana Borough	Buck Run 7-K	Y
PA0032034 (Sew)	Frank T. Perano Shamrock MHP 2846 Main Street 12-A Morgantown, PA 19543-9486	Blair County Juniata Township	Blair Gap Run 11-A	Y
PA0081353 (Sew)	Brian Crowe Crowe Transportation 2388 North Market Street Elizabethtown, PA 17022	Lancaster County West Donegal Township Elizabethtown Broough	UNT to Conewago Creek 7-G	Y
PA0081311 (Sew)	South Londonderry Township Municipal Authority P. O. Box 3 Campbelltown, PA 17010-0003	Lebanon County South Londonderry Township	Conewago Creek 7-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0036846 SP	New Berlin Municipal Authority Box 473 New Berlin, PA 17855	Union New Berlin Borough	Penns Creek 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100951	Penelec Shannon Road Ash Site Pennsylvania Electric Company d/b/a First Energy 1003 Broad Street Johnstown, PA 15906	Harborcreek Township Erie County	Four Mile Creek 15-FM	Y

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

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

PA0057908, Sewage, SIC 722, **Jericho National Golf Club, Inc.**, 250 Brownsburg Road, New Hope, PA 18938. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Discharge of 4,220 gpd of treated sewage from sewage treatment plant into an unnamed pond tributary to Jericho Creek.

The receiving stream, UNT to Jericho Creek, is in the State Water Plan watershed 2E—Common and is classified for WWF. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River and is 9.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 4,220 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅					
(5-1 to 10-31)			10		20
(11-1 to 4-30)			20		40
Suspended Solids			10		20
Ammonia (as N)					
(5-1 to 10-31)			3		9
(11-1 to 4-30)			9		18

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Phosphorus as P			Monitor and Report		
Total Residual Chlorine			0.5		1.2
Fecal Coliform			200#/100 ml as a geometric average		
Dissolved Oxygen			minimum of 3.0 mg/l at all times		
pH			within limits of 6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

No. PA0052728, Sewage, **Turkey Hill Minit Market, Inc.**, 257 Centerville Road, Lancaster, PA 17603. The treatment plant is located at 1000 West Kings Highway, Coatesville, PA 19320.

This application is for renewal of an NPDES permit to discharge treated sewage from Turkey Hill Minit Market STP in City of Coatesville, **Chester County**. This is an existing discharge to a UNT to the West Branch of Brandywine Creek.

The receiving stream is classified for the following uses: HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd, are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
Ammonia (as N)	15	30
Total Residual Chlorine	0.5	1.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0 to 9.0 standard units at all times	

PA0025976, Sewage, SIC 4952, **Upper Moreland Hatboro Joint Sewer Authority**, 2875 Terwood Road, P. O. Box 535, Willow Grove, PA 19090-0535. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Activity: renewal of the NPDES permit to discharge treated sewage at an average annual rate of 7.173 mgd and a maximum monthly flow of 9.08 mgd to Pennypack Creek.

The receiving stream, Pennypack Creek, is in the State Water Plan watershed 3J and is classified for trout stocking and MF. There is no nearest downstream public water supply intake.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.173 mgd.

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform	200 Col. Per 100 ml			Monitor
Dissolved Oxygen	6.0 minimum			
pH (STD)	6.0 minimum			9.0
Copper, Total	Monitor		Monitor	Monitor
Zinc, Total	0.19		0.37	0.47
Total Residual Chlorine	Monitor			

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

1. NH₃-N Instantaneous Maximum During the Month of May is allowed at 5.0 mg/l.
2. Stream Sampling.
3. Pretreatment Program.
4. Sludge Disposal.
5. Stormwater Outfalls.
6. Operations and Maintenance Plan.
7. Laboratory Certification.
8. Chlorine Minimization.
9. Prohibited Discharges.
10. Copper Limits Based on WER.
11. WETT at Renewal.
12. TMDL/WLA Analysis.

The changes are made to the notice published at 31 Pa.B. 1592 (March 24, 2001) and at 35 Pa.B. 6330 (November 19, 2005).

PA0029441, Sewage, SIC 4952, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Issuance of a NPDES renewal permit for discharge of treated sewage effluent and stormwater to a UNT to Sandy Run. Permitted flow is increased from 1.0 mgd average annual flow to 1.1 mgd. The basis for the limits include consideration of the Wissahickon Total Maximum Daily Load dated October 2003 for the parameters CBOD₅, NH₃-N, Orthophosphate as P, Total Phosphorus, Dissolved Oxygen and (Nitrite + Nitrate) as Nitrogen.

The copper limits are based on a site-specific criterion for copper, which was developed by means of the Water Effect Ratio (WER) process in accordance with the Environmental Protection's WER Guidance. The final recommended WER for Total Recoverable Copper is 2.47.

The receiving stream, a UNT to Sandy Run, is in the State Water Plan watershed 3F and is classified for TS, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 13.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	13	19		26
(11-1 to 4-30)	25	37		50
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	2.2			4.4
(11-1 to 4-30)	6.6			13.2
(NO ₂ + NO ₃)-N	Monitor			Monitor
pH (Std. Units)	6.0, I-min.			9.0
Fecal Coliform (# col/100 ml)	200			
Total Residual Chlorine	0.09			0.3
Dissolved Oxygen:				
(Issuance through Year 2)	5.0, I-min.			
(Year 3 through Expiration)	7.0, I-min.			
Orthophosphate as P:				
(Issuance through Year 2)	Monitor			Monitor
(Year 3 through Expiration 4-1 to 7-31)	1.4			2.8
Total Phosphorus as P:				
(Issuance through Year 2)	Monitor			Monitor
(Year 3 through Expiration)	2.0			4.0
Copper, Total	0.056		0.087	

The proposed effluent limits for Stormwater Outfall 002 are based on a design flow of an average storm event.

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

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sanitary Sewers.
5. Necessary Easements.
6. Small Stream Discharge.
7. Change in Ownership.
8. Specification of Test Method.
9. Proper Sludge Handling.
10. Chlorine Minimization.
11. TMDL Data Submission.
12. Whole Effluent Toxicity Testing with Renewal.
13. Instantaneous Maximum Limitations.
14. Stormwater Requirements.
15. SSO Language.

The EPA waiver is not in effect.

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

PAS802222, Industrial Stormwater, **NAPA Development Corp., Inc.**, P. O. Box 639, Wind Gap, PA 18091. This proposed facility is located in Wind Gap Borough, Bushkill Township, Plainfield Township, **Northampton County**.

Description of Proposed Activity: Issuance of new Industrial Stormwater Permit.

The receiving stream, Little Bushkill Creek, is in the State Water Plan watershed No. 1F and is classified for: HQ-CWF. The nearest downstream public water supply intake for Easton is located on the Delaware River.

The proposed effluent limits for Outfall 001 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD ₅				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

In addition to the effluent limits, the permit contains the following major special conditions: Requirements applicable to stormwater outfalls along with identified best management practices.

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

Application No. PA 0247979, Sewage, **Gary and Judith Cryder**, 101 Fleisher Road, Marysville, PA 17053. This facility is located in Rye Township, **Perry County**.

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

The receiving stream, UNT to Fishing Creek, is in Watershed 7-A and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River approximately 14.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	Monitor and Report		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	10,000/100 ml as a geometric average		
(10-1 to 4-30)			

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

The EPA waiver is in effect.

Application No. PA 0248045, Sewage, **Sauder Brothers Partnership (Lot No. 1)**, 1464 Mastersonville Road, Manheim, PA 17545. This facility is located in Rapho Township, **Lancaster County**.

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

The receiving stream, UNT to Rife Run, is in Watershed 7-G and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	10		20
Total Residual Chlorine	monitor		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		

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

The EPA waiver is in effect.

Application No. PA 0248053, Sewage, **Sauder Brothers Partnership (Lot No. 2)**, 1464 Mastersonville Road, Manheim, PA 17545. This facility is located in Rapho Township, **Lancaster County**.

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

The receiving stream, UNT to Rife Run, is in Watershed 7-G and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	10		20
Total Residual Chlorine		Monitor	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA0020583, Sewerage SIC, 4952, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg PA 17842. This existing facility is located in Middleburg Borough, **Snyder County**.

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

The receiving stream, Middle Creek, is in the State Water Plan watershed 6A and classified for TSE. The nearest downstream public water supply intake for United Water Pennsylvania is located on the Susquehanna River 54 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow 0.54 mgd for total nitrogen and total phosphorus and 0.45 mgd for the parameters.

Parameter	Concentration mg/l				Mass lbs	
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
pH		within the range of 6.0-9.0				
CBOD ₅	25	40		50		
TSS	30	45		60		
% UV Transmittance	Report	Minimum				
Fecal Coliforms:						
(5-1 to 9-30)	200 #/100 ml geometric mean and not greater than 1,000 #/100ml in more than 10% of the samples tested					
(10-1 to 4-30)	2,000 #/100 ml geometric mean					
Ammonia-N	Report				Report	
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	13,151
Total Phosphorus	Report				Report	1,644

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

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

WQM Permit No. 2305407, Sewerage, **Chadds Ford Township**, 10 Station Way Road, P. O. Box 181, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. 0905411, Sewerage, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969-1912. This proposed facility is located in Telford Borough, **Bucks County**.

Description of Action/Activity: Transferring a portion of current Telford Wastewater Treatment Facility flow to the Pennridge Wastewater Treatment Authority Facility.

WQM Permit No. 1505422, Sewerage, **Antonio and Pamela Logioia**, 2606 Pheasant Run Lane, Spring City, PA 19475. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a small flow treatment facility.

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

WQM Permit No. 5405404, **Shenandoah Municipal Sewer Authority**, 15 West Washington Street, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project involves the replacement of sludge dewatering equipment at the Shenandoah Municipal Sewer Authority's wastewater treatment plant.

WQM Permit No. 4005403, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Hazleton, PA 18201-0651. This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Action/Activity: This project involves replacing the existing chlorine disinfection system with an ultraviolet disinfection system at the Greater Hazleton Wastewater Treatment Plant.

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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505025	Mount Airy No. 1, LLC 299 Main St.—Sturges Olyphant, PA 18447-2319	Monroe	Paradise Township	Forest Hills Run HQ-CWF
PAI024505026	NE PA Community Federal Credit Union 934 North Ninth St. Stroudsburg, PA 18360	Monroe	Stroud Township	Big Meadow Run HQ-CWF
PAI024505027	Arcadia Homes of the Lehigh Valley No. 2, LLC 100 Gateway Dr, Ste. 310 Bethlehem, PA 18017	Monroe	Coolbaugh Township	Clear Run HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025205010	Woodloch Pines, Inc. R. R. 1 Box 280 Hawley, PA 18428	Pike	Lackawaxen Township	West Falls Creek HQ-CWF, MF

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

Snyder Conservation District: 403 W. Market St. Middleburg, PA 17842, (570) 837-0007, Ext. 112.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2045505001	Middleburg Water Authority 13 North Main St. Middleburg, PA 17842	Snyder	Franklin Township	Erb Run-HQ-CWF East/West Bowersox Run

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050205008	VA Pittsburgh Healthcare System 7180 Highland Drive Pittsburgh, PA 15206	Allegheny	O'Hara Township	Squaw Run (HQ-WWF)

Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301 (724) 228-6774.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI056305007	Hardy Credit Company, LP 1019 Route 519 Eighty Four, PA 15330	Washington	North Strabane Township	Little Chartiers Creek (HQ-WWF)

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

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

CAFO Notices of Intent Received

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

PAG122201, Haas Farms, 15 Haas Road, Klingerstown, PA 17941 This proposed facility is located in Upper Mahantango Township, **Schuylkill County**.

The CAFO is designed to maintain a poultry population of approximately 733 animal equivalent units consisting of 222,000 laying hens. The poultry will be housed in two, three story high-rise barns. Manure is collected and stored at the bottom of each barn for the entire year. The total capacity of the manure storage facility is greater than 2,000 tons. The manure (on a rotating basis) is applied in the spring on approximately 400 acres. Total acreage for this site is over 1,200 acres. A release or discharge to waters of this Commonwealth under normal operation conditions is not expected.

The receiving stream, Mahantango Creek, is in watershed No. 6-C, Wiconisco/Mahantango/Deep Creek and classified for CWF.

The proposed effluent limits for the operation/activity include except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1505508 , Public Water Supply	
Applicant	Pennsylvania American Water Company
Township	East Vincent
County	Chester
Responsible Official	Jeffrey C. Jessell
Type of Facility	PWS
Consulting Engineer	Applied Water Management, Inc.
Application Received Date	November 22, 2005
Description of Action	Modifications to the East Vincent Pump Station. Project will include replacement of existing pumps and associated appurtenances to serve the proposed Kimberton Meadows Residential Development.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant	Pennsylvania American Water Company
Township or Borough	Stroud Township, Monroe County
Responsible Official	Paul A. Zielinski, Director Environmental Management & Compliance Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	N/A
Application Received Date	November 18, 2005
Description of Action	This application requests a transfer of Public Water Supply facilities of the Blue Mountain Lake Estates (PWS ID No. 2450133) to the Pennsylvania American Water Company.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Department of Public Welfare and Department of Health Building, Danville Borough, Montour County. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Girard Estate, Stephen Girard Building, 21 South 12th Street, 5th Floor, Philadelphia, PA 19107-3684 has submitted a Notice of Intent to Remediate groundwater contaminated with trichloroethene, cis-1,2-dichloroethene, 1,1-dichloroethane and vinyl chloride. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements.

Thor America Site—Franklin Township, Snyder County. Skelly and Loy, 2601 North Front Street, Harrisburg, PA 17110-0085 on behalf of Middleburg Properties, LLC, P. O. Box g, Middleburg, PA 17831 has submitted a Notice of Intent to Remediation concerning soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was published in *The Daily Item Newspaper* on October 20, 2005.

PPL Bradford County Connection—HG Meter Site, Troy Township, Bradford County. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Troy Gazette-Register* on October 27, 2005.

PPL Carroll Connection—Hg Meter Site, Oswayo Township, Potter County. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL Hosley Purchase—Hg Meter Site, Ulysses Township, Potter County. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated

with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL Coburn Purchase—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL Sherman Farm—Galeton Check—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL Gibson Purchase—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on November 2, 2005.

PPL Mattison Connection—Hg Meter Site, Hebron Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with Mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL Roulette Station—Hg Meter Site, Roulette Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL West Bingham Check—Hg Meter Site, Bingham Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

PPL Avery Hollow Check—Hg Meter Site, Wharton Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. A summary of the Notice of Intent to Remediate was published in the *Potter Leader-Enterprise* on October 26, 2005.

Former Ames Plaza, Bald Eagle Township, **Clinton County**. Mill Hall Development, LLC, 121 Prosperous Place, Suite 6-B, Lexington, KY 40509 has submitted a Notice of Intent to Remediate groundwater contaminated with chlorobenzene, 4-chlorotoluene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, cis-1,2-dichloroethene, nitrobenzene, trichloroethene, vinyl chloride and analine. The applicant proposes to remediate the site to meet the Site-Specific Standard requirements.

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

Former Stauffer Chevrolet, North Union Township, **Schuylkill County**. Bob Helkowski, Engineer, Malcolm

Pirnie, Inc., 1700 Market Street, Suite 2740, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate (on behalf of FNBM Trust and Financial Services, c/o James T. O'Brien, 260 Sunbury Street, Minersville, PA 17954) concerning the remediation of soils found or suspected to be contaminated with petroleum products, lead and other compounds associated with the property's historical use as an auto dealership and auto repair facility. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property will remain as an auto repair shop.

Former Cooper Power Systems—East Stroudsburg Facility, Borough of East Stroudsburg, **Monroe County**. Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 has submitted a Notice of Intent to Remediate (on behalf of Cooper Industries, Inc., P. O. Box 4446, 600 Travis, Suite 5800, Houston, TX 77210-4448 and Robert Deinarowicz, Dein Properties, P. O. Box 431, Stroudsburg, PA 18360) concerning the characterization of groundwater at the site that was suspected or found to be contaminated with VOCs reportedly originating from an unknown offsite source. The notice suggests that the applicant proposes to meet the background Act 2 standard. 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. The future use of the site is expected to be for nonresidential, commercial purposes.

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

McIntosh Road, Lower Paxton Township, **Dauphin County**. Advantage Engineering, LLC, 20 South 36th Street, Camp Hill, PA 17011, on behalf of Chesapeake Design Build, LLC, P. O. Box 60674, Harrisburg, PA 17011, submitted a Notice of Intent to Remediate site soils contaminated by petroleum products. Future use of the property will be residential. The applicant intends to remediate the site to the residential Statewide Health Standard.

Former Myers Great Value Market, Dillsburg Borough, **York County**. EPSYS Corporation, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Parula Properties, LLC, 100 South Seventh Street, Akron, PA 17501, submitted a Notice of Intent to Remediate site soils contaminated with benzene. Future uses of the site may be residential and retail stores. The applicant intends to remediate the site to the Statewide Health Standard.

Pennsylvania Army National Guard Tyrone Armory, Tyrone Borough, **Blair County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veteran Affairs, Environmental Section, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils contaminated with heating oil. Future use of the site may be residential or nonresidential. The applicant intends to remediate the site to the Statewide Health Standard.

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

Petrowax Sales P 63, City of Smethport, **McKean County**. Jennifer Sedora, PPL Services 2 North 9th Street GENTW17, Allentown, PA 18101 on behalf of PPL Gas Utilities Corp., 2 North 9th Street GENTW17, Allen-

town, PA 18101-1179 has submitted a Notice of Intent to Remediate (NIR). The meter/regulator at this site formerly contained a small amount of mercury which through the operational history of this site, mercury may have been released to the ground surface. Soil will be removed and disposed of in United State Department of Transportation approved roll-off containers for temporary storage and transported to the Chemical Waste Management facility located in Model City, NY. NIR was published in the *Port Allegheny Reporter Argus* on October 27, 2005.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit Application No. 301350. Eldredge Inc., 898 Fernhill Road, West Chester PA 19380-4202, West Goshen Township, **Chester County**. This application seeks to repermit waste oil processing operations under an individual permit in accordance with 25 Pa. Code § 298.50(c)(3) for an existing facility currently operating under a general permit. The application was by the Southeast Regional Office on December 1, 2005.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the

objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

54-303-017: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) for modification of a batch asphalt plant including the utilization of recycled asphalt pavement and installation of an air cleaning device (replacement of baghouse) at the Summit Station Asphalt Plant, in Wayne Township, **Schuylkill County**.

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

21-05042B: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17104-03331) for modification to an existing hot mix asphalt plant, Silver Spring Quarry, Silver Spring Township, **Cumberland County**. This source is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources.

22-05034D: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17104-3331) for modification to an existing hot mix asphalt plant, Hummelstown Quarry, South Hanover Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources.

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

67-05049A: Trenwyth Industries (One Connelly Road, Emigsville, PA 17318) for installation of a concrete block coating system in Manchester Township, **York County**.

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

14-00014C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for construction of a

replacement stacking conveyor in a stone crushing plant, the construction of a pug mill, two bins, two feeders, a conveyor and a mineral filler silo in an asphalt plant, the construction of two portable stone crushing plants, the construction of a paint spray booth and the construction of a 4,200,000 gallon liquid asphalt tank, a 1,512,000 gallon liquid asphalt tank, a 1,512,000 gallon recycled oil tank, a tank truck loading rack and two oil heaters in the company's Pleasant Gap facility in Spring Township, **Centre County**.

19-00026B: Haddon Craftsmen, Inc. (4411 Old Berwick Road, Bloomsburg, PA 17815) for construction of a book binding line and a heatset web offset lithographic printing press, to be exhausted to an air cleaning device (regenerative thermal oxidizer) in South Centre Township, **Columbia County**.

59-00009A: Morgan Advanced Materials and Technology (1118 East Second Street, Coudersport PA 16915) for construction and operation of four heat treat ovens with afterburner and to increase the carbon flour throughput at their Coudersport facility in Eulalia Township, **Potter County**.

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

65-00851A: Newcomer Products Inc. (P. O. Box 272, Latrobe, PA 15650) for installation of sintered pallet production at Latrobe Plant in Derry Township, **Westmoreland County**.

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

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

46-0013B: Hatfield Quality Meats (2700 Funks Road, Hatfield Township) for modification of four boilers to fire animal fat, vegetable oil and lard, an emission cap and a limit on SO_x in Hatfield Township, **Montgomery County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plantwide Federally Enforceable Emission Cap Plan Approval, PA-46-0013B, to Hatfield Quality Meats, Inc., A Subsidiary of The Clemens Family for the company's two 49 mmBtu/hr and two 27.4 mmBtu/hr Boilers with the Associated Air Cleaning Devices at the company's facility at 2700 Funks Road, Hatfield Township, Montgomery County. The facility currently has a Title V permit No. 46-00013. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

46-0013 is for the modification of four boilers to fire animal fat, vegetable oil and lard. Based on the information provided by the applicant and Department's own analysis, boilers may emit up to 74.15 tons per year of NO_x; 62.3 tons per year of CO; 112.5 tons per year of SO_x; 86 tons per year of PM; 18.8 tons per year of PM₁₀ or less; 0.7 ton per year of VOCs; and 0.6 ton per year of HAPs.

In addition to the modification of four boilers, this Plan Approval institutes a plantwide Federally Enforceable Emission Cap for NO_x emissions from the Hatfield's facility of 74.15 tons per year and a facility limit for SO_x of 249 tons per year and for PM of 249 tons per year.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays. To make an appointment, contact Records Management at (484) 250-5910.

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

48-313-097: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) for modification to the existing black oxide manufacturing facility in Wilson Borough, **Northampton County**. The modification to the black oxide manufacturing facility (BOMF) will result in an increase of production and hours of operation. The BOMF consists of a dry material processing area controlled by two fabric collectors and an apron dryer. The particulate emissions from each fabric collector will not exceed the Best Available Technology standard of 0.02 grain/dscf (2.1 tons per year total). The operation of the apron dryer will result in the following annual emissions: 2.58 tons per year of particulate; 1.75 tons per year of NO_x; 1.47 tons per year of CO; and 0.1 ton per year of VOCs. The Plan Approval and Operating Permit will contain additional recordkeeping, monitoring, work practice standards and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00018. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

21-05042B: Pennsy Supply, Inc., P. O. Box 3331, Harrisburg, PA 17104-3331 for replacement of an existing fabric collector with a new fabric collector at the Asphalt Plant, Silver Spring Quarry, Silver Spring Township, **Cumberland County**. The facility is a non-Title V (State-only) facility. The facility is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources. It is expected that this project will not increase emissions into the outdoor atmosphere. The plan approval will include conditions designed to keep the project in compliance with all applicable air quality requirements. The plan approval will be incorporated into the state only operating permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

22-05034D: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17104-3331) for replacement of an existing fabric collector with a new fabric collector at the Asphalt Plant, Hummelstown Quarry, South Hanover Township, **Dauphin County**. The facility is a non-Title V (State-only) facility. The facility is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources. It is expected that this project will not increase emissions into the outdoor atmosphere. The plan approval will include conditions designed to keep the project in

compliance with all applicable air quality requirements. The plan approval will be incorporated into the state only operating permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

53-00001A: Tennessee Gas Pipeline Corp. (1001 Louisiana Street, Houston, TX 77002) has submitted an application (No. 53-00001A) to the Department of Environmental Protection (Department) for plan approval to construct a natural gas-fired reciprocating internal combustion engine equipped with "clean burn" electronic control system to control NOx emissions from the engine, rated at 2,520 brake-horsepower (Source ID P113) and the installation of a Phillips and Temro oxidation catalyst (ID C113) to control the CO, VOC and formaldehyde emissions from the engine and installation of a Tornado Technologies thermal oxidizer (ID C205), or equivalent as determined by the Department, to control VOC and benzene emissions from the glycol dehydration unit (Source ID P205) at their Coudersport facility (Station 313) in Hebron Township, **Potter County**. The respective facility is a major facility for which a Title V operating permit 53-00001 has been issued.

The Department's review of the information submitted by Tennessee Gas Pipeline Corporation indicates that the engine with an oxidation catalyst and the thermal oxidizer will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. In addition, the engine will meet the requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580—63.6675. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the natural gas-fired engine with the installation of an oxidation catalyst and the operation of the glycol dehydration unit with the installation of a thermal oxidizer. Additionally, if the Department determines that the engine with oxidation catalyst and the glycol dehydration unit with thermal oxidizer are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit No. 53-00001 via an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the 2,520 brake horsepower, natural gas-fired reciprocating internal combustion engine (Source ID P113) shall incorporate a "clean burn" electronic control system to control NOx emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from Source ID P113 shall be controlled by a Phillips & Temro oxidation catalyst (ID C113). The permittee shall not operate Source ID P113 without the simultaneous operation of ID C113 at any time.

2. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for Source ID P113.

3. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of ID C113 associated with Source ID P113 in excess of the limitations listed below:

a. NOx, expressed as NO₂—2.78 pounds per hour and 12.18 tons in any 12-consecutive month period.

b. CO—1.06 pounds per hour and 4.62 tons in any 12-consecutive month period.

c. VOC—2.85 pounds per hour and 12.48 tons in any 12-consecutive month period.

d. SOx, expressed as SO₂—0.01 pound per hour and 0.04 ton in any 12-consecutive month period.

e. PM/PM10—0.01 grain per dry standard cubic foot, 0.167 pound per hour and 0.78 ton in any 12-consecutive month period,

f. Formaldehyde—1.11 pounds per hour and 4.83 tons in any 12-consecutive month period.

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C113 shall be capable of reducing the CO, VOCs, and formaldehyde emissions by 93%, 50% and 50%, respectively from Source ID P113.

5. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip ID C113 with instrumentation to monitor pressure drop across ID C113 and the inlet gas temperature of ID C113 and shall monitor these parameters on a continuous basis.

6. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source ID P113 as specified in 40 CFR 63.6580—63.6675.

7. The permittee shall perform NO (NOx, expressed as NO₂), CO, VOC and formaldehyde stack tests upon Source ID P113 within 120 days from the commencement of operation of Source ID P113 to verify compliance with the emission limitations and the destruction efficiency requirements for CO, VOC and formaldehyde emissions from ID C113 associated with Source ID P113.

a. The performance test shall consist of three separate test runs and each run shall last at least in 1 hour in duration.

b. The testing of the inlet and outlet of ID C113 shall be running simultaneously.

c. The inlet gas temperature of ID C113 shall be recorded on a continuous basis during the test. The requirement for the temperature range will be established based upon the stack test report.

d. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source ID P113 is operating at +/- 10% of full load.

8. The permittee shall perform semi-annual NOx and CO tests upon Source ID P113 using a portable gas analyzer, which is acceptable to the Department. Each test shall occur at no less than a 3 month interval from the previous test. Reference method stack testing may be substituted for the portable analyzer testing on a one-for-one basis (one occurrence of reference method testing may be substituted for one occurrence of portable analyzer testing).

9. The permittee shall keep records of the following information:

a. The number of hours that Source ID P113 is operated on a monthly basis.

b. The supporting calculations on a monthly basis used to verify compliance with the NO_x, CO, VOC, PM, SO_x and formaldehyde emission limitations for Source ID P113 in any 12-consecutive month period.

c. The test reports and supporting calculations used to verify compliance with the NO_x, CO, VOC and formaldehyde emission limitations

d. The test reports and supporting calculations used to verify compliance with the CO, VOC and formaldehyde destruction efficiency requirements.

e. The pressure drop across ID C113 and the inlet gas temperature of ID C113 on a continuous basis by means of a data acquisition system

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

10. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC and benzene emissions from the glycol dehydration unit (Source ID P205) shall be controlled by a Tornado Technologies thermal oxidizer (ID C205), or equivalent as determined by the Department. The permittee shall not operate Source ID P205 without the simultaneous operation of ID C205.

11. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for ID C205.

12. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of PM₁₀ from the exhaust of ID C205 associated with Source ID P205, in a manner that the concentration of PM in the effluent gas exceeds 0.01 grain per dry standard cubic foot.

13. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of ID C205 associated with Source ID P205 in excess of the limitations listed:

a. VOC—0.094 ton in any 12-consecutive month period.

b. Benzene—0.058 tons in any 12-consecutive month period.

14. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the outlet temperature of ID C205 shall be maintained at no less than 1,500°F at all times during the operation of Source ID P205.

15. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip ID C205 with instrumentation to monitor the outlet temperature of ID C205 and shall monitor the outlet temperature on a continuous basis. Additionally, the permittee shall equip the recirculation pump of Source ID P205 to monitor the circulation rate of the triethylene glycol (TEG) and shall monitor the flow rate of TEG on a continuous basis.

16. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC destruction efficiency of ID C205 shall not be less than 98%.

17. The permittee shall perform a VOC stack test on ID C205 to verify compliance with the VOC emission limitation and 98% VOC destruction efficiency requirement of ID C205 associated with Source ID P205.

a. The testing of the inlet and outlet of ID C205 shall be running simultaneously.

b. All testing is to be done using the Environmental Protection Agency's reference method test procedures acceptable to the Department and all testing is to be performed while the respective source is operating at its normal production rate.

18. The permittee shall keep the following records for Source ID P205:

a. The outlet temperature of ID C205 on a continuous basis using the data acquisition system, which shall compute the hourly averages of the outlet temperature of ID C205.

b. The flow rate of the TEG recirculation pump of Source ID P205 on a continuous basis using the data acquisition system, which shall compute the hourly averages of the flow rate of TEG.

c. The hours of operation of Source ID P205 on a monthly basis.

d. The supporting calculations on a monthly basis used to verify compliance with the VOC and benzene emission limitations in any 12-consecutive month period for ID C205 associated with Source ID P205.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

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

19-318-020: Patriot Metal Products, Inc. (1005 North Vine Street, Berwick, PA 18603) has submitted an application (No. 19-318-020) to the Department of Environmental Protection (Department) for plan approval to construct two spray paint booths (Source ID P101) equipped with fabric filters to control PM emissions and a drying oven at their facility in Berwick Borough, **Columbia County**.

The Department's review of the information submitted by Patriot Metal Products, Inc. indicates that the two spray paint booths will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13, and the visible emission limitation of 25 Pa. Code § 123.41. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of Source ID P101. Additionally, if the Department determines that the spray paint booths are operating in compliance with all plan approval conditions, the condi-

tions established in the plan approval will be incorporated into a State Only operating permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450.

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

1. The paint spray booths (Source ID P101) shall be equipped with spray booth filters (ID C101) and the resultant PM concentration in the exhausts shall not exceed 0.01 grain per dry standard cubic foot.

2. The paint spray booths shall be equipped with instrumentation to monitor pressure drop across the filters on a continuous basis and shall monitor the pressure drop across the collectors on a continuous basis.

3. The permittee shall maintain an adequate supply of spare paint booth filters in order to change any filter in need of replacement for any reason.

4. The total combined emissions of VOCs and volatile HAPs from the paint spray booths shall not exceed 17.64 tons and 0.08 ton, respectively, in any 12-consecutive month period.

5. The total combined emissions of acetone resulting from the cleanup of the two paint spray booths and spray guns shall not exceed 0.23 ton in any 12-consecutive month period.

6. The permittee shall only use Buff 2k Epoxy Polyester Primer and Nanocoat (Chemcoat) 26-065-WB Flat Black coatings in the two spray paint booths. The VOC content of the as applied coatings shall not exceed 0.326 and 1.15 pounds VOC per gallon of coating solids respectively.

7. The permittee shall not use more than 10,000 gallons of Buff 2k Epoxy Polyester Primer and 3,000 gallons of Nanocoat (Chemcoat) 26-065-WB Flat Black in any 12-consecutive month period.

8. Acetone shall be the only cleaning solvents used in the spray paint booths and spray guns approved herein, unless prior authorization has been obtained from the Department to use an alternate solvent considered by the Department to be equivalent to acetone. The total combined amount of acetone and any alternate solvent determined by the Department to be equivalent to acetone shall not exceed 150 gallons in any 12-consecutive month period.

9. All coatings shall be applied by high volume, low pressure spray technology. The pressure at the cap of the gun shall not exceed 10 psi.

10. All coatings, additives and cleaning solvents shall be kept in closed containers when not in actual use.

11. Spray equipment, lines, and the like, shall be cleaned either by flushing/spraying a solid liquid stream into an appropriate recovery receptacle or by soaking equipment in closed containers. Under no circumstances shall solvent be atomized while flushing/spraying. The use of solvent-laden rags to wipe down equipment is acceptable as long as the rags are stored in closed containers after use, until properly disposed of. Under no circumstances shall waste solvent or other materials or solvent-laden rags be treated in a manner that would intentionally promote the evaporative loss of solvent.

12. The permittee shall maintain accurate and comprehensive records of all VOC-containing and/or volatile HAP-containing coatings, and cleaning solvents used in,

or associated with the use of, the paint booths approved herein. The respective records shall include the following:

a. The identity of each material used.

b. An up-to-date Certified Product Data Sheet for each material used.

c. The amount in gallons or pounds of each material used each month.

d. The density of each material as applied in pounds per gallon.

e. The VOC content of each material as-applied (% by weight).

f. The volatile HAP content of each material as-applied (% by weight).

g. The amount of VOCs and the amount of volatile HAPs emitted during each month from the use of each individual material.

h. The rolling 12 month VOC and HAP emissions updated on a monthly basis.

Records generated under this condition shall be retained onsite for a period of at least 5 years from the date of generation and shall be provided to the Department upon request.

13. The permittee shall submit quarterly records to the Department of the following:

a. The identity and amount of each coating used each month and the corresponding 12-consecutive month total.

b. The VOC and HAP emissions each month and the corresponding 12-consecutive month total.

c. The amount acetone used each month and the corresponding 12-consecutive month total.

14. The permittee shall submit a State-only operating permit application within 120 days of start-up of the spray paint booths.

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

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

43-196B: General Electric Transportation—Grove City (1503 West Main Street Extension, Grove City, PA 16127) for modification of plan approval 43-302-015 for the continuous use of the 800 hp boiler (formerly the emergency boiler) rather than only being able to operate when the 400 hp boiler is out of service in Grove City Borough, **Mercer County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval

terms and conditions) and will demonstrate Best Available Technology for the source:

- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.
- The source shall comply with 25 Pa. Code §§ 123.11 and 123.22 for particulate and sulfur emissions.
- The source shall only burn natural gas.
- Operate and maintain the source in accordance with the manufacturer specifications and in accordance with good air pollution control practices.
- The source shall comply with 25 Pa. Code §§ 129.93(b)(2)—(5) for RACT compliance.

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

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

09-00133: Webcraft, LLC (181 Rittenhouse Circle, Bristol, PA 19007) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit for operation of a four heatset web offset lithographic presses and two coldset web offset lithographic presses that have the aggregate potential to emit major levels of VOC before taking limitations in Bristol Township, **Bucks County**. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

This State-only, Synthetic Minor Operating Permit will incorporate conditions from the previously issued Plan Approval, PA-09-0133 (four lithographic presses).

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

67-05003: Mastercraft Specialties, Inc. (800 Maple Street, Red Lion, PA 17356) for operation of a furniture manufacturing facility in Red Lion Borough, **York County**. The facility has the potential to emit 25 tons VOC per year. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit.

67-05013: York City Sewer Authority (1701 Blackbridge Road, York, PA 17402) for operation of its wastewater treatment facility in Manchester Township, **York County**. The facility has the following potential annual emissions: 99 tons NO_x; 30 tons CO; and 5 tons VOC. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the state only operating permit.

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

55-00022: Schreck's Painting (P. O. Box 6, Mt. Pleasant Mills, PA 17853) for operation of a modular/mobile home wooden parts surface coating facility in Perry Township, **Snyder County**.

The facility incorporates a surface coating operation and a 145,000 Btu per hour No. 2 fuel oil-fired furnace and associated oil storage tank. The facility is not expected to emit more than 5.6 tons of VOCs, 1.0 ton of volatile HAPs, .86 ton of acetone, .33 ton of SO₂, .082 ton of NO_x, .023 ton of CO and .0018 ton of PM including PM₁₀ or less per year.

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

The Department of Environmental Protection (Department) 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 55-318-010, issued on June 29, 2004, and amended on March 29, 2005. These previously-existing conditions include:

- The VOC content of any topcoat or enamel applied in the surface coating operation shall not exceed 2.29 pounds per pound of coating solids. The VOC content of any sealer applied shall not exceed .98 pound per pound of coating solids. The VOC content of any stain applied shall not exceed 6.55 pounds per pound of coating solids.

- No more than 292 gallons of stain shall be used in any 12-consecutive month period.

- All coatings are to be used as they are received from the coating vendor. No thinner, reducer or other additive is to be mixed with any coating on-site.

- Only acetone shall be used for cleanup activities associated with the surface coating operation and the usage of acetone shall not exceed 260 gallons in any 12-consecutive month period.

- The total combined VOC emissions from the surface coating operation shall not exceed 5.6 tons in any 12-consecutive month period and the total combined HAP emissions shall not exceed 1.0 ton in any 12-consecutive month period.

- Coatings shall be applied by brush or wiping cloth or by air assisted airless spray technology (or an application technique determined by the Department to have an equivalent transfer efficiency).

- Coating occurring at this site shall take place in a spray booth exhausted to atmosphere through spray booth filters except that coating may be applied by brush or wiping cloth outside of the spray booth. Spare spray booth filters shall be kept onsite.

- At no time shall there be any visible air contaminant emissions from the exhaust of the spray booth.

- Containers of coating materials and cleaning solvents shall be closed except when in actual use. 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 in a closed container of solvent. Used cleaning rags or cloths shall be kept in closed containers when not in actual use.

- Records shall be maintained of the identity and amount of each coating material used each month as well as the identity and amount of each material used for cleanup purposes each month. Additionally, records shall be maintained of the VOC content, volatile HAP content and acetone content of each coating material and cleanup material. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

43-00196: GE Transportation Systems—Grove City Plant (1503 West Main Street Extension, Grove City, PA 16127) for revision of Reasonably Available Control Technology (RACT) plans in Grove City, **Mercer County**.

The Department of Environmental Protection (Department) will conduct a public hearing on Wednesday January 25, 2006, at 1 p.m. to 3 p.m. in the Air Quality Conference Room, Meadville Regional Office, 230 Chestnut Street, Meadville, PA.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, the revised RACT plans by the following facility:

The hearing is being held to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of NO_x and VOC from various air contamination sources. The final RACT proposal will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan (SIP).

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into a Plan Approval and/or Operating Permit for the facility and will be submitted to the EPA as a revision to Pennsylvania's SIP.

The following is a summary of the preliminary NO_x and VOC determination for the listed facility:

<i>Source</i>	<i>Control</i>
Emergency Boiler (800 hp) (revised presumptive RACT emission limitation)	None
Test Cells (increase in fuel consumption limit without an increase in NO _x emissions)	None

For the facility, a public hearing will be held for the purpose of receiving comments on the proposed Operating Permit and the proposed SIP revisions. The public hearing is scheduled at 1 p.m. to 3 p.m., Wednesday, January 25, 2006, Department of Environmental Protection, Meadville Regional Office Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to present testimony at the hearing should contact H. Thomas Flaherty, New Source Review, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact H. Thomas Flaherty (814) 332-6940, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to H. Thomas Flaherty, New Source Review, Department of Environ-

mental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments must be submitted within 30 days of the date of this publication notice.

Pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the Department contact person noted previously.

10-00273: Superior Adsorbents Inc. (3539 Oneida Valley Road, Emlenton, PA 16373) Natural Minor operating permit for the crushing and screening of activated carbon and the manufacturing of alumina. This facility is located near the Borough of Emlenton, **Butler County**.

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

N05-010: Graphic Arts, Inc. (4100 Chestnut Street, Philadelphia, PA 19104) for operation of a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one boiler and four nonheatset sheet-fed lithographic printing presses.

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

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

V04-009: University of Pennsylvania (3451 Walnut Street, Philadelphia, PA 19104) for operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources nine <10mmBtu/hr heaters and furnaces, 65 emergency generators and one peak shaving generator.

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

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

S05-009: Philadelphia Phillies (One Citizens Bank Park Way, Philadelphia, PA 19148) for operation of Citizens Bank Park baseball stadium in the City of Philadel-

phia, **Philadelphia County**. The facility's air emission sources include three 191 HP boilers, an 1,818 BHP generator and a 2,889 BHP generator.

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

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

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.

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

03900112 and NPDES Permit No. PA0003191. Canterbury Coal Company (R. D. 1, Box 119, Avonmore, PA 15618). Renewal application for reclamation only of a bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 81.2 acres. Receiving

stream: UNT to Long Run, classified for the following use: WWF. The first potable water supply intake within 10 miles downstream from the point of discharge: Avonmore Borough Water Authority. Renewal application received: November 9, 2005.

03050105 and NPDES Permit No. PA0250821. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation to a bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 288 acres. Receiving streams: UNT to Mahoning Creek and Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 21, 2005.

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

10960301 and NPDES Permit No. PA0227196. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Revision to an existing limestone operation in Marion Township, **Butler County** affecting 126.0 acres. Receiving streams: two UNTs to Blacks Creek;

Blacks Creek; one UNT to Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 9.3 acres to the permit area. Application received: November 23, 2005.

Noncoal Applications Returned

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (812) 342-8200.

53040803. Donald R. Reed (392 Ridge Road, Genesee, PA 16923), commencement, operation and restoration of a bank mining operation in Genesee Township, Potter County affecting 5 acres, receiving stream: not applicable—tributary to West Branch Genesee. Application received: September 28, 2004. Application returned: November 22, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

3378NC17 and NPDES Permit No. PA0592579. Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES Permit renewal to a noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 73.57 acres. Receiving streams: UNT to Connell Run and Connell 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: November 30, 2005.

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

28970802. King Excavating (3483 St. Thomas, PA 17252), Stage I and II bond release for a quarry operation in St. Thomas Township, **Franklin County** affecting 5.0 acres on property owned by Melvin J. Rock. Application received November 28, 2005.

58010816. R & M Stone (R. R. 5 Box 206N, Montrose, PA 18801) Stage I and II bond release for a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre on property owned by Hare Ridge Sportsmen Club. Application received November 28, 2005.

NOTICE OF PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act, 27 Pa.C.S. §§ 8001—8114, provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated above each proposal.

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

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

EGS24002. Fox Township (P. O. Box 184, 116 Irishtown Road, Kersey, PA 15846). A project to provide passive treatment for two preexisting acid mine discharges in conjunction with the development of Phase II

of the Foxhead Industrial Park in Fox Township, **Elk County**. Receiving streams: Beaver Creek, classified for the following use: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Project proposal received: November 22, 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

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

E40-655. CANDO, Inc., One South Church Street, 200 Renaissance Center, Hazleton, PA 18201, in Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in approximately 1.42 acres of PEM wetlands within the drainage basin of Stoney Creek (CWF) for the purpose of preparing a 30 street-acre former mineland site for a future cold storage warehouse facility. The project is located on the north side of SR

0924, approximately 1.6 miles west of SR 0081 (Conyngam, PA Quadrangle N: 11.0 inches; W: 7.5 inches).

E54-324. Charles W. and Sharon A. Hartman, 215 First Street, Port Carbon, PA 17965 in Port Carbon Borough, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an open carport consisting of a 20' by 20' concrete pad and post supports in the floodway of Mill Creek (CWF). The project is located on the south side of Pottsville Street, just west of Mill Creek (Pottsville, PA Quadrangle N: 12.8 inches; W: 6.4 inches)

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

E21-372: Members First Federal Credit Union, 5000 Louise Drive, P. O. Box 40, Mechanicsburg, PA 17055 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District.

To place approximately 280 linear feet of fill material along the left bank of Bird Run (CWF), and to construct and maintain two stormwater outfall structures for the purpose of providing additional parking and driveway facilities for a proposed Credit Union located at a point (Latitude: 40° 03' 35", Longitude: 77° 29' 49") approximately 140 feet downstream of Conestoga Drive (T-349) in Shippensburg Township, Cumberland County.

E21-352: George W. and Linda M. Ely. To construct and maintain a 840 square foot garage/utility building adjacent to an existing private residence at 11 Brenely Lane along Mountain Creek (TSF), approximately 210 feet downstream of the Pine Street Bridge (Mt. Holly Springs, PA Quadrangle N: 20.92 inches; W: 8.85 inches) in the Borough of Mt. Holly Springs, **Cumberland County**.

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

E41-555. Mark and Valerie Dunkle, 538 Raven Circle, Wyoming, DE 19934. Small Projects Water Obstruction and Encroachment Joint Permit, in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 9.75 inches; W: 7.95 inches).

To construct and maintain a concrete pad measuring 12 ft. wide by 33 ft. long within the floodway of the Little Pine Creek as well as 25 linear feet of riprap along the streambank of Little Pine Creek, located 1.6 miles southwest of the intersection of SR 0287 and SR 4001 along SR 4001 in Pine Township, Lycoming County. This project does not propose to impact any wetlands.

E59-473. Samuel Sorenson, R. R. 1, Box 1170, Osceola, PA 16942. Water Obstruction and Encroachment Joint Permit Application, in Osceola Township, **Tioga County**, ACOE Susquehanna River Basin District (Knoxville, PA Quadrangle N: 20.6 inches; W: 0.1 inch).

To construct and maintain a 12-foot wide by 12-foot long (clear span) steel beam, wood deck bridge with concrete abutments over Redhouse Run, 0.5 mi. southwest of the intersection of SR 4017 and Red House Hollow Road along Red House Hollow Road. This project proposes to permanently impact 20 linear feet of Redhouse Run, which is, designated a WWF stream and does not propose to impact any jurisdictional wetlands.

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

E03-435. Russell L. Cersosimo, The Cersosimo Family Limited Partnership, LP, 650 Ridge Road, Pittsburgh, PA 15205. To maintain a stone lined channel in Washington Township, **Armstrong County**, Pittsburgh ACOE District. (East Brady, PA Quadrangle N: 8.17 inches; W: 16.58 inches and Latitude: 40° 55' 12"—Longitude: 79° 29' 42"). The applicant proposes to operate and maintain an on-stream 17-foot by 56-foot concrete basin, an approximately 65-foot long reach of grouted stone-lined channel with an incorporated pond outfall structure, and approximately 155 linear feet of riprap lined channel in a UNT to the Allegheny River. Also, to operate and maintain an approximately 0.11-acre pond in the floodway of said stream.

E03-437. Department of Transportation, District 10-0, 2550 Oakland Avenue, Indiana, PA 15701. To construct a culvert, stream relocation and wetland impact in Rayburn Township, **Armstrong County**, Pittsburgh ACOE District. The applicant proposes to: 1) construct and maintain a replacement and relocation of an existing 68 LF, 8 foot wide by 3.5 foot clearance concrete bridge to a 120 LF long 106 inch elliptical culvert depressed 6 inches with a drainage area of approximately 0.53 square mile, and relocate 180 LF of the adjacent stream (Mosgrove, PA Quadrangle N: 13.2 inches and W: 15.4 inches and Latitude: 40° 49' 32"—Longitude: 79° 29' 16"); 2) Construct and maintain an approximately 30 LF long extension to an existing 48 inch diameter culvert with a drainage area of less than 100 acres and relocate 320 LF of adjacent stream (Mosgrove, PA Quadrangle N: 15.4 inches W: 13.4 inches and Latitude: 40° 50' 0"—Longitude: 79° 28' 20"); 3) To fill and maintain 0.04 acre of PEM wetlands (Mosgrove, PA Quadrangle N: 13.5 inches; W: 15.2 inches and Latitude: 40° 49' 28"—Longitude: 79° 28' 58"). This project is associated with the widening of a section of SR 0028 from the intersection with Cowanshannock Creek and extending north approximately 2 miles. The road parallels and intersects at the above culvert locations a UNT to Cowanshannock Creek (WWF). Total project impacts are fill of 0.04 acre of PEM wetland, approximately 500 LF of stream relocation, and approximately 110 LF of culvert addition.

E65-885. Hempfield Industries, Ltd., 3100 Grand Avenue, Pittsburgh, PA 15225. To construct a stream enclosure in Southwest Greensburg Borough, **Westmoreland County**, Pittsburgh ACOE District. (Greensburg, PA Quadrangle N: 6.5 inches; W: 6.5 inches and Latitude: 40° 17' 11.23" and Longitude: 79° 32' 47.97"). The applicant proposes to construct and maintain a 97.3-foot long stream enclosure by covering the existing rectangular

channel of Jacks Run (WWF) having an opening of 24 feet wide by 10.6 feet high with a concrete slab for the purpose of developing a shopping center. The project is located between two stream enclosures creating a total of 318 linear feet of stream enclosure, along SR 119 at SR 30 bypass exit.

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

E43-326. Cumulus Media, Inc., 3535 Piedmont Road, Atlanta, GA 30305-4601. 790 WPIC Tower/Transmitter Replacement, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41', 13', 11"; W: 80°, 28' 23").

To permanently fill a de minimis area (0.013 acre) and temporarily impact 0.35 acre of wetland (PEM) for construction of a replacement radio transmission tower at 2320 Pine Hollow Boulevard, Hermitage, PA 16148 approximately 1.25 mile southwest of the intersection of SR 418 (Mercer Avenue) and SR 18.

ENVIRONMENTAL ASSESSMENTS

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

EA06-602: Washington Township, Box 52, Barto Road, Barto, PA 19504 in Washington Township, **Berks County**, ACOE Philadelphia District

To restore the left floodway of a UNT to Swamp Creek (CWF) by filling an off-stream, drained pond having an approximate diameter of 80 feet and an average depth of 8 feet and by removing the existing intake and outfall structures at a site (Latitude: 40° 23' 22.6"; Longitude: 75° 36' 37.4") along Barto Road approximately 2,800 feet northwest of SR 100 in Washington Township, Berks County.

DAM SAFETY

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

D09-137A. Aqua Pennsylvania, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

To modify, operate and maintain Ironworks Dam across Ironworks Creek (WWF), for the purpose of expanding the auxiliary spillway width by 98 feet and raising the top of dam elevation by 2 feet to safely pass the Probable Maximum Flood (PMF). (Langhorne, PA Quadrangle N: 9.5 inches; W: 16.7 inches) in Northampton Township, **Bucks County**.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP

<i>Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
05019	Troy Miller Luther P. Miller, Inc. 641 South Edgewood Avenue Somerset, PA 15501	Westmoreland	Ligonier Township	Four AST's storing regulated substances	40,000 gallons total

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0061433 Sewage	Bunker Hill Sewer Company P. O. Box 102 Factoryville, PA 18419	Wyoming County Clinton Township	UNT to South Branch Tunkhannock Creek (4F)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0062383	3 Springs Water Company 1800 Pine Run Road Laurel Run, PA 18702	Laurel Run Borough Luzerne County	UNT to Pine Creek (5B)	Y
PA-0033863	Camp-A-While, Inc. 1921 East Main Street Hegins, PA 17938-9143	Hegins Township Schuylkill County	Pine Creek (6C)	Y
PA-0046353	Waymart Area Authority P. O. Box 3300 Waymart, PA 18472-0224	Waymart Borough Wayne County	Van Auken Creek HQ-CWF 1B	Y
PA-0060569	Camelback Ski Corporation P. O. Box 168 Tannersville, PA 18373	Pocono Township Monroe County	Pocono Creek (HQ-CWF) 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029831 SN	Sullivan County School District P. O. Box 346 Dushore, PA 18614	Sullivan County Laporte Borough	UNT of Mill Creek 10B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102385 Amendment No. 1	Iron Bridge Inn/Rachael's Roadhouse 1553 Perry Highway Mercer, PA 16137	Springfield Township Mercer County	Neshannock Creek UNT to Neshannock Creek 20-A	Y
PA0221007	Volant Borough P. O. Box 96 Volant, PA 16156	Volant Borough Lawrence County	Neshannock Creek 20-A	Y
PA0223042	Farmington Township P. O. Box 148 Leeper, PA 16233	Farmington Township Clarion County	Licking Creek 17-B	Y
PA0033821	University of Pittsburgh Pymatuning Laboratory of Ecology 3400 Forbes Avenue Pittsburgh, PA 15260	North Shenango Township Crawford County	Pymatuning Reservoir 20-A	Y
PA0101621	Bradford City Water Authority 28 Kennedy Street Bradford, PA 16701	Bradford Township McKean County	West Branch Tunulngwant Creek 16-C	Y

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

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

NPDES Permit No. PA-0023736, Sewage, **Tri-Boro Municipal Authority**, 282 Erie Boulevard, Susquehanna, PA 18847-1641. This proposed facility is located in Susquehanna Depot, **Susquehanna County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
<i>CBOD₅</i>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform (5/1 to 9/30) (10/1 to 4/30)	200/100 ml as a geometric mean 2000/100 ml as a geometric mean		
pH			
Total Residual Chlorine	1.0		2.0

The receiving stream, North Branch Susquehanna River, is in the State Watershed Plan 04E and is classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.5 mgd:

The following effluent limit for Outfall 001 in accordance with the Chesapeake Bay Strategy and on projected 2010 flows of 0.45 mgd:

Ammonia-N	Monitor/Report	
Kjeldahl-N	Monitor/Report	
Nitrite-N	Monitor/Report	
Nitrite-N	Monitor/Report	
Total Nitrogen	Monitor/Report	PID + 36 Months
Total Phosphorus	Monitor/Report	PID + 36 Months
Total Nitrogen	10,959 lbs/year	PID + 36 Months through Expiration
Total Phosphorus	1,370 lbs/year	PID + 36 Months through Expiration

The permittee must submit a schedule of compliance with the Chesapeake Bay Strategy requirements within 180 days after permit issuance. They may be met in part of full by obtaining offsets or credits approved by the Department.

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

NPDES Permit No. PA0239623, Sewerage, **Linda Starr, Starr Subdivision**, 400 Isle Road, Butler, PA 16001. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a UNT to Bull Creek in Watershed 18-A.

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

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

WQM Permit No. WQG010007, Sewerage, **Michael and Cindy Trynieszewski**, 131 Shea Lane, Glenmoore, PA 19343. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Construction and operation of a small flow treatment facility.

WQM Permit No. 1505415, Sewerage, **Westtown Township**, 1039 Wilmington Pike, West Chester, PA 19382. This proposed facility is located in Westtown Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station to serve 22 lots of a 36 lot residential subdivision.

WQM Permit No. WQG02090508, Sewerage, **Falls Township Water and Sewer Department**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Action/Activity: In kind replacement of sanitary sewer main.

WQM Permit No. WQG02090507, Sewerage, **Newtown Bucks County Joint Municipal Authority**, 15 South Congress Street, P. O. Box 329, Newtown, PA 18940. This proposed facility is located in Newtown Township, **Bucks County**.

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

WQM Permit No. 4605420, Sewerage, **Upper Providence Township**, 1286 Black Rock Road, Oaks, PA 19456. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Replacing of an 8-inch sewer main with a 12-inch sewer main.

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

WQM Permit No. WQG01210503, Sewerage, **Hurley/Morrison**, 50 Frytown Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment facility to serve three-lot subdivision, placing small flow sewage treatment facility on Lot 2 and building fill sites for future use on remaining two lots.

WQM Permit No. 6703402, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of Fox Farm Interceptor Wastewater Treatment Influent Pump Station Upgrade.

WQM Permit No. 0105404, Sewerage, **Terry Weyant**, 758 Country Club Trail, Fairfield, PA 17320-8560. This proposed facility is located in Carroll Township, **Adams County**.

Description of Proposed Action/Activity: Operation of aerobic tank/wetland onsite sewage treatment facility to serve their single family residence.

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

WQM Permit No. WQG018424, Sewerage, **Scott Godmaire**, 14447 North Main Street, Waterford, PA 16441. This proposed facility is located in Washington Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505065	G & D Developers G & S Developers Subdivision 961 Wooten Road Bryn Mawr, PA 19010	Chester	East Goshen Township	Ridley Creek (HQ-TSF)
PAS10G410RA1	Pulte Homes of Pennsylvania, LLC Applebrook Subdivision 1100 Northbrook Drive Suite 200 Trevose, PA 19053	Chester	East Goshen Township	Ridley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U137R	Techo—Bloc 852 Pennsylvania Ave. Pen Argyl, PA 18072	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF
PAI025204004	Nemanie Village, Inc. P. O. Box 77 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek HQ-CWF Lake Wallenpaupack HQ-CWF
PAI026404001	Dr. James R. Fruehan R. R. 1, Box 345 Moscow, PA 18444-9801	Wayne	Salem Township	UNT to West Branch Wallenpaupack Creek HQ-CWF
PAI021304006	Pencor Services, Inc. P. O. Box 134 Palmerton, PA 18071	Carbon	Penn Forest Township	Long Run CWF Berry Run EV
PAI023905015	Jaindl-Johnson, LP 1390 Ridgeview Drive Allentown, PA 18104	Lehigh	Macungie Borough	Little Lehigh Creek HQ-CWF
PAI023903021(1)	Liberty Property Trust 1510 Valley Center Parkway Suite 240 Bethlehem, PA 18017	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036705002	PA-Max 158 Industrial Road Glen Rock, PA 17327	York	Springfield Township	UNT Seaks Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044905003	Steven Patton Patton Family Partnership 60 Belford Blvd. Milton, PA 17847	Northumberland	Milton Borough	Montandon Marsh and W. Br Susquehanna River WWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
London Grove Township Chester County	PAG2001504098	Hopewell Organics, LLC 352 Chatham Road West Grove, PA 19390	UNT East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Elverson Borough Chester County	PAG2001505094	Quaker Homes Quaker Jacobs Site 2001 Swinging Bridge Road Green Lane, PA 18054	East Branch Conestoga River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Birmingham Township Chester County	PAG2001505084	Stephanie Celii 521 Webb Road Chadds Ford, PA 19317	Briton Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Coatesville Chester County	PAG2001505079	TMG Homes Miller Hill Development 600 North Limestone Road Parkesburg, PA 19365	West Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New London Township Chester County	PAG2001505069	BK Campbell, Inc. McDowell/Cornerstone Dev. 402 Bayard Road Suite 100 Kennett Square, PA 19348	West Branch White Clay Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nether Providence Township Delaware County	PAG2002305036	Senior Living NP, LLC 2534 Chemsford Drive Crofton, MD 21114	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Concord, Bethel, Upper and Lower Chester Townships Delaware County	PAG2002305059	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Naaman's Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004605110	Ira Saligman The Saligman Tract 200 Chamounix Road Suite 103 Wayne, PA 19087	UNT West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004605138	Randall Handley Handley Tract 127 Crescent Drive Chalfont, PA 18914	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004605023	Gambone Development Company Parkside Meadows Development 1030 West Germantown Pike Fairview Village, PA 19403	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004604230	Gambone Development Company Pruss Hill Road Development 1030 West Germantown Pike Fairview Village, PA 19403	Sanatoga Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG2004605119	Chestmont Storage, Inc. 2038 Skiles Boulevard West Chester, PA 19382	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004605076	Upper Providence Township Arcola Road Extension 1286 Black Road Oaks, PA 19456	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsburg Borough Montgomery County	PAG2004605008	Baldrige Development Rite Aid Development 11825 Manchester Road St. Louis, MO 63131	Macoby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lansdale Borough Montgomery County	PAG2004605154	Torypete Management, Inc. The Pavilion Development 730 East Elm Street Conshohocken, PA 19428	UNT Schuylkill River and Skippack Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105038	Chestnut Hill Academy CHA-Dining Commons/Woodard Gymnasium 500 Willow Grove Avenue Philadelphia, PA 19118-4126	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG2015105039	Toner Development Corporation Blue Grass Road Development 915 Standish Avenue Huntingdon Valley, PA 19006	Wooden Bridge Run/Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Archbald Borough Lackawanna County	PAG2003505025	David Stafursky 502 Main St. Archbald, PA 18403	Wildcat Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
East Allen Township Northampton County	PAG2004805023	Spectrum Land Acquisitions, Inc. 3312 Seventh St. Whitehall, PA 18052	Catasauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Lehigh Township Northampton County	PAG2004805044	Mark Wagner Wagner Enterprises, Inc. P. O. Box 3154 Easton, PA 18043-3154	Hokendauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Kingston and Dallas Townships Luzerne County	PAG2004005038	SADG-2 Mark J. Paradise 100 Colliery Rd. Dickson City, PA 18519-1657	Susquehanna River WWF	Luzerne Co. Cons. Dist. (570) 674-7991
Taylor Township Blair County	PAG2000705015	Renaissance Nutrition, Inc. 481 Frederick Road Roaring Spring, PA 16673	UNT Plum Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext 5
Antis Township Blair County	PAG2000705016	Shlomo Dotan P. O. Box 1780 Altoona, PA 16603	UNT Little Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext 5
Catherine Township Blair County	PAG2000705017	Frederick L. England R. R. 1, Box 152 Williamsburg, PA 16693	UNT Frankstown Branch of Juniata River WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext 5
Swatara Township Lebanon County	PAG2003805039	Ronald L. Taggart 103 Taggart Drive Coatsville, PA 19320	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
Millcreek Township Lebanon County	PAR10P0861R	Peter B. Shirk 371 Cocalico Road Denver, PA 17517	Mill Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Jackson Township Lebanon County	PAG2003805038	Clyde E. Deck 351 South Ramona Road Lebanon, PA 17042	Tulpehocken Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
North Londonderry Township Lebanon County	PAG2003805035	Craig Cope Palmyra Area School District 1125 Park Drive Palmyra, PA 17078	Spring Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
North Londonderry Township Lebanon County	PAG2003804039	Dennis Hess 575 Trail Road Hummelstown, PA 17036	Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
Palmyra Borough Lebanon County	PAG2003805040	Harold Weaver 47 Palmyra-Bellgrove Road Annville, PA 17003	Killinger Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
East Hanover and Union Townships Lebanon County	PAG2003805030	Thomas Donmoyer East Hanover Township 1117 Schoolhouse Road Annville, PA 17003-8526	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
Swatara Township Lebanon County	PAG2003805036	Harold V. Kreider 136 Monroe Valley Drive Jonestown, PA 17038	Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
East Hanover Township Lebanon County	PAG2003805041	Col. Kenneth E. Boltz PFO-RM-PEVE/FTIG- Contracting Officer Annville, PA 17003-5003	Vesle Run/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4
South Lebanon Township Lebanon County	PAG2003805037	Anthony Fitzgibbons 279 N. Zinns Mill Road Lebanon, PA 17042	Quittapahilla Cr/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext 4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Peters Township Franklin County	PAG2002805068	C. Monroe and Liza Main Borough View 12774 Buchanan Trail West Mercersburg, PA 17236	UNT to Johnston Run WWF/MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Montgomery Township Franklin County	PAG2002805061	Jeff Piper Winter Greens 13520 Chad's Terrace Hagerstown, MD 21740	Little Conococheague Cr. WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Montgomery Township Franklin County	PAG2002805064	Marlin Eby Eby Subdivision 13811 Sunrise Drive Hagerstown, MD 21740	Conococheague Cr. WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Hamilton Township Franklin County	PAG2002805072	Thomas Mongold Westfields 418 Epic Drive Chambersburg, PA 17201	UNT to Back Cr. TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Springettsbury Township York County	PAG2006704057	Gary Wesner 3820 Ridgewood Road York, PA 17402	UNT to Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township York County	PAG2006705078	Morgan Estates Grant Colledge AT Masterpiece Homes LLC P. O. Box 129 Freeland, MD 21053	Codorus Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006705091	Center Point Land Development North Sherman Properties 6259 Reynolds Mill Road Seven Valleys, PA 17360	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006705107	Shops at Old York Old York Developers, LLC Developers Realty Corp 433 S. Main Street Suite 310 West Hartford, CT 06110	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bradford County Troy Township Troy Borough	PAG2000805011	Robert Grantier Troy Area School Dist. 310 Elmira St. Troy, PA 16947	Sugar Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Lycoming County Nippenose Township	PAG2004105017	Nippenose Township Box 201 200 Second St. Antes Fort, PA 17720	W. Br. Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd. Montoursville, PA 17754 (570) 433-3003
Allegheny County South Fayette Township	PAG20003030031	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Millers Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Shaler Township	PAG20002040281	Walgreens Company 106 Wilmont Road Deerfield, IL 60015	Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG20002040301	Franklin Park Borough 2344 West Ingomar Road Pittsburgh, PA 15237-1619	Bear Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000205092	Win-Upper St. Clair, LP 115 Federal Street Pittsburgh, PA 15212	McLaughlin Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Pine, Marshall, Richland and Hampton Townships	PAG2000205105	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Brush Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000205109	PACEC, LLC 333 Baldwin Road Pittsburgh, PA 15205	Campbells Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000205110	Findlay Township P. O. Box W Clinton, PA 15026	Bigger Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205112	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000205115	Highpointe Two 1653 McFarland Road Pittsburgh, PA 15216	Georges Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000205117	Pittsburgh & Allegheny County Sports & Exhibition Authority 425 Sixth Avenue Pittsburgh, PA 15219	Allegheny & Ohio Rivers (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205118	Nicols Veltri 1204 Martin Avenue New Kensington, PA 15068	Plum Creek (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Richland Township	PAG2001105018	Johnstown-Cambria County Authority 479 Airport Road Johnstown, PA 15904 and United States Army Reserves 99th Regional Readiness Command 99 Soldiers Lane Coraopolis, PA 15108	Solomon Run (WWF)	Cambria County CD (814) 472-2120
Cambria County Adams Township	PAG2001105021	Forest Hills School District 547 Locust Street Sidman, PA 15955	South Fork Little Conemaugh River (CWF)	Cambria County CD (814) 472-2120
Fayette County Bullskin Township	PAG2002605025	Bill McCandles P. O. Box 667 Connellsville, PA 15425	Irish Run (WWF)	Fayette County CD (724) 438-4497
Butler County Cranberry Township	PAG2001005032	Commercial Development TSC/Cranberry, LLC 250 Grandview Drive Fort Mitchell, KY 41017	Brush Creek WWF	Butler Conservation District (724) 284-5270
Erie County Wayne Township	PAR10K165(R)	Corry Industrial Development Corp. 1524 Enterprise Road Corry, PA 16407	UNT Hare Creek CWF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAR10K170(R)	Dennis F. Pistone 3626 Belaire Drive Erie, PA 16506	Municipal Separate Storm Sewer	Erie Conservation District (814) 825-6403
Erie County McKean Township	PAG2002505036	Danylko Excavating 10330 Odborn Road McKean, PA 16428	UNT Elk Creek CWF; MF	Erie Conservation District (814) 825-6403
Erie County Fairview Township	PAG2002505037	Connex, Inc. 1304 Industrial Drive Erie, PA 16505	Brandy Run, Tributary Elk Creek, Township Detention Pond CWF; MF	Erie Conservation District (814) 825-6403
Erie County City of Erie	PAG2002505038	Hamot Health Foundation 201 State Street Erie, PA 16550	Municipal separate Storm Sewer	Erie Conservation District (814) 825-6403
Lawrence County Wayne Township	PAG2003705008	Oak Ridge Villas Subdivision Peach Street Ellwood City, PA Frank Pascoe F & S Properties, LLC 2530 New Butler Road New Castle, PA 16101	Duck Run Connoquenessing Creek WWF	Lawrence Conservation District (724) 652-4512
Elk County Benezette Township	PAG2092405007	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Porcupine Run and Bennett Branch Sinnemahoning Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Butler County Winfield Township	PAG2091005008	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Rough Run to Buffalo Creek TSF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Reading City	PAR143514	Sealed Air Corporation Reading Plant 450 Riverfront Road Reading, PA 19602	Schuylkill River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR203570	Amerimax Home Products, Inc. P. O. Box 4515 Lancaster, PA 17604	UNT of West Branch of Little Conestoga Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clarion Borough Clarion County	PAR218310	Owens Brockway Glass Container Inc. 151 Grand Avenue Clarion, PA 16214	Trout Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County Upper Frankford Township	PAG043736	Hurley/Morrison 50 Frytown Road Newville, PA 17241	UNT Conodoguinet Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Shenango Township Mercer County	PA0209929	Dennis Stefanak 69 Roman Road Pulaski, PA 16143	UNT to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG049213	Scott Godmaire 14447 North Main Street Waterford, PA 16441	UNT to Little Conneautee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048726	Gregory G. Kimmy 13305 Clute Road Waterford, PA 16441	UNT to Wheeler Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **Doylestown Township Municipal Authority**, 425 Wells Road, Doylestown, PA 18901, (PWS ID 1090128) Doylestown Borough, **Bucks County** issued December 1, 2005, for the operation of facilities approved under Construction Permit No. 0904511.

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

Operations Permit issued to **Shinn Spring Water Company**, 3066531, Cumru Township, **Berks County** on 11/16/2005 for the operation of facilities approved under Construction Permit No. 0605517 MA.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Township or Borough Rush Township
County **Centre**
Responsible Official Scott Thomas
Operations Engineer
Pennsylvania-American Water Company
800 West Hersheypark Drive
Hershey, PA 17033
Type of Facility Public Water Supply—Operation
Consulting Engineer N/A
Permit Issued Date 12/1/2005
Description of Action Operation of the rehabilitated Philipsburg Reservoir

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Austin Borough**
Township or Borough Austin Borough
County **Potter**
Responsible Official Mark Jeffers
Austin Borough
P. O. Box 297
Austin, PA 16720

Type of Facility Public Water Supply—Construction

Consulting Engineer James J. Rhoades, Jr., P. E.
Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, PA 17901

Permit Issued Date 12/2/2005

Description of Action Installation of a new water filtration plant, including coagulant, polymer and sodium hypochlorite chemical feed systems, duplicate US Filter Tri-Mite TM-75A treatment units, clearwell and related appurtenances. In addition, Cold Spring and Foster Street Spring will be rehabilitated.

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

Permit No. 3005501, Public Water Supply.

Applicant **Dunkard Valley Joint Municipal Authority**
P. O. Box 193
Greensboro, PA 15338

Borough or Township Monongahela Township
County **Greene**

Type of Facility 50,000 gallon raw water tank
Consulting Engineer Fayette Engineering Company, Inc.
2200 University Drive
P. O. Box 1030
Uniontown, PA 15401

Permit to Construct Issued November 29, 2005

Permit No. 5604502, Public Water Supply.
 Applicant **Somerset County General Authority**
 146 West Main Street
 Somerset, PA 15501

Borough or Township Jenner Township
 County **Somerset**

Type of Facility Water filtration plant, two water storage tanks, two finished water pump stations, transmission and distribution system and the establishment of a new public water supply.

Consulting Engineer Paul C. Rizzo and Associates
 101 West Main Street
 Somerset, PA 15501

Permit to Construct Issued December 6, 2005

Operations Permit—Cancelled: Pennsylvania Power Company, Bruce Mansfield Power Plant, P. O. Box 128, Shippingport, PA 15077, Shippingport Borough, **Beaver County** on November 29, 2005 for the operation of facilities approved under Operation Permit No. 0471502.

Operations Permit—Rescission: Borough of Conway, 1208 Third Avenue, Conway, PA 15027, Conway Borough, **Beaver County** on December 1, 2005 for the operation of facilities approved under Construction Permit No. 0499501.

Permit No. 0405503MA, Minor Amendment. Public Water Supply.

Applicant **New Sewickley Township Municipal Authority**
 233 Miller Road
 Rochester, PA 15074

Borough or Township New Sewickley Township
 County **Beaver**

Type of Facility Harvey Run Road Booster Station

Consulting Engineer Veolia Water North
 America-Central, LLC
 921 Saw Mill Run Boulevard
 Pittsburgh, PA 15220

Permit to Construct Issued December 1, 2005

Permit No. 0405501MA, Minor Amendment. Public Water Supply.

Applicant **Ambridge Water Authority**
 600 11th Street
 P. O. Box 257
 Ambridge, PA 15003

Borough or Township Economy Borough
 County **Beaver**

Type of Facility Interconnection with the Municipal Authority of the Borough of West View

Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051

Permit to Construct Issued December 1, 2005

Permit No. 0205504MA, Minor Amendment. Public Water Supply.

Applicant **Pennsylvania-American Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033

Borough or Township Glassport Borough
 County **Allegheny**

Type of Facility Glassport Tank rehabilitation and repainting

Permit to Construct Issued December 1, 2005

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

Permit No. 3705501, Public Water Supply

Applicant **Pennsylvania-American Water Company**

Borough or Township North Swickley Township
 County **Beaver**

Type of Facility Public Water Supply
 Wiley Hill Booster Pump Station

Permit to Construct Issued 12/02/2005

Operations Permit issued to **St. Marys Area Water Authority**, P. O. Box 33, St. Marys, PA 15857, PWS ID No. 6240016, St. Marys Borough, **Elk County**, on December 2, 2005, for the operation of the Rosely Road Tank, valve vault and associated appurtenances, as approved under Construction Permit No. 2470501-MA4.

WATER ALLOCATIONS

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

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

WA-53-554B, Water Allocations. Austin Borough Waterworks, Austin Borough, Potter County. This permit grants the right to withdraw a maximum of 95,000 gallons per day from Cold Spring, Bayliss Spring and Foster Street Spring in Austin Borough, **Potter County**.

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

WA56-1002, Water Allocations. Somerset County General Authority, c/o Barbera, Clapper, Beener, Rullo and Melvin, 146 West Main Street, Somerset, PA 15501, Somerset, **Somerset County**. The right to purchase 3 million gallons per day, as a 30-day average, from the Cambria Somerset Authority.

WA56-1003, Water Allocations. Cambria Somerset Authority, 244 Walnut Street, Johnstown, PA 15901, **Somerset County**. Modification Order to supply 3 million gallons per day of water to the Somerset County General Authority.

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>
Upper Mifflin Township	550 Middle Rd. Newville, PA 17241	Cumberland

Plan Description: The approved plan provides for a Small Flow Treatment Facility of 400 gpd to serve the proposed new Christine Zinn residence at 231 Whiskey Run Road. The proposed SFTF will discharge to an UNT of Whiskey Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Maxatawny	127 Quarry Rd. Suite 1 Kutztown, PA 19530	Berks
Weisenberg Township	2175 Seipstown Rd. Fogelsville, PA 18051-2022	Lehigh

Plan Description: The approved plan provides for a proposed 18-hole golf course with clubhouse and restaurant and 13 single family dwellings with total sewage flows of 7,000 gallon per day each to be served by a privately owned wastewater treatment plant with a nondischarge proposal of reuse of the wastewater effluent as irrigation on the golf course. This development is located at the intersection of Albright and Siegfriedale Roads in Maxatawny Township, Berks County and Weisenberg Township, Lehigh County. The DEP Code number is A3-06944-128-3. The Department of Environmental Protection's (Department) 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sharon City	155 West Connelly Boulevard Sharon, PA 16146	Mercer

Plan Description: The approved plan provides for the selection of a trickling filter/solids contact treatment concept to expand the Sharon—USVWPCA sewage treatment plant to 8.66 mgd average daily flow capacity and correct hydraulic and organic overload.

SEWAGE FACILITIES ACT SPECIAL NOTICE

Special Notice under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Project Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Philipsburg Borough	P. O. Box 631 Philipsburg, PA 16866	Centre

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Philipsburg Borough proposes to replace approximately 3,300 LF of 8-inch sanitary sewer line, 2,025 LF of 6-inch lateral and all associated man-holes and appurtenances in the Front Street portion of Philipsburg Borough. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals 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: Located at 550 Middle Creek Road, Freedom Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Freedom Township	2184 Pumping Station Road Fairfield, PA 17320	Adams

Plan Description: The planning module, entitled Middle Creek Estates, proposing three residential lots using individual onlot sewage disposal systems, was disapproved because the preliminary hydrogeologic evaluation indicates that the septic systems proposed to serve Lots 1 and 9 will discharge to groundwater already polluted with nitrate-nitrogen. Under section 606 of The Clean Streams Law, the Department of Environmental Protection (Department) cannot allow discharges carrying a polluting substance to a body of water already polluted by that same substance. In other words, the Department cannot approve an alternative for sewage disposal that will add to, or aid in continuing, an already polluted condition.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Prompt Interim Response

Classic Auto Restoration Services of Pittsburgh, Inc., Union Township, Washington County.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Classic Auto Restoration Services, Inc. Site (Site) located at 28 Davidson Avenue in Elrama, Union Township, Washington County. This response has been initiated under sections 501(a) and 501(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site consists of a dilapidated building situated on 13 lots. The front of the building faces Davidson Street, while the back of the building faces an alley. The property

once operated as a specialty electroplating facility, primarily for car parts. Classic Auto Restoration Services of Pittsburgh, Inc. (CARS), the most recent company to operate the facility, ceased operation in November 2004 and abandoned the building along with the chemicals used in the electroplating process. The chemicals include various corrosives, oxidizers, poisons such as cyanide and metals (nickel, chromium, lead, cadmium, copper, and the like) and listed hazardous wastes. The chemicals and wastes are stored in different containers in deteriorating condition, some of which are exposed to the elements. The facility is located in a residential area and is in close proximity to occupied homes.

The Department proposes a Prompt Interim Response to address threats to human health and the environment such as direct contact, inhalation, ingestion, explosion and fire. To eliminate the ongoing release of hazardous substances and threat of release of hazardous substances, sources of soil to groundwater contamination will be removed from the Site.

For this Prompt Interim Response, the Department considered three alternatives for this Site: Alternative 1—No action; Alternative 2—Characterization, Removal and Disposal; and Alternative 3—Fencing. Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses State and Federal requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Based on the comparative analysis, the Department chose to implement Alternative 2 as the Prompt Interim Response for the Site. This alternative was implemented because it would, in the most cost-effective manner, permanently protect the public, site workers and the environment from direct contact, inhalation and ingestion of hazardous substances and wastes at the Site and eliminate the threat of fire and explosion and ongoing release and threat of release of hazardous substances into the environment.

The Prompt Interim Response, Alternative 2, would not be a final remedial response under section 504 of HSCA and, therefore, is not required to meet the standards that apply to final remedial responses. Additional responses may be necessary to address contaminated soils and groundwater at the Site. However, Alternative 2 will be consistent with any future remedial actions and future investigation activities.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this Prompt Interim Response, is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review Monday through Friday from 8 a.m. to 4 p.m. Telephone (412) 442-4000 for an appointment. The administrative record will be open for comment from December 17, 2005, until February 17, 2005. Persons may submit written comments into the record during this time only by sending them to Annette Paluh, Project Manager, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing

scheduled for January 17, 2005, at 7 p.m. at the El Rama Volunteer Fire Hall, 17 El Rama Avenue, El Rama, PA, 15038. Persons wishing to present comments should register with Helen Humphreys before 12 p.m., January 17, 2005, at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4183, hhumphreys@state.pa.us.

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 Consent Order and Agreement

Earlin Equipment Company, Inc., Mays/Hickman Road Site, Robinson Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305), has entered into a proposed Consent Order and Agreement (CO & A) with Earlin Equipment Company, Inc. (Earlin). The proposed CO & A resolves the HSCA transporter liability of Earlin for reimbursement of costs expended by the Department at property located in Robinson Township, Allegheny County (Site). Earlin inherited its liability from Phillips Contracting Company, Inc. (Phillips) by virtue of Earlin's August 2002 merger with Phillips. Phillips had incurred liability as a result of its selection of the Site for transport and its actual transport there of various hazardous substances later released and threatened to be released into the environment.

Beginning in the mid-1950s and until at least 1964, Jake Phillips, Sr. hauled to the Site carbon sweepings dross and various industrial waste from the Pittsburgh Coke and Chemical facility (mid-1950s through 1959) and from the Pittsburgh Activated Carbon facility (1960 through 1964), both located on Neville Island. In September 1959, Jake Phillips, Sr. incorporated his hauling business as Phillips. The hauling from the two facilities conducted by Jake Phillips, Sr. and by Phillips resulted in a pile at the Site of about 1,200 tons of carbon sweepings and industrial waste, including eight leaking 55-gallon drums.

A 1993 United States Environmental Protection Agency investigation and 1994 and 2001 investigations by the Department found various volatile and semivolatile contamination at the Site. In 2003, to address this contamination, the Department conducted an interim response under section 501(a) of HSCA (35 P.S. § 6020.501(a)). The Department's interim response entailed the removal and proper disposal of all Site waste. As a result of its Site investigation and its interim response, the Department incurred costs in the amount of \$1,385,368. In September 2003, the Department settled its costs claim against Wilmington Securities, Inc. (Wilmington), for \$420,000. Wilmington inherited HSCA generator liability from its corporate predecessor, Pittsburgh Coke and Chemical.

The proposed CO & A calls for payment by Earlin of \$125,000, in three installments, in exchange for the Department's covenant not to sue.

Under section 1113 of HSCA (35 P.S. § 6020.1113), the Department is publishing notice of the proposed CO & A and will provide a 60-day period for public comment on

the CO & A beginning with the date of this publication. Copies of the CO & A can be obtained by contacting Terry Goodwald at (412) 442-4000. The proposed CO & A will be open for public comment from December 17, 2005, through February 17, 2006. Persons may submit comments into the record, during this time only, by sending them to Terry Goodwald, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them in person to this office.

The Department has reserved the right to withdraw its consent to the CO & A if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's judgment, that the CO & A is inappropriate or not in the public interest.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Former Stauffer Chevrolet, North Union Township, **Schuylkill County**. Bob Helkowski, Engineer, Malcolm Pirnie, Inc., 1700 Market Street, Suite 2740, Philadelphia, PA 19103 has submitted a Final Report (on behalf of FNBM Trust and Financial Services, c/o James T. O'Brien, 260 Sunbury Street, Minersville, PA 17954) concerning the remediation of soils found or suspected to be contaminated with petroleum products, lead and other compounds associated with the property's historical use as an auto dealership and auto repair facility. The report was submitted in order to demonstrate attainment of the Statewide health standard.

Former Cooper Power Systems—East Stroudsburg Facility, Borough of East Stroudsburg, **Monroe County**. Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 has submitted a Final Report (on behalf of Cooper Industries, Inc., P. O. Box 4446, 600 Travis, Suite 5800, Houston, TX 77210-4448 and Robert Deinarowicz, Dein Properties, P. O. Box 431, Stroudsburg, PA 18360) concerning the characterization of groundwater at the site that was suspected or found to be contaminated with VOCs reportedly originating from an unknown offsite source. The report was submitted in order to demonstrate attainment of the background standard under Act 2.

Hazleton Oil & Environmental, Banks Township, **Carbon County**. Jeremy Bolyn, Senior Environmental Scientist, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report (on behalf of his client, Hazleton Oil & Environmental, 300 South Tamaqua Street, Hazleton, PA 18201) concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbons as the result of historic site operations as a petroleum distribution facility. The report was submitted in order to demonstrate attainment of the Statewide health standard.

Bethlehem Technology Center Lot A (former Merchant Mills section of Bethlehem Steel Corporation property), City of Bethlehem, **Northampton County**. Vincent Carbone, P.G., HDP/LMS, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a combined Remedial Investigation Report and Final Report Notice of Intent to Remediate (on behalf of his client, Northampton County New Jobs Corporation, c/o Janet Smith, 2158 Avenue C, Bethlehem, PA 18015) concerning the characterization of soils and groundwater found or suspected to have been impacted by chlorinated solvents or other contaminants as the result of historic industrial operations. The reports were submitted in order to document attainment of the site-specific standard.

Pennsylvania Army National Guard Tamaqua Armory, Rush Township, **Schuylkill County**. Seth Naregood, Sr. Staff Geoscientist, Converse Consultants, 2738 West College Avenue, State College, PA 16801 has submitted a Final Report (on behalf of his client, PA Army National Guard, Department of Military and Veterans Affairs Environmental Section, c/o Andrew Geist, Fort Indiantown Gap, Annville, PA 17003) concerning the remediation of soil found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former underground storage tank on the property. The report was submitted in order to demonstrate attainment of the Statewide health standard.

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

Lancaster Malleable Castings Company, Manheim Township, **Lancaster County**. Armstrong World Indus-

tries, Inc., P. O. Box 3001, Lancaster, PA 17604, on behalf of Lancaster Malleable Castings Corporation, 1046 Manheim Pike, Lancaster, PA 17601 and Mac Land Company, LLC, P. O. Box 4688, Lancaster, PA 17604 submitted a Final Report concerning remediation of site groundwater contaminated with benzene, toluene, ethylbenzene, and xylene. The report is intended to document remediation of the site to the residential Statewide Health Standard.

Sheetz Store 256, Shoemakersville Borough, **Berks County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a vehicle accident. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

Department of Defense Depot Susquehanna PA, Former Aircraft Maintenance Shop, Fairview, Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, has submitted a Cleanup Plan concerning remediation of groundwater contaminated with solvents to a Site Specific Standard.

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

PPL Bradford County Connection—Hg Meter Site, Troy Township, **Bradford County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Carroll Connection—Hg Meter Site, Oswayo Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Hosley Purchase—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Coburn Purchase—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Sherman Farm—Galeton Check—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Gibson Purchase—Hg Meter Site, Ulysses Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil

contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Mattison Connection—Hg Meter Site, Hebron Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of site soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Roulette Station—Hg Meter Site, Roulette Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL West Bingham Check—Hg Meter Site, Bingham Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

PPL Avery Hollow Check—Hg Meter Site, Wharton Township, **Potter County**. PPL Corporation, 2 North Ninth Street GENTW17, Allentown, PA 18101 has submitted Final Report concerning remediation of soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

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

Petrowax Sales P 63, City of Smethport, **McKean County**. Jennifer Sedora, PPL Services 2 North 9th Street GENTW17, Allentown, PA 18101 on behalf of PPL Gas Utilities Corp., 2 North 9th Street GENTW17, Allentown PA 18101-1179 has submitted a Final Report concerning remediation of site soil contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate

that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Rutz Residence, City of Allentown, **Lehigh County**. Chris Kotch, P. G., Barry Isett & Associates, Inc., P. O. Box 147, Trexlertown, PA 18087 submitted a Final Report (on behalf of Marjorie Rutz, Van Buren Street, Allentown, PA 18109) concerning the remediation of soil found or suspected to have been impacted by the accidental release of No. 2 home heating oil from an aboveground storage tank on the property. The report was demonstrated attainment of the residential Statewide Health Standard and was approved on November 22, 2005.

Former Lehigh New England Railroad Property, Wind Gap Borough and Plainfield Township, **Northampton County**. Jeffrey T. Bauer, P. G., Whitestone Associates, New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914 submitted a combined Remedial Investigation Report and Cleanup Plan (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 characterization and proposed remediation of soils found or suspected to have been contaminated with metals and

semi-volatile organic contamination as the result of historic industrial operations. The reports were submitted in partial fulfillment of the Site-Specific Standard, and were approved on November 16, 2005.

Hayes Property (State Route 29), Bridgewater Township, **Susquehanna County**. Kevin Van Kuren, P.G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 16801 submitted a Final Report (on behalf of Roger Hayes, State Route 29, South Montrose, PA 18843) concerning the remediation of soil found or suspected to have been impacted by the release of leaded and/or unleaded gasoline from a former 500-gallon underground storage tank on the property. The report demonstrated attainment of the residential Statewide Health Standard and was approved on November 16, 2005.

Novick Chemical Co. Inc., City of Scranton, **Lackawanna County**. Martin Gilgallon, P.G., PA Tectonics Inc, 826 Main Street, Peckville, PA 18452, submitted a Final Report (on behalf of his client, Novick Chemical Co., 705 Davis Street, Scranton, PA 18505) concerning the remediation of site soils found to have been contaminated with chlorinated solvents and other solvents as the result of previous site operations. The report documented attainment of a combination of the non-residential, non-use aquifer Statewide Health and Site-Specific Standards, and was approved on November 7, 2005.

St. Luke's Miners Memorial Hospital Tax Parcels 65-24-2 and 65-25-1.4 (SR 209), Borough of Tamaqua, **Schuylkill County**. Marguerite Murray, Project Environmental Scientist, Gilmore & Associates, Inc, 350 East Butler Ave, New Britain, PA 18901 submitted a Baseline Environmental Report for a property (on behalf of her client, Robert Craze, St. Luke's Miners Memorial Hospital, Coaldale, PA 18218) concerning the characterization of soil and groundwater on a former industrial property that manufactured lightweight concrete and more recently staged construction and waste materials. The report demonstrated attainment of the Special Industrial Area Standard and was approved on November 3, 2005.

UGI Utilities, Inc.—Hazelton Service Center, City of Hazelton, **Luzerne County**. J.C. Rondeau, Division Engineer-Environmental Compliance, UGI Utilities, Inc., 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677 submitted a Final Report concerning the characterization of soils and groundwater found or suspected to have been contaminated by petroleum products, polycyclic aromatic hydrocarbons and other potential constituents related to the site's historic use as a manufactured gas plant. The report demonstrated attainment of the Site-Specific Standard and was approved on November 3, 2005.

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

Gladys Horner Property, East Saint Clair Township, **Bedford County**. Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, and Marshall Miller Associates, 3913 Hartzdale Drive, Camp Hill, PA 17011, on behalf of Gladys Horner, 7702 Thor Drive, Annandale, VA 22003-1432, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on December 2, 2005.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101247. Keystone Sanitary Landfill, Keystone Sanitary Landfill, Inc. P. O. Box 249, Dunham Drive, Dunmore, PA 18512. A major permit modification for the changes in sub grade and final grade elevations at this municipal waste landfill located in Dunmore and Throop Boroughs, **Lackawanna County**. The permit was issued by the Regional Office on November 10, 2005.

AIR QUALITY

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

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

GP1-06-03033: Reading Housing Authority (400 Hancock Boulevard, Reading, PA 19611) on December 1, 2005, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in City of Reading, **Berks County**.

GP1-21-03050: Dickinson College (P. O. Box 1773, Carlisle, PA 17013) on November 29, 2005, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Carlisle Borough, **Cumberland County**. This is a renewal of the GP1 permit.

GP2-21-05021: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105-2621) on December 2, 2005, for Storage Tanks and Volatile Organic Liquids under GP2 in Silver Spring Township, **Cumberland County**.

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

GP5-17-473: Phillips Production Co. (502 Keystone Drive, Warrendale, PA, 15086) on October 13, 2005, to operate a compressor engine at their Brink compressor site under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5), in Chest Township, **Clearfield County**.

GP5-17-15: Kriebel Minerals, Inc. (633 Mayfield Drive, Clarion, PA 16255) on November 10, 2005, to operate a compressor engine at their Curwensville compressor site under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) in Knox Township, **Clearfield County**.

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

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

46-0180A: Transic Oil Corp. (9 Iron Bridge Drive, Collegeville, PA 19426) on November 30, 2005, to operate a methanol glass cleaning in Collegeville Borough, **Montgomery County**.

15-0015C: Sartomer Co. (610 South Bolmar Street, West Chester, PA 19382) on December 6, 2005, to operate a control device in West Chester Borough, **Chester County**.

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

06-03134: Dietrich Specialty Processing, LLC (625 Spring Street, Suite 200, Reading, PA 19610-1701) on November 30, 2005, to install new food processing dryers at their plant in Exeter Township, **Berks County**.

06-05104B: H. B. Mellot Estate, Inc. (100 Mellot Drive, Suite 100, Warfordsburg, PA 17267-8555) on December 1, 2005, to construct a nonmetallic mineral crushing plant controlled by wet suppression and two diesel fired generators controlled by combustion controls in Maiden Creek Township, **Berks County**.

28-05005B: York International Corp. (100 CV Avenue, Waynesboro, PA 17268) on December 1, 2005, to install a paint spray booth with dry filter system at their plant in Waynesboro Borough, **Franklin County**.

ER-36-05002A: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17603) on December 1, 2005, for general downsizing of plant operations in City of Lancaster, **Lancaster County**.

36-05014G: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604-3167) on December 1, 2005, to install two cartridge filter dust collection systems at the secondary aluminum processing plant in Manheim Township, **Lancaster County**.

67-05069F: Oldcastle Retail, Inc. (550 South Biesecker Road, Thomasville, PA 17364) on December 1, 2005, to modify the decorative stone operation at their Thomasville Facility in Jackson Township, **York County**.

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

60-318-011A: Pik-Rite, Inc. (60 Pik-Rite Lane, Lewisburg, PA 17837) on November 1, 2005, to construct a fabricated steel parts surface coating operation in Buffalo Township, **Union County**.

17-305-050B: Penfield Collieries, LLC (301 Market Street, Kittanning, PA 16201) on November 8, 2005, to modify a coal preparation plant and associated coal stockpiling and railcar/truck loading operations by increasing the amount of coal the plant is permitted to process from 1.3 million tons per year to 2.6 million tons per year in Huston Township, **Clearfield County**.

41-399-027: Smurfit-Stone Container Enterprises, Inc. (P. O. Box 3097, Williamsport, PA 17701) on Novem-

ber 15, 2005, to modify a paperboard/plastic film gluing operation by increasing the amount of adhesive/glue used such that the potential VOC emissions will increase from 2.7 tons per year to 11.27 tons per year in Porter Township, **Lycoming County**.

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

42-004B: American Refining Group (77 North Kendall Avenue, Bradford, PA 16701) on November 21, 2005, to construct a flare to replace an existing vapor recovery unit at its Foster Brook facility on Bolivar drive in Bradford City, **McKean County**. This is a Title V facility, Permit No. 42-0004.

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

AMS 05058: Calpine Philadelphia, Inc. (3895-99 Richmond Street, Philadelphia, PA 19137) on December 5, 2005, to modify the operating parameters that must be established during the performance test for seven diesel engines and three gas engines, to change an operating hours per year limit for the gas engines to a gas usage per rolling 12-month period limit, and to adjust facility lbs/hr and tons/rolling 12-month period limits so they are consistent with operating limits and g/bhp-hr emission limits in the City of Philadelphia, **Philadelphia County**.

AMS 05057: Calpine Philadelphia Inc.—SW (8200 Enterprise Avenue, Philadelphia, PA 19153) on December 5, 2005, to modify the operating parameters that must be established during the performance test for 10 diesel engines and one gas engine, to change an operating hours per year limit for the gas engines to a gas usage per rolling 12-month period limit, and to increase facility allowable SO₂ emissions by 0.07 g/bhp-hr to be consistent with allowable lbs/hr and tons/rolling 12-month period emission limits and engine operating restrictions in the City of Philadelphia, **Philadelphia County**.

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

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

09-0087C: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on December 2, 2005, to operate an ammonia process in Falls Township, **Bucks County**.

09-0027E: Fres-Co Systems—USA, Inc. (3005 State Road, Telford, PA 18969) on December 1, 2005, to operate a thermal oxidizer in West Rockhill Township, **Bucks County**.

09-0110B: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on December 5, 2005, to operate a material handling system in Bristol Township, **Bucks County**.

09-0152: Gelest, Inc. (612 William Leigh Drive, Tullytown, PA 19007) on December 5, 2005, to operate equipment for speciality chemicals in Falls Township, **Bucks County**.

23-0089: FPL Energy Marcus Hook, LP (P. O. Box, 426 Delaware Avenue and Green Street, Marcus Hook, PA 19061) on December 5, 2005, to operate a 750 megawatt combined cycle in Marcus Hook Borough, **Delaware County**.

46-0069B: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on December 5, 2005, to operate a dryer burner in Whitemarsh Township, **Montgomery County**.

46-0220: Micro Coax Inc. (206 Jones Boulevard, Pottstown, PA 19464) on December 5, 2005, to operate two horizontal jennings extruders in Limerick Township, **Montgomery County**.

09-0126A: Air Liquide Electronics U.S. LP (19 Steel Road West, Morrisville, PA 19067) on December 5, 2005, to operate a wet scrubber S-7 in Falls Township, **Bucks County**.

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

PA-30-00150A: Wellington Development—WVDT, LLC (1620 Locust Lane, Fairmont, WVA 26554). Notice is hereby given concerning the degree of increment consumption for PSD Class I areas from the proposed Wellington Development—WVDT, LLC facility to be located in Cumberland Township, **Greene County**. The Plan Approval for this facility was issued on June 21, 2005 and subsequently modified on September 1, 2005.

Use of an alternate ambient air modeling program, AERMOD, was approved by Environmental Protection Agency for modeling the effect of the proposed facility's emissions on PSD Class I areas. Based on the modeling information provided by the applicant the degree of increment consumption on PSD Class I areas attributable to this facility is as follows:

<i>Class I Area</i>	<i>Date of Impact</i>	<i>PSD Increments (µg/m³)</i>	<i>24-Hour SO₂ Cumulative Concentration (µg/m³)</i>	<i>Significant Impact Level (µg/m³)</i>	<i>24-Hour SO₂ Greene Energy Concentration (µg/m³)</i>
James River Face	12/14/1996	5	1.0	0.2	0.4
James River Face	11/22/1996	5	0.7	0.2	0.3

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.

Persons wishing to provide additional information or comments for consideration should submit the information to the Department at the address that 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 pertaining to issuance of the Plan Approval. Written comments should be directed to Mark A. Wayner, P. E., Air Quality Program Manager, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact Mark Gorog, P. E., Air Pollution Control Engineer III at the previously listed address.

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

17-399-023: Prism Enterprises, LLC d/b/a Permagrain (1191 Venture Drive, Forest, VA 24551) on November 29, 2005, to operate wood and plastic sawing, sanding and the like equipment and associated air cleaning device (a fabric collector) on a temporary basis until March 29, 2006, in Karthaus Township, **Clearfield County**. The plan approval has been extended.

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

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

46-00014: Knoll, Inc. (1235 Water Street, P. O. Box 157, East Greenville, PA 18041) on November 30, 2005, to renew a facility Title V Operating Permit in Upper Hanover Township, **Montgomery County**.

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

07-05010: Small Tube Manufacturing, LLC (P. O. Box 1674, Altoona, PA 16603-1674) on December 1, 2005, for a tubing fabrication operation in Allegheny Township, **Blair County**. This is a renewal of the Title V operating permit.

31-05002: Owens Corning Fiberglass (1200 Susquehanna Avenue, Huntingdon, PA 16652-1946) on November 29, 2005, to operate their fiberglass mat plant in Huntingdon Borough, **Huntingdon County**. This is a renewal of the Title V operating permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

60-00004: New Columbia Joist Co. (2093 Old Highway 15, New Columbia, PA 17856-0031) on November 23, 2005, to issue a renewal Title V Operating Permit, for

their steel joist manufacturing facility in White Deer Township, **Union County**. The facility's sources include four paint dip tanks and a bridging line vacuum coater. The renewal Title V operating permit contains all applicable monitoring, recordkeeping and reporting conditions.

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

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

01-05025: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) on December 1, 2005, to operate a crushed stone/bituminous concrete facility in Cumberland Township, **Adams County**.

28-03040: Valley Quarries, Inc. (3587 Stone Quarry Road, Chambersburg, PA 17201-7729) on December 1, 2005, to operate a limestone quarrying and processing facility in Guilford Township, **Franklin County**.

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

19-00021: UAE CoalCorp Associates (P. O. Box 306, Mt. Carmel, PA 17851) on November 8, 2005, to operate a coal processing facility in Conyngham Township, **Columbia County**.

12-00006: Lewis and Hockenberry, Inc. (4725 Rich Valley Road, Emporium, PA 15834) on November 8, 2005, to operate two sawmill facilities (Rich Valley Plant and Clear Creek Plant) in Shippen Township, **Cameron County**.

17-00059: Energy Link, Inc. (840 Philadelphia Street, Suite 305, Indiana, PA 15701) on November 15, 2005, to operate a coal stockpiling and railcar loading operation in the Corman Yards in Lawrence Township, **Clearfield County**.

49-00008: Milton Steel, Inc. (6 Canal Street, Milton, PA 17847) on November 29, 2005, to operate a steel shelving manufacturing facility in Milton Borough, **Northumberland County**.

17-00028: Hepburnia Coal Co. (P. O. Box I, Grampian, PA 16838) on November 23, 2005, to issue a State-only operating permit for their coal processing facility in Greenwood Township, **Clearfield County**. The facility's main sources include a coal processing operation and unpaved site haul roads. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00055: Hanson Aggregates Pennsylvania, Inc. (2200 Springfield Pike, Connellsville, PA 15425) on November 29, 2005, to issue a State-only operating permit for their limestone crushing and processing facility in Muncy Creek Township, **Lycoming County**. The facility's main sources include a primary crusher, secondary crusher, tertiary crusher and associated various material sizing and conveying equipment. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

63-00621: AccuTrex Products Inc. (112 Southpointe Blvd., Canonsburg, PA 15317) on November 30, 2005, to manufacture gaskets, shims, sheetmetal parts, metal stampings along with three paint booths (two powder coating) along with a sand blast unit at the Cecil facility located in **Washington County**.

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

20-00043: Dunbar Asphalt Products (11203, Ellison Road, Conneaut Lake, PA 16316) on November 29, 2005, for a Synthetic Minor Permit to operate a hot mix asphalt plant located in Sadsbury Township, **Crawford County**. The significant sources are hot mix batch plant; hot elevators, screens, bins, asphalt cement storage tank, cold aggregate bins and finished products silo. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

42-00155: MSL Oil and Gas Corp. (Route 219 and Route 59 intersection, Lewis Run, Lafayette, PA 16738) on November 29, 2005, for a Natural Minor Permit to operate a gas production and distribution corporation in Layfayette Township, **McKean County**. The significant sources are one compressor engine of 360 hp with dehydrator, one 186 hp compressor engine with catalytic converter, one 180 hp compressor engine, one 30,000 gallons propane tank and miscellaneous equipment leaks.

10-00277: Wiest Asphalt Products and Paving Inc. (310 Mitchell Hill Road, Butler, PA 16001) on November 30, 2005, for a Synthetic Minor Permit to operate a hot mix asphalt plant located in Summit Township, **Butler County**. The significant sources are hot mix batch plant; fugitives from transfer points, asphalt tank and one natural gas boiler to heat asphalt tank. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

10-00264: Thomas E. Siegel d/b/a Bruin Stone (264 Hasenflu Road, Parker, PA 16049) on November 22, 2005, for a Natural Minor operating permit for the Bruin Lime Stone Crushing and Screening Plant. The facility is near Bruin, **Butler County**.

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

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

09-00009: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) on December 6, 2005, to amend a catalytic oxidizer in New Britain Township, **Bucks County**.

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

22-05046: Haines and Kibblehouse, Inc.—Handwerk Materials Asphalt Plant (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0916) on November 29, 2005, to operate an asphalt plant in Lower Swatara Township, **Dauphin County**. This operating permit was administratively amended to incorporate Plan Approval 22-05046A. This is Revision No. 1.

28-03025: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570-0026) on November 30,

2005, to construct a feed mill facility in South Hampton Township, **Franklin County**. This operating permit was administratively amended to incorporate Plan Approval 28-03025B. This is Revision No. 1.

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

25-00035: Molded Fiberglass Co.—Union City Plant (55 Fourth Avenue, Union City, PA 16438) on November 29, 2005, to administratively amend the Title V Operating Permit to change the responsible official in Union City Borough, **Erie County**.

43-00273: Select Industries, Inc. (242 Reynolds Industrial Park Road, Greenville, PA 16125) on November 29, 2005, to administratively amend the Natural Minor Operating Permit to change the responsible official in Pymatuning Township, **Mercer County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

32850701 and NPDES Permit No. PA0213683, Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), to renew the permit and related NPDES permit and revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** to add fly ash to the site. No additional discharges. Permit issued November 30, 2005.

30841319 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit and related NPDES permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to install a new mine slope and five boreholes. Surface Acres Proposed 51.7. Receiving stream: Crabapple Creek, classified for the following use: WWF. Permit issued November 30, 2005.

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

11000102 and NPDES No. PA0235342. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Susquehanna and Barr Townships, **Cambria County**, affecting 450.0

acres. Receiving streams: UNT to Moss Creek; Moss Creek; UNT to W. Branch Susquehanna River; W. Branch Susquehanna River classified for the following uses: CWF; CWF; CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received September 15, 2005. Permit issued: November 23, 2005.

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. Permit issued: November 23, 2005.

Greensburg District Mining Office: Armbrust Building, 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). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Kittanning Township, **Armstrong County**, affecting 207 acres. Receiving streams: Mill Run and its UNTs. Application received: September 26, 2005. Renewal issued: November 28, 2005.

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

16000102 and NPDES Permit No. PA0241741. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214) Renewal of an existing bituminous strip operation in Perry Township, **Clarion County** affecting 38.6 acres. This renewal is for reclamation only. Receiving streams: UNT to the Clarion River. Application received: October 12, 2005. Permit Issued: November 30, 2005.

16050108 and NPDES Permit No. PA0257958. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) Commencement, operation and restoration of a bituminous strip operation in Clarion Township, **Clarion County** affecting 58.3 acres. Receiving streams: UNT "A" to Brush Run. Application received: 7/4/05. Permit Issued: December 1, 2005.

10040103 and NPDES Permit No. PA0242535. Annandale Quarries, Inc. (219 Goff Station Rd., Boyers, PA 16020) Commencement, operation and restoration of a bituminous strip operation in Venango Township, **Butler County** affecting 23.3 acres. Receiving stream: Seaton Creek. Application received: June 7, 2004. Permit Issued: December 1, 2005.

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

12040102 and NPDES No. PA0256145. Allegheny Enterprises, Inc. (3563 Roller Coaster Road, Corsica, PA 15829). Commencement, operation, and restoration of a bituminous surface strip operation in Shippen Township, **Cameron County** affecting 206 acres. Receiving streams: UNT to Finley Run to Sterling Run to Driftwood Branch—Sinnemahoning Creek to West Branch Susquehanna River. Application received: December 27, 2004. Permit Issued: November 17, 2005.

17040108 and NPDES No. PA0243825. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Commencement, operation, and restoration of a bitumi-

nous surface strip operation in Boggs Township, **Clearfield County** affecting 62.1 acres. Receiving streams: Tributary to Laurel Run a/k/a Twoey Run to Laurel Run to Moshannon Creek to the West Branch of the Susquehanna River. Application received: March 28, 2005. Permit Issued: November 28, 2005.

17860104 and NPDES Permit No. PA 0611077. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Major permit revision to an existing bituminous surface mine permit to add augering of Middle Kittanning coal seam. The permit is located in Girard Township, **Clearfield County** and affects 267.8 acres. Receiving streams: UNTs to Deer Creek, Deer Creek and a UNT to Buck Run to Buck Run to Deer Creek to the West Branch of the Susquehanna River to the Susquehanna River. Application received: October 19, 2005. Permit issued: November 28, 2005.

Noncoal Permits Actions

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

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Permit renewal issued for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Unity Township, **Westmoreland County**, affecting 662.5 acres. Receiving streams: UNTs to Nine Mile Run. Application received: October 5, 2005. Renewal issued: December 2, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866, 817-342-8200.

08970801. Johnson Quarries, Inc. (Jerry L. Johnson, P. O. Box 136, LeRaysville, PA 18829). Transfer of an existing surface small industrial minerals (bluestone)-blasting permit application from Frank Kamarauskas. The site is located in Tuscarora Township, **Bradford County** and affects 3 acres. Receiving stream: UNT to Mill Creek. Application received: November 21, 2005.

08990805. Johnson Quarries, Inc. (Jerry L. Johnson, P. O. Box 136, LeRaysville, PA 18829). Transfer of an existing surface small industrial minerals (flagstone) permit application from Frank Kamarauskas. The site is located in Tuscarora Township, **Bradford County** and affects 3 acres. Receiving stream: UNT to Mill Creek. Application received: November 21, 2005.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3318.

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 stream: UNT to Rock Creek. Application received September 19, 2005. Renewal issued December 1, 2005.

40800304C and NPDES Permit No. PA0123765. Gigiello Topsoil, (39 Pittston Avenue, Yatesville, PA 18640), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Pittston City, **Luzerne County**, receiving stream: Lackawanna River. Application received October 12, 2005. Renewal issued December 1, 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.

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

28054167. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Brimington Farms Development in Washington Township, **Franklin County** with an expiration date of November 30, 2006. Permit issued November 30, 2005.

35054121. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Laurel Ridge Estates in Jefferson Township, **Lackawanna County** with an expiration date of January 31, 2006. Permit issued December 1, 2005.

39054124. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting for Estates at Coldwater in Lower and Upper Macungie Township, **Lehigh County** with an expiration date of December 31, 2006. Permit issued December 1, 2005.

52054122. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for Nemani Development in Palmyra Township, **Pike County** with an expiration date of December 30, 2006. Permit issued December 1, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

EA54-015NE. Schuylkill Headwaters Association. P. O. Box 1385, Pottsville, PA 17901. East Norwegian Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an abandoned mine discharge (AMD) passive treatment system proposed in and along a tributary to Mill Creek (CWF) and in 1.35 acres of palustrine emergent (PEM1) wetlands. The project will include the construction of approximately 2.6 acres of passive wetland treatment cells for the purpose of treating and reducing AMD loadings discharging from the Pine Forest Mine Discharge to restore the water quality of Mill Creek. The project is located between the St. Clair Borough and East Norwegian Township boundary and the intersection of Caroline Avenue and Eagle Hill Road, just northeast of the town of St. Clair (Pottsville, PA Quadrangle N: 17.7 inches; W: 7.0 inches).

E58-267. Susquehanna County, Susquehanna County Courthouse. P. O. Box 218, Montrose, PA 18801. Lenox Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the remnants of the structure of County Bridge No. 23 from the floodway of Tunkhannock Creek (CWF). The project is located approximately 600 feet east of SR 92, along T-461 (Lenoxville, PA Quadrangle N: 14.1 inches; W: 6.3 inches). (Subbasin: 04A)

E39-441. The Atlantic Companies, LLC. 485 Route 1 South, Iselin, NJ 08830. Upper Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure; to construct and maintain a 57-foot wide road crossing of Iron Run (HQ-CWF) consisting of a 36-inch diameter RCP and twin open-bottom arch culverts having underclearances of 7 feet and 5 feet and spans of 38 feet; to excavate within the floodway of Iron Run from a point 100 feet upstream of the structure to a point 200 feet downstream of the structure with work consisting of removing approximately 2 feet of material; and to construct and maintain a 12-inch diameter concrete encased waterline crossing of Iron Run. The project is located immediately west of the

intersection of Route 100 and Centronia Road (Allentown West, PA Quadrangle N: 9.8 inches; W: 15.2 inches). (Subbasin: 2C)

E58-264. Joseph and Linda Monteforte, R. R. 2, Box 33, New Milford, PA 18834. New Milford Borough, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To maintain fill within the floodway along approximately 140 linear feet of the left bank of Meylert Creek (HQ-CWF), for the purpose of providing a level parking area for an existing business (Blue Ridge Roller Rink). The maximum depth of fill is approximately 30 inches. The project is located on the west side of SR 11, approximately 0.2 mile southwest of the intersection of SR 11 and SR 492 (Harford, PA Quadrangle N: 21.8 inches; W: 14.35 inches). (Subbasin: 04E)

E39-451. Iron Mine Recreation, Inc., Anne Street and Neola Road, Stroudsburg, PA 18353-0033. North Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a pedestrian bridge, having a 44-foot span and a 7-foot underclearance across Copley Creek (CWF). The project is located on the north side of Shankweiler Road approximately 1.75 miles east of SR 0309 (Cementon, PA Quadrangle N: 4.1 inches; W: 8.6 inches).

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

To place fill in 0.22 acre of PSS wetlands, in the drainage basin of Black Creek (CWF), associated with the western expansion of an existing industrial building. Approximately 0.11 acre of wetlands within an existing stormwater swale will be impacted by site grading for the eastern building expansion. The permittee is required to provide 0.22 acre of replacement wetlands. The project is located at 675 Jaycee Drive in the Valmont Industrial Park (Conyngham, PA Quadrangle N: 16.0 inches; W: 3.5 inches). (Subbasin: 5D)

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

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

To remove the existing footbridge and then to construct and maintain a 20-foot by 8.3-foot open bottom arch culvert and a 32-foot span footbridge with a minimum underclearance of 7 feet over the channel of Dry Run (WWF) in order to access the existing storage business buildings across the stream located approximately 1,500 feet south of the intersection of SR 22 and SR 764 (Holidaysburg, PA Quadrangle N: 7.75 inches; W: 8.8 inches) in Allegheny Township, Blair County.

E28-323: Cumberland-Franklin Joint Municipal Authority, 725 Municipal Drive, Shippensburg, PA 17257 in Southampton Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 10-inch sanitary sewer line under Furnace Run (CWF) with an articulating block mat cover at a point along PA Route 696, Olde Scotland Road, (Shippensburg, PA Quadrangle N: 4.6 inches; W: 3.7 inches) in Southampton Township, Franklin County.

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

E26-328. Brownsville Municipal Authority, P. O. Box 330, Brownsville, PA 15417. To construct two sanitary sewer pumping stations in Brownsville Borough, **Fayette County**, Pittsburgh ACOE District. (California, PA Quadrangle N: 3.5 inches; W: 1.5 inches and Latitude 40° 01' 09"—Longitude: 79° 53' 09"). To place and maintain fill in and along the flood plain of Dunlap Creek (WWF) for the construction of two sanitary sewer pumping stations located approximately 700 and 2,200 feet upstream of its confluence with the Monongahela River. The project is located approximately 1,500 feet southwest of the intersection of Shady Avenue and Jackson Street.

E65-866. Sewickley Township, 2288 Mars Hill Road, P. O. Box 28, Herminie, PA 15637-0028. To construct a bridge in Sewickley Township, **Westmoreland County**, Pittsburgh ACOE District. (Irwin, PA Quadrangle N: 2.5 inches; W: 13.3 inches and Latitude: 40° 15' 50"—Longitude: 79° 43' 14"). To remove the existing structures, to construct and maintain a three cell open bottom concrete bridge over Little Sewickley Creek (TSF), one section will have a span of 21 feet and underclearance of 7 feet, the other two sections will have a span of 21 feet and underclearance of 6 feet, to construct and maintain various stormwater outfalls to the same stream, additionally, to excavate in and place and maintain riprap in the floodway of the named watercourse, for approximately 188 feet. The bridge is located on Greenhills Road (T-633) at its intersection with Railroad Street.

E65-877. North Huntingdon Township, 11279 Center Highway, North Huntingdon, PA 15642. To construct an arch culvert in North Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. (Irwin, PA Quadrangle N: 20.2 inches; W: 16.9 inches and Latitude: 40° 21' 40"—Longitude: 79° 44' 47"). To remove the existing structure and to construct and maintain a 49.5-foot long, 24.1-foot by 6.5-foot aluminum arch culvert, approximately 55 feet of reno mattress and approximately 73 feet of bioengineered channel in a UNT to Brush Creek (TSF), for the purpose of improving transportation safety and roadway standards. The authorized work includes dredging and will affect approximately 177 feet of a UNT to Brush Creek (TSF). The project is located on Ardara Road, approximately 0.5 mile from its intersection with Leger Road.

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

E10-412, Buffalo Township. Coal Hollow Road Slide, in Buffalo Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 42° 43' 33"; W: 79° 45' 46").

To construct and maintain approximately 100 linear feet of soldier beam retaining wall with concrete lagging, the wall having a height ranging from 12.5 feet to 17.5 feet and located at a point along Sarver Run (HQ-TSF) and Coal Hollow Road approximately 0.3 miles west of the intersection of Coal Hollow Road (T-578) and SR 0356.

E43-322, Universal Development, 1607 Motor Inn Drive, Girard, OH 44420. Shenango Valley Freeway Condominiums, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 19.7 inches; W: 12.4 inches).

To fill a total of 0.65 acre of three wetlands (0.64 acre PFO and 0.01 acre PEM) for the construction of Shenango Valley Freeway Condominiums buildings, associated grading and roadway on property extending north of SR 62 approximately 1 mile west of SR 18. Project proposes creation of 1.76 acres of replacement wetland (1.03 acres

PEM and 0.73 acre PSS) on property bounded by Stalene Road, Ohio Street and the Shenango River and within the flood plain of the Shenango River in the City of Hermitage and Wheatland Borough (Sharon West, PA-OH Quadrangle N: 12.7 inches; W: 0.75 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA36-799: Townsedge Development, 48 South Market Street, Elizabethtown, PA 17022 in Conoy Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a wetland enhancement project consisting of: wetland and floodplain grading; fill placement; and installation of tree and shrub plantings within 1.21 acres of farmed, palustrine emergent wetland associated with a UNT to Conoy Creek (TSF) located adjacent to the proposed Townsedge residential subdivision (York Haven, PA Quadrangle; Latitude: 40° 05' 51.30"; Longitude: 76° 40' 13.09") in Conoy Township and Bainbridge Borough, Lancaster County. This project will result in 1.22 acres of functional floodplain Palustrine/Scrub-Shrub wetland.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

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

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Chad Albright	3810 Broad Avenue Altoona, PA 16601	Testing
All Systems Inspections	249 West Whitehall Road State College, PA 16801	Testing
Robert Anderson Radon Protection Services	282 Longstreet Drive Gettysburg, PA 17325	Mitigation
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562	Testing
Keith Carpenter	124 Old Colony Drive Johnstown, PA 15904	Mitigation
Kent Christel	P. O. Box 13661 Reading, PA 19612	Testing
Michael Cush	P. O. Box 273 Gilbert, PA 18331	Testing
Michael DeSanti	34 Woodledge Village Hawley, PA 18428	Testing
Gregory Gibson Alpha Radon Mitigators, LLC	P. O. Box 733 Tannersville, PA 18372	Mitigation
Steven Gorman Mason Dixon Home Inspection Services, Inc.	282 Longstreet Drive Gettysburg, PA 17325	Testing
David Grammer RAdata, Inc.	27 Ironia Road, Unit 2 Flanders, NJ 07836	Laboratory
Joseph Hagarity	1513 Woodland Road West Chester, PA 19382	Testing
Donald Hart	R. R. #2, Box 46A Sunbury, PA 17801	Testing and Mitigation
Mark Kanschak	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Juan Lluna-Garces	1324 Crestmont Drive Downingtown, PA 19335	Testing and Mitigation
Mid State Inspection Service	P. O. Box 70 Bellwood, PA 16617	Testing
Thomas Murphy	1323 Loblolly Street Trevose, PA 19053	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jeffrey Remas	103 Columbia Avenue Clarks Summit, PA 18411	Testing
Thomas Sebald	4638 Highview Boulevard Erie, PA 16509	Testing
Thomas Shusko House Busters, Inc.	53 North Morgantown Street Fairchance, PA 15436	Testing
Thomas Troutman	41 Beard Road Mechanicsburg, PA 17050	Testing
Malcolm Whipkey	1934 Overland Court Allison Park, PA 15101	Testing

Drinking Water State Revolving Fund

Special Notice under the Federal Safe Drinking Water Act

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County and Municipality</i>
Mahanoy Township Authority	46 North Main Street Mahanoy City, PA 17948	Mahanoy City Borough Gilberton Borough and Mahanoy Township Schuylkill County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Mahanoy Township Authority (MTA) proposes the MTA Distribution System Upgrade Project, Pennvest Project No. 54057010508-CW. This project includes the installation of approximately 21,560 LF of distribution system waterlines, service laterals, fire hydrants and related appurtenances throughout Mahanoy City Borough, Gilberton Borough and Mahanoy Township, Schuylkill County. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 05-2324. Filed for public inspection December 16, 2005, 9:00 a.m.]

Availability of Technical Guidance

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

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

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 383-2125-110. Title: Development of a Replacement Source for a Community Water System. Description: This document provides guidance to a community water system that is replacing an existing groundwater source with a well, spring or infiltration gallery to alleviate lost capacity or water quality problems at their current supply source. The guidance is issued under the authority of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.1—721.17) and 25 Pa. Code Chapter 109 (relating to safe drinking water). Notice of availability of the draft document was published at 35 Pa.B. 4005 (July 16, 2005). No public comments were received on the draft document during the public comment period, which was open from July 16, 2005, through August 16, 2005. Contact: Questions concerning this technical guidance document should be directed to John Diehl, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, (717) 787-9561, jdiehl@state.pa.us. Effective Date: December 17, 2005.

Draft Technical Guidance

DEP ID: 362-0300-009. Title: Reuse of Treated Wastewater Guidance Manual. Description: This manual provides guidance to domestic sewage treatment plant operators and other parties who are interested in implementing a beneficial wastewater reuse project. It contains information on the design, operation and maintenance requirements for wastewater systems discharging treated water

for beneficial reuse. The manual is intended to ensure that wastewater is managed in an environmentally sound manner in accordance with Department regulations and that wastewater discharges are free from substances that pose a serious threat to the public health, safety and welfare. The manual is issued under the authority of Act 537 of 1966, the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a), The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and 25 Pa. Code Chapter 91 (relating to general provisions). Written Comments: The Department is seeking comments on draft technical guidance #362-0300-009. Interested persons may submit written comments on this draft technical guidance document by January 17, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to John Wetherell, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, jwetherell@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to John Wetherell, (717) 705-0486, jdiehl@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-2325. Filed for public inspection December 16, 2005, 9:00 a.m.]

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors

The Department of Environmental Protection (Department) hereby announces the submission deadline for 2005 Host Municipality Inspector Program Reimbursement Applications as March 31, 2006. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If your municipality does not receive but requires an application or if you have any

questions about this program, contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870 or visit the Department's website at www.depweb.state.pa.us (PA Keyword: Municipal Waste).

The deadline for submitting applications is 4:30 p.m. on March 31, 2006. Applications received by the Department after the deadline will not be considered.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-2326. Filed for public inspection December 16, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Carbon-Schuylkill Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carbon-Schuylkill Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2327. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of College Heights Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that College Heights Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2328. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Elmwood Endoscopy Center, PC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elmwood Endoscopy Center, PC has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.9.A3 (relating to station outlets) and Table 9.2.

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2329. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Gastroenterology Consultants, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gastroenterology Consultants, Inc. has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2330. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Jameson Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.15.A2 (relating to patient room size).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2331. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Lifecare Hospitals of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lifecare Hospitals of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4, 7.2B20 and 7.2.A2 (relating to handwashing stations; pt toilet room; and semiprivate pt rooms).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2332. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Select Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B19 (relating to showers and tubs).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2333. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Sharon Regional Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sharon Regional Health System has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2334. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of Surgery Center of Lancaster, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Lancaster, LP has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2335. Filed for public inspection December 16, 2005, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.C.1, 7.6.B7, 7.6.B8, 7.6.B12 and 7.6.C.

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2336. Filed for public inspection December 16, 2005, 9:00 a.m.]

Availability of Plan and Report Required by Section 1932 of the ADAMHA Reorganization Act of 1992

The Bureau of Drug and Alcohol Programs of the Department of Health (Department) is making available for public review and comment, under section 1941 of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992 (act) (42 U.S.C.A. § 290aa et seq.), the Department's Application and Final Plan (Plan) and the Annual Synar Report (Report) for the 2005-2006 Federal Fiscal Year required by section 1932 of the act.

The Plan and Report include provisions for complying with the funding agreements set out in the act, which are prerequisites for receiving block grant funds, and a description of the manner in which the Department expends to the grant.

The grant amount is approximately \$58 million for the period of October 1, 2005, to September 30, 2006.

Persons wishing to submit written comments on the Department's Plan and Report may do so. Comments received will be considered by the Department in the development of the Department's Plan and Report that will be part of the Commonwealth's application for Substance Abuse Prevention and Treatment Block Grant funding for Fiscal Year 2005-2006 and future years.

Copies of the Plan and Report are available from and comments should be addressed to Terry Matulevich, Bureau of Drug and Alcohol Programs, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8200.

For additional information or persons with a disability who require a copy of the Plan and Report in an alternative format or an auxiliary aid, service or other accommodation to make and submit comments, contact Terry Matulevich at (717) 787-9564 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2337. Filed for public inspection December 16, 2005, 9:00 a.m.]

Availability of Traumatic Brain Injury Grant Funds to Support TBI Education

The Bureau of Family Health's (Bureau), Division of Child and Adult Health Services is accepting applications to support education and awareness of the causes and consequences of concussion/mild-severe TBI among youth in junior and high school. Funding for up to \$3,000 is available to support education and awareness of the causes of traumatic brain injury as a result of sports or other activities. Activities should educate school staff (that is teachers, athletic trainers, coaches, school nurses), community sports programs and/or providers of recreational opportunities which could result in physical injury, appropriate prevention strategies and intervention activities in the event that youth sustain concussions which could result in mild to severe head injury.

For the purpose of this funding opportunity, a traumatic brain injury is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Youth with concussions/mild head injury often do not benefit from intervention because the extent of the injury is not recognized. Currently, approximately 200 Pennsylvania high schools and colleges are utilizing preplay neuropsychological testing to develop a "baseline" or "benchmark" of an athlete's level of cognitive functioning in the event that the youth has a concussion while participating in sports. While growth in this type of program has grown dramatically over the past 5 years, the majority of high schools in this Commonwealth are not using any kind of concussion management program and junior high/middle schools and recreational programs have been particularly underserved. Additional screening tools are also available that can be utilized after a youth sustains a concussion/head injury to determine if further evaluation or action is needed. Available resources appear at the end of this document.

The learning objectives of the proposed education and awareness activities must incorporate education on TBI, not just head injury, and should include the following:

- a) How to prevent concussions/mild head injuries.
- b) How to recognize the warning signs that indicate a concussion/mild head injury has occurred.
- c) How to intervene in the event that a concussion/mild head injury is suspected.

Educational and recreational settings in this Commonwealth's communities are being targeted for this effort. Through educational opportunities, teachers, coaches, athletic trainers, school nurses, camp counselors and the like will be better equipped to prevent, recognize, manage and provide support for youth sustaining concussions/head injuries resulting from participation in sports or other recreational activities. Project funds must be used to reimburse purchases and activities occurring prior to April 1, 2006.

Eligible applicants are this Commonwealth's public and private organizations, community-based programs and agencies as recognized by a Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, no applicant may take a profit from these funds. Only those organizations, programs or agencies that have not received any grant funds from the Bureau during the current fiscal year may apply for these funds.

Applicants may include but are not limited to:

- Sports organizations (such as football, baseball, cheerleading, hockey, soccer).
- Schools.
- Recreation providers.
- Community organizations.
- Park and recreation centers.
- Camps.
- Athletic directors, coaches, trainers, school nurses.
- Parent groups and organizations.

To apply for funding, a complete application must be postmarked and mailed to the Department of Health (Department) by 4 p.m. on January 20, 2006. Applications may be mailed or hand-delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason. We expect to notify all applicants of award status by January 31, 2006. It is anticipated that 11 awards of up to \$3,000 or less will be made. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department.

Application Process

Complete Attachment A "FY 2005-2006 APPLICATION" and attach a clear and concise narrative of no more than five typewritten pages single spaced that includes the following information, labeled by section:

1. The organization's justified need for the awareness and educational activity.
2. Identify targeted audience for the training.
3. Description of the awareness and education activities that address the learning objectives under the Purpose section of this funding opportunity, including who will do the training and training content (any training/educational material used must be described).

4. Description of how funds will be expended.

5. How the proposed activity will be evaluated or measured for a change in awareness and education on head injury and TBI, specifically.

An authorized official of the organization who can bind it to the provisions of the proposal must sign and date Attachment A. Submit an original and three complete copies of the application, which includes Attachment A, a narrative addressing the five points listed previously and any supporting documentation. Applications should be page-numbered and unbound. Incomplete applications will not be reviewed.

Eligible Costs

The maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal year. Funds may be used for reimbursement of the costs up to April 1, 2006. The budget section of the application must include a budget narrative detailing by line item how project funds will be used. Expenses eligible for reimbursement under this project include, but are not limited to:

1. Purchase of a concussion screening program.
2. Purchase of educational materials.
3. Trainers with expertise in TBI: See resource list.
4. Consultation by the trainer for the program after the initial training.
5. Training costs.

Ineligible Costs

The following costs are not eligible for reimbursement under this project:

1. Administrative/Indirect costs.
2. Purchases/Activities mandated by the Americans With Disabilities Act.
3. New building construction or structural renovation of an existing space.
4. Capital expenses or equipment.

Summary Report and Invoice Procedures

To receive reimbursement of approved expenses, awardees must submit the following documentation, found in Attachment B, to the Bureau by April 15, 2006:

1. A summary report of activities and evaluative efforts.
2. Attendance list, including person's position in relation to youth.
3. Plan for continuing traumatic brain injury awareness and education.
4. Invoice with expense documentation supporting line item amounts.

Funding decisions are contingent upon the availability of Fiscal Year 05/06 funds and Department approval by

means of a proposal review panel. Approval will be based upon a common set of preestablished criteria, including:

1. Does the applicant justify the need for the awareness and educational program?
2. Does the audience of the proposed activity meet the intended target?
3. Does the awareness and education activities meet the learning objectives?
4. The reasonableness of proposed expenditures/purchases.
5. Can the evaluation or measures taken demonstrate a change in awareness and knowledge?
6. Will the activity proposed be of an ongoing, systemic benefit to the community?

Applications should be mailed to the Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 7th and Forster Streets, Harrisburg, PA 17120, Attention: Becky Kishbaugh, TBI Grant Administrator.

Persons with additional questions or who wish to request application materials should contact Becky Kishbaugh at (717) 772-2762, TDD (717) 783-6514 or rkishbaugh@state.pa.us.

Potential Resources:

- Brain Injury Association of Pennsylvania, (866) 635-7097, website: www.biapa.org.
- ImPACT, (877) 646-7991, website: www.impact-test.com.
- Keywords to search for products or programs: Concussion assessment instruments, brain injury, return-to-play guidelines, computerized testing, internet testing.
- Center for Disease Control, Heads Up, Concussion in High School Sports tool kit for coaches, principals, and athletic directors, (770) 488-4902, website: www.cdc.gov/ncipc/tbi/coaches_tool_kit.htm.
- Printed materials:
 - When Your Child's Head Has Been Hurt: website: www.tbitac.org. Alternative format can be obtained from TBI Technical Assistance Center, (202) 884-6802.
 - UPMC Center for Sports Medicine Card: (412) 432-3670.
 - American Neurological Association Palm Card: (800) 321-7037.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Becky Kishbaugh at Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 7th and Forster Streets, Harrisburg, PA 17120, (717) 346-2741 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Attachment A
Pennsylvania Department of Health—Bureau of Family Health
APPLICATION
Traumatic Brain Injury Education

Applicant Information:

- Name of Organization: _____
- FID Number: _____
- Complete Mailing Address: _____
- Contact Person: _____
- Telephone Number: (_____) _____ Fax Number: (_____) _____
- E-mail Address: _____

Itemized Budget:

Itemized Activity Expenses	
#1: _____	= \$ _____
#2: _____	= \$ _____
#3: _____	= \$ _____
#4: _____	= \$ _____
#5: _____	= \$ _____
#6: _____	= \$ _____
#7: _____	= \$ _____
(attach additional sheets, if necessary)	
TOTAL = \$ _____	
* May not exceed \$3,000	

Provide any additional budget justification details here:

Attach copies of the proof of the cost for every expense proposed within your itemized budget.

Authorized Applicant Signature/Title: _____

Printed Name: _____

Attachment B

**Pennsylvania Department of Health—Bureau of Family Health
 FY2005-2006 FINAL REPORT/INVOICE
 TBI Sports Injury Education and Awareness**

Awardee Information

Name of Organization: _____
 FID number: _____
 Complete Mailing Address: _____
 Contact Person: _____
 Telephone Number: (____) _____ Fax Number: (____) _____
 E-mail Address: _____

Please attach the following, if applicable:

- Summary report of activities and evaluative efforts
- Attendance list, including person's position in relation to youth
- Plan for continuing traumatic brain injury awareness and education
- Invoice with expense documentation supporting line item amounts

Invoice

Itemized Activity Expenses

#1: _____ \$ _____
 #2: _____ \$ _____
 #3: _____ \$ _____
 #4: _____ \$ _____
 #5: _____ \$ _____
 #6: _____ \$ _____

Other Expenses (Itemize)

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

TOTAL = \$ _____ * May not exceed \$3,000

Awardee authorized signature/title: _____

Awardee printed name and title: _____

DOH Use Only:

Approved for Payment:

Date:

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

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Marion Manor Corporation
2695 Winchester Drive
Pittsburgh, PA 15220

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.19(b) and 205.36(b), (d) and (f) (relating to windows and windowsills; and bathing facilities):

Belle Reve Health Care Center
404 East Harford Street
Milford, PA 18337

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities):

Fox Subacute Center
2644 Bristol Road
Warrington, PA 18976

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-paexcept@state.pa.us.

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

Comments received by the Department within 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 a 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. 05-2339. Filed for public inspection December 16, 2005, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of the maximum allowable prices. Effective January 1, 2006, through March 31, 2006, the maximum allowable prices the Department of Health will pay for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.23
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.89
4 oz. Kosher Infant Juice	\$0.73
8 oz. Kosher Infant Cereal	\$2.00
1 doz. Grade A Eggs	\$1.83
1 lb. Fresh Carrots	\$1.14
14 to 16 oz. Canned Carrots	\$1.14
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.32
1 lb. Dry Beans or Peas	\$1.65
1 oz. Adult WIC Cereal	\$0.39
8 oz. Gerber Infant Cereal	\$2.00
15 to 18 oz. Peanut Butter	\$2.53
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.51
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.09
4 oz. Gerber Infant Juice	\$0.73
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.32
16 oz. Alimentum Advance Powder Formula	\$26.82
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.89
13 oz. Isomil Advance Concentrate Formula	\$4.70
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.80
12.9 oz. Isomil Advance Powder Formula	\$14.42
12.9 oz. Isomil 2 Advance Powder Formula	\$12.98
13 oz. Isomil with Iron Concentrate Formula	\$4.36
12.9 oz. Isomil with Iron Powder Formula	\$13.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.07
13 oz. Nutramigen Lipil Concentrate Formula	\$7.40
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.33
16 oz. Nutramigen Lipil Powder Formula	\$25.69
8 oz. Pediasure Ready-to-Feed Formula	\$2.13
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.23
13 oz. Similac Advance Concentrate Formula	\$4.38
32 oz. Similac Advance Ready-to-Feed Formula	\$6.20
12.9 oz. Similac Advance Powder Formula	\$13.66
12.9 oz. Similac 2 Advance Powder Formula	\$12.30
13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.39
12.9 oz. Similac with Iron Powder Formula	\$12.95
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.74
12.8 oz. Similac Neosure Advance Powder Formula	\$15.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2340. Filed for public inspection December 16, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Nursing Facility Assessment Program for Fiscal Year 2005-2006

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is implementing for Fiscal Year (FY) 2005-2006, provides an explanation of the assessment methodology that the Department is using in FY 2005-2006 and identifies the estimated aggregate impact on nursing facilities which will be subject to the assessment.

Background

The act of September 30, 2003 (P.L. 169, No. 25) (Act 25)¹, known as the Nursing Facility Assessment Law, directs the Department to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007 (Assessment Program). See sections 802-A and 815-A of Act 25 (62 P. S. §§ 802-A and 815-A). Act 25 further specifies that the Department may implement an Assessment Program "only to the extent that the revenues generated therefrom will qualify as the State share of [MA] program expenditures eligible for Federal financial participation." See section 803-A of Act 25 (62 P. S. § 803-A). To guarantee that the assessment amounts qualify for matching Federal funds, Act 25 directs the Department to seek such waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as may be necessary to implement the Assessment Program in conformity with Federal law. See section 812-A of Act 25 (62 P. S. § 812-A). The Department submitted a waiver request to the CMS and the CMS subsequently granted the waiver and approved implementation of the Assessment Program.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary), in consultation with the Secretary of the Budget, must determine the aggregate amount of the assessment and the annual assessment rate. See section 804-A of Act 25 (62 P. S. § 804-A). The aggregate amount and rate of assessment must be approved by the Governor's Office. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, subject to the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 804-A of Act 25.

Before implementing the Assessment Program in a fiscal year, the Secretary must publish a notice in the

Pennsylvania Bulletin that specifies the amount of the assessment being proposed, provides an explanation of the assessment methodology and assessment amount and identifies the aggregate impact on nursing facilities subject to the assessment. See section 805-A of Act 25 (62 P. S. § 805-A). After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the fiscal year. Id.

On June 25, 2005, the Secretary published a notice in the *Pennsylvania Bulletin* at 35 Pa.B. 3626 (June 25, 2005) announcing the proposed assessment rates, the aggregate amount and the impact for FY 2005-2006. The following is a summary of the comments that the Department received in response to the notice and the Department's responses to those comments.

Public Comment on the Proposed Assessment Program

Eight commentators submitted comments in response to the Department's notice published at 35 Pa.B. 3626. Six of the eight commentators were associated in some manner with one nursing facility. The Department also received comments from one of the major trade associations that represent nursing facility constituents.

Comment. Several commentators raised general objections to the Assessment Program, asserting that nursing facilities inevitably will pass the cost of the assessment to private-pay nursing facility residents or their families. They suggested that the increased resident costs will result in a more rapid depletion of the resident's resources, which, in turn, will result in the residents qualifying earlier for MA.

Response. The Department recognizes that the Assessment Program may ultimately result in some nursing facility residents qualifying for MA nursing facility services earlier if nursing facilities pass along the assessment costs to them through increased private pay rates. The Department does not expect, however, that the increased MA Program costs that may result from the earlier MA conversions will remotely approach the additional revenues and associated benefits to MA recipients that will be achieved through the Assessment Program.

Comment. Several commentators asserted that the combination of the Assessment Program, proposed reductions in Medicaid spending in the Federal budget, and a proposed cap on the rate of increase in MA payments will result in financial hardship for nursing facilities and may cause those facilities to declare bankruptcy or to close. In general, those commentators stated that the Department's reimbursement rates are not adequate to cover the cost of the services and items needed to provide quality care to nursing facility residents.

Response. The obligation of a provider to provide appropriate, high-quality care is a condition of participation in the MA Program; the obligation exists independent of the Assessment Program or of any particular payment rate or feature of the rate setting methodology. The Department has mechanisms in place for ensuring compliance with these requirements, including inspections, investigations of complaints and monitoring. In summary, the Department concludes that the Assessment Program alone or in combination with any changes to payment rates will not impair the quality of care provided by nursing facilities.

Furthermore, by suggesting that nursing facilities might be forced to close, the commentators implied that the Assessment Program would create an access problem, whereby the MA Program would have insufficient nursing facility beds available for MA recipients in need of

¹ Act 25 is codified in Article VIII-A of the Public Welfare Code, 62 P. S. §§ 801-A—815-A.

nursing facility services. The Department disagrees that the Assessment Program is likely to cause any problems related to access to care.

Currently, there are approximately 630 nursing facilities, with approximately 84,600 licensed beds, participating in the MA Program. Based on the most recent occupancy information available to the Department, the overall occupancy rate for these facilities was approximately 90%. Thus, at any given time the MA Program had approximately 8,460 unoccupied and available beds. Because the MA Program possesses substantial unused capacity, the withdrawal of any particular nursing facility from the program would not present an access problem.

From a programmatic standpoint, individual nursing facilities occasionally terminate their participation in the MA Program. Some remain in operation; others close. In the past, such terminations, whether voluntary or involuntary, have not served to create an access problem, even in areas of the Commonwealth where there were perceived shortages of nursing facility beds.

Comment. One commentator expressed concern about certain statements in the proposed assessment notice relating to nursing facilities that participate in a Continuing Care Retirement Community (CCRC). In the proposed assessment notice, the Department clarified that a nursing facility that is owned or controlled by a CCRC that is planning to construct residential living units in the future, or is constructing residential living units, but that has no residential living units occupied or available for immediate occupancy, would not qualify for the CCRC assessment rate. The commentator stated that when a CCRC is certified by the Pennsylvania Department of Insurance and currently provides a continuum of care via contract to its residents, the status of current or planned expansions of residential living units is immaterial to the determination that a nursing facility qualifies for the CCRC rate.

Response. The planned expansion of a CCRC's existing number of residential living units does not preclude its nursing facility from qualifying for the CCRC rate. As long as a CCRC-certified entity has any residential living units available for immediate occupancy as part of its continuum of care when the applicable nursing facility seeks the CCRC rate, then the nursing facility may qualify for the CCRC rate.

Assessment Methodology and Rates for FY 2005-2006

The Secretary published a notice at 35 Pa.B. 3626 announcing the proposed nursing facility assessment methodology and rates for FY 2005-2006.

The following nursing facilities will be exempt from the Assessment Program in FY 2005-2006:

1. Government owned and operated nursing facilities.
2. Veterans Administration nursing facilities.
3. Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected.
4. Nursing facilities that provide nursing facility services free of charge to all residents.

As in the first 2 years of the Assessment Program, nonexempt nursing facilities will continue to be assessed on a quarterly basis during FY 2005-2006 based on the number of licensed beds in the facility, the nursing facility's CCRC status and the number of non-Medicare resident days during each calendar quarter immediately

preceding the assessment quarter. During FY 2005-2006 the assessment rates for nonexempt facilities will be as follows:

1. The assessment rate for nonexempt nursing facilities that participate within a licensed CCRC or that have 50 licensed beds or less will be increased by \$.04 to \$1.54 per non-Medicare resident day.
2. The assessment rate for all other nonexempt nursing facilities will be increased by \$.04 to \$15.95 per non-Medicare resident day.

For FY 2005-2006, the Department will consider a nursing facility to qualify for the CCRC assessment rate if the nursing facility satisfies the following criteria:

1. The nursing facility is owned or controlled by an entity that is certified as a CCRC by the Insurance Department (for purposes of this guideline, "control" means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise).
2. The CCRC provides a continuum of care during the assessment period that includes residential living units that are either occupied or available for immediate occupancy.
3. The nursing facility is: (a) located on the same campus as the CCRC's residential living units; or (b) identified in the CCRC's Disclosure Statement and Resident Agreement under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225) and located no more than 30 miles from the campus on which the CCRC's residential living units are located.

Under these criteria, a nursing facility that is owned or controlled by a CCRC which is planning to construct residential living units in the future, or is constructing residential units, but which has no residential units occupied or available for immediate occupancy, would not qualify for the CCRC assessment rate. Additionally, the residential living units must be occupied or available for immediate occupancy for the entire assessment period for the nursing facility to qualify for the CCRC rate for that assessment period.

If a nonexempt nursing facility either satisfies the previously listed criteria after the commencement of the Assessment Program or does not satisfy the criteria but believes that it otherwise qualifies for the CCRC rate, then the nursing facility may submit a written request to the Department that it be assessed at the CCRC rate. The written request should include supporting documentation demonstrating that the nursing facility participates within a licensed CCRC. The Department will not unilaterally classify nursing facilities for the CCRC rate without a written request.

All requests relating to CCRC designation should be submitted to the Department of Public Welfare, Bureau of Long Term Care Programs, P. O. Box 2675, Harrisburg, PA 17105, Attention: NH Assessment Unit.

Assessment payments are due the last day of the Assessment quarter or the 30th day from the date of publication of this final notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's website at www.dpw.state.pa.us/omap/provinf/ltc/nsgfacass.asp.

Aggregate Assessment Amount and Fiscal Impact

As a result of the implementation of the Assessment Program, the Department estimates that the annual

aggregate assessment fees for nonexempt nursing facilities will total \$279,552,809 for FY 2005-2006. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-454 No fiscal impact; (8) recommends adoption. Implementation of these changes will result in a savings to the General Fund of approximately \$279.553 million in FY 2005-2006.

[Pa.B. Doc. No. 05-2341. Filed for public inspection December 16, 2005, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cupid Ca\$h '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 Cupid Ca\$h '05.

2. *Price:* The price of a Pennsylvania Cupid Ca\$h '05 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Cupid Ca\$h '05 instant lottery game ticket will contain one play area featuring a "LUCKY NUMBER" area and a "YOUR CUPID NUMBERS" area. The play symbols and their captions located in the "LUCKY NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "YOUR CUPID NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and an Arrow symbol (ARROW).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR CUPID NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500 and \$1,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Cupid Ca\$h '05 instant lottery game.

7. *Determination of Prize Winners:*

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

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

(c) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols is an Arrow symbol (ARROW), and a prize symbol of \$400 (FOR HUN) appears under the Arrow symbol (ARROW) on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

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

(f) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR CUPID 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 CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols is an Arrow symbol (ARROW), and a prize symbol of \$40\$ (FORTY) appears under the Arrow symbol (ARROW) on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

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

(k) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR CUPID 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 CUPID NUMBERS" play symbols is an Arrow symbol (ARROW), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Arrow symbol (ARROW) on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols is an Arrow symbol (ARROW), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Arrow symbol (ARROW) on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols is an Arrow symbol (ARROW), and a prize symbol of \$2⁰⁰ (TWO DOL)

appears under the Arrow symbol (ARROW) on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols is an Arrow symbol (ARROW), and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the Arrow symbol (ARROW) on a single ticket, shall be entitled to a prize of \$1.

(s) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(t) Holders of tickets upon which any one of the "YOUR CUPID NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR CUPID NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Cupid Ca\$h '05 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

<i>When Any of Your Cupid Numbers Match the Lucky Number; Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 in:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
FREE	TICKET	15	640,000
\$1	\$1	30	320,000
\$1 w/ARROW	\$1	30	320,000
\$2	\$2	42.86	224,000
\$1 x 2	\$2	42.86	224,000
\$2 w/ARROW	\$2	50	192,000
\$5	\$5	150	64,000
\$1 x 5	\$5	150	64,000
\$5 w/ARROW	\$5	300	32,000
\$10	\$10	600	16,000
\$2 x 5	\$10	600	16,000
\$5 x 2	\$10	600	16,000
\$10 w/ARROW	\$10	600	16,000
\$20	\$20	1,000	9,600
\$5 x 4	\$20	1,000	9,600
\$20 w/ARROW	\$20	750	12,800
\$40	\$40	2,400	4,000
\$10 x 4	\$40	2,400	4,000
\$20 x 2	\$40	2,400	4,000
\$40 w/ARROW	\$40	2,400	4,000
\$100	\$100	7,742	1,240
\$20 x 5	\$100	7,742	1,240
\$50 x 2	\$100	8,000	1,200
\$100 w/ARROW	\$100	8,000	1,200
\$400	\$400	240,000	40
\$100 x 4	\$400	240,000	40
\$400 w/ARROW	\$400	240,000	40
\$1,000	\$1,000	960,000	10
\$500 x 2	\$1,000	960,000	10

ARROW = Win prize shown automatically.

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

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

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

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

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

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-2342. Filed for public inspection December 16, 2005, 9:00 a.m.]

Pennsylvania Triple Fortune 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 Triple Fortune.

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

3. *Play Symbols:* Each Pennsylvania Triple Fortune instant lottery game ticket will contain "WINNING NUMBERS" and "YOUR #'S" areas. The play symbols and their captions located in the "WINNING NUMBERS" areas 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 #'S" areas 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), DBL symbol (DOUBLE) and TRPL symbol (TRIPLE).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$24\$ (TWY FOR), \$48\$ (FRY EGT), \$80\$ (EIGHTY), \$240 (TWOHUNFRY), \$2,400 (TWYFORHUN) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$6, \$8, \$10, \$24, \$48, \$80, \$240, \$2,400 and \$24,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Triple Fortune instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR #'S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$24,000 (TWYFORTHO) appears in the "PRIZE" area to the right of the matching "YOUR #'S" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the "YOUR #'S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,400 (TWYFORHUN) appears in the "PRIZE" area to the right of the matching "YOUR #'S" play symbol, on a single ticket, shall be entitled to a prize of \$2,400.

(c) Holders of tickets upon which any one of the "YOUR #'S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$240 (TWOHUNFRY) appears in the "PRIZE" area to the right of the matching "YOUR #'S" play symbol, on a single ticket, shall be entitled to a prize of \$240.

(d) Holders of tickets upon which any one of the "YOUR #'S" play symbols is a TRPL symbol (TRIPLE), and a prize symbol of \$80\$ (EIGHTY) appears in the "PRIZE" area to the right of the TRPL symbol (TRIPLE), on a single ticket, shall be entitled to a prize of \$240.

(e) Holders of tickets upon which any one of the "YOUR #'S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$80\$ (EIGHTY) appears in the "PRIZE" area to the right of the matching "YOUR #'S" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets upon which any one of the "YOUR #'S" play symbols is a TRPL symbol (TRIPLE), and a prize symbol of \$24\$ (TWY FOR) appears in the "PRIZE" area to the right of the TRPL symbol (TRIPLE), on a single ticket, shall be entitled to a prize of \$72.

(g) Holders of tickets upon which any one of the "YOUR #'S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$48\$ (FRY EGT) appears in the "PRIZE" area to the right of the matching "YOUR #'S" play symbol, on a single ticket, shall be entitled to a prize of \$48.

(h) Holders of tickets upon which any one of the "YOUR #'S" is a DBL symbol (DOUBLE), and a prize symbol of \$24\$ (TWY FOR) appears in the "PRIZE" area to the right of the DBL symbol (DOUBLE), on a single ticket, shall be entitled to a prize of \$48.

(i) Holders of tickets upon which any one of the "YOUR #'S" play symbols match either of the "WINNING NUM-

BERS" play symbols and a prize symbol of \$24\$ (TWY FOR) appears in the "PRIZE" area to the right of the matching "YOUR #S" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets upon which any one of the "YOUR #S" play symbols is a TRPL symbol (TRIPLE), and a prize symbol of \$8⁰⁰ (EGT DOL) appears in the "PRIZE" area to the right of the TRPL symbol (TRIPLE), on a single ticket, shall be entitled to a prize of \$24.

(k) Holders of tickets upon which any one of the "YOUR #S" play symbols is a DBL symbol (DOUBLE), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of the DBL symbol (DOUBLE), on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR #S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of the matching "YOUR #S" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR #S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$8⁰⁰ (EGT DOL) appears in the "PRIZE" area to the right of the matching "YOUR #S" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets upon which any one of the "YOUR #S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the "PRIZE" area to the right of the matching "YOUR #S" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets upon which any one of the "YOUR #S" play symbols is a DBL symbol (DOUBLE), and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "PRIZE" area to the right of the DBL symbol (DOUBLE), on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "YOUR #S" play symbols is a TRPL symbol (TRIPLE), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of the TRPL symbol (TRIPLE), on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "YOUR #S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "PRIZE" area to the right of the matching "YOUR #S" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets upon which any one of the "YOUR #S" play symbols is a TRPL symbol (TRIPLE), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of the TRPL symbol (TRIPLE), on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets upon which any one of the "YOUR #S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of the matching "YOUR #S" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "YOUR #S" play symbols is a DBL symbol (DOUBLE), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of the DBL symbol (DOUBLE), on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the "YOUR #S" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of the matching "YOUR #S" 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:

<i>When Any of Your Numbers Match Either Winning Number; Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$1 × 2	\$2	30	320,000
\$1 w/DBL	\$2	30	320,000
\$2	\$2	30	320,000
\$1 × 3	\$3	60	160,000
\$1 w/TRPL	\$3	50	192,000
\$3	\$3	60	160,000
\$1 × 6	\$6	300	32,000
\$2 × 3	\$6	300	32,000
\$2 w/TRPL	\$6	150	64,000
\$3 × 2	\$6	300	32,000
\$3 w/DBL	\$6	150	64,000
\$6	\$6	300	32,000
\$1 × 8	\$8	150	64,000
\$2 × 4	\$8	150	64,000
\$2 w/DBL × 2	\$8	150	64,000
\$8	\$8	150	64,000
\$1 × 10	\$10	300	32,000
\$2 × 5	\$10	300	32,000
\$2 w/DBL + \$6	\$10	150	64,000
\$10	\$10	150	64,000
\$3 × 8	\$24	1,500	6,400
\$6 × 4	\$24	1,500	6,400
\$8 × 3	\$24	750	12,800
\$10 w/DBL + \$2 w/DBL	\$24	750	12,800

<i>When Any of Your Numbers Match Either Winning Number; Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$8 w/TRPL	\$24	750	12,800
\$24	\$24	750	12,800
\$6 × 8	\$48	4,800	2,000
\$8 × 6	\$48	4,800	2,000
\$24 × 2	\$48	4,800	2,000
\$8 w/TRPL × 2	\$48	4,800	2,000
\$24 w/DBL	\$48	4,800	2,000
\$48	\$48	4,800	2,000
\$8 × 10	\$80	10,000	960
\$10 × 8	\$80	10,000	960
\$24 w/TRPL + \$2 × 4	\$80	9,231	1,040
\$80	\$80	10,000	960
\$24 × 10	\$240	40,000	240
\$48 × 5	\$240	40,000	240
\$80 × 3	\$240	40,000	240
\$80 w/TRPL	\$240	40,000	240
\$240	\$240	40,000	240
\$240 × 10	\$2,400	120,000	80
\$2,400	\$2,400	120,000	80
\$24,000	\$24,000	960,000	10

DBL = Double the prize shown

TRPL = Triple the prize 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 Triple Fortune 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 Triple Fortune, prize money from winning Pennsylvania Triple Fortune 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 Triple Fortune 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 Triple Fortune or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-2343. Filed for public inspection December 16, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Receipt of Applications for Funding under the Section 5310 Program

The Department of Transportation, Bureau of Public Transportation, under the authority contained in section 5310 of the Federal Transit Laws (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (program) (formerly known as Section 16 Program). Under this program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. A Guidelines and Procedures package containing all application forms can be obtained by calling Ben Brosius, Bureau of Public Transportation at (717) 787-1211. The filing deadline for the program is January 25, 2006. Questions, comments or suggestions should be directed to Ben Brosius, Section 5310 Program Manager, P. O. Box 3151, Harrisburg, PA 17105-3151.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-2344. Filed for public inspection December 16, 2005, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. Representative Nicholas A. Micozzie, Chairperson of the House Insurance Committee, has requested that the Council review House Resolution 400, Printer's Number 2469 (Bunt). House Resolution 400 directs the Council to study the requirement of comprehensive insurance coverage for the diagnosis and treatment of infertility.

Initial notification of request for information and documentation was published at 35 Pa.B. 5200 (September 17, 2005) with documentation due to the Council by November 17, 2005.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours, 8:30 a.m. to 5 p.m., until January 17, 2006. Additional comments on this information must be received at this time. Comments should be sent to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Submissions for House Resolution 400

1. *Blue Cross of Northeastern Pennsylvania*
 - Statement addressing section 9 requirements.
 - Attachments addressing health insurance coverage, health insurance mandates and factors driving the rising cost of healthcare.
2. *Highmark*
 - Statement addressing section 9 requirements.
 - Attachments addressing the diagnosis and treatment of infertility.
3. *Independence Blue Cross*
 - News articles on insurance coverage of infertility treatment.
4. *The Insurance Federation of Pennsylvania*
 - Statement addressing section 9 requirements and opposing House Bill 400.
 - Attachments addressing health insurance coverage, health insurance mandates and factors driving the rising cost of healthcare.
5. *Pennsylvania Catholic Health Association*
 - Letter and comments in opposition to House Resolution 400.
6. *Pennsylvania Chamber of Business and Industry*
 - Letter and comments in opposition to mandated benefits.
7. *Representative Raymond Bunt, Jr., Member, House of Representatives*
 - Letter in support of House Resolution 400.
8. *Resolve*
 - Letter indicating support of House Resolution 400.
 - Documentation addressing section 9 requirements.

- Attachments addressing the diagnosis and treatment of infertility.

9. *Wolf Block Government Relations*

- Statement by AFLAC noting the importance of excluding certain policies from those affected by House Resolution 400.

Sixty-seven constituent letters in support of House Resolution 400.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 05-2345. Filed for public inspection December 16, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, December 1, 2005, and announced the following:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 30, 2005

Department of Health #10-177: Schedules of Controlled Substances (amends 28 Pa. Code § 25.72)

Regulations Approved

Department of Community and Economic Development #4-80: Community Development Grant Program (amends 12 Pa. Code Chapter 141)

Environmental Quality Board #7-392: Environmental Laboratory Accreditation (amends 25 Pa. Code Chapters 78, 109 and 252)

Approval Order

Public Meeting held
December 1, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., by phone; Alvin C. Bush, Acting Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

Department of Community and Economic Development—Community Development Grant Program; Regulation No. 4-80

On October 24, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Community and Economic Development (Department). This rulemaking amends 12 Pa. Code Chapter 141. On November 15, 2005, the Department tolled and resubmitted the regulation. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The regulation updates the Department's existing Community Development Block Grant regulations as they relate to the U. S. Department of Housing and Urban Development Section 108 Loan Guarantee Program.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S.

§ 1764) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
December 1, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., by phone; Alvin C. Bush, Acting Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

Environmental Quality Board—Environmental Laboratory Accreditation; Regulation No. 7-392

On January 5, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapters 78, 109 and

252. The proposed regulation was published in the January 22, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 26, 2005.

This regulation implements Act 90 of 2002 which requires establishment of an environmental laboratory accreditation program.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (27 Pa.C.S. § 4105(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-2346. Filed for public inspection December 16, 2005, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-699	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Licensure Technical Amendments 35 Pa.B. 5530 (October 8, 2005)	11/7/05	12/7/05
16A-4921	State Board of Medicine Respiratory Care Continuing Education 35 Pa.B. 5520 (October 8, 2005)	11/7/05	12/7/05
16A-5317	State Board of Osteopathic Medicine Respiratory Therapists 35 Pa.B. 5523 (October 8, 2005)	11/7/05	12/7/05
16A-6910	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Child Abuse Reporting Requirements 35 Pa.B. 5525 (October 8, 2005)	11/7/05	12/7/05

**State Board of Social Workers, Marriage and
Family Therapists and Professional Counselors
Regulation #16A-699 (IRRC #2493)**

Licensure Technical Amendments

December 7, 2005

We submit for your consideration the following comments on the proposed rulemaking published in the October 8, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

1. Section 47.1. Definitions.—Clarity.

The Board is amending the definition of “accredited school” to reflect the fact that the Council on Social Work Education accredits graduate programs in social work and social welfare, not graduate schools. This amendment negates the need for the definition of “accredited program” which is, “A graduate school social work or social welfare program offered by a school accredited by the Council on Social Work Education.” We also note the term “accredited program” is not used anywhere else in Chapter 47. Therefore, the definition of “accredited program” should be deleted.

2. Section 47.1a. Qualifications for supervisors.—Reasonableness; Implementation procedures.

The Board is amending this section to allow licensed social workers from other states to qualify as supervisors. This provision was added to a subsection that will expire on January 1, 2006. We recommend that the provision be moved to a separate subsection of Section 47.1a, since the Board wants this to be permanent.

3. Section 47.11. Licensure examination.—Protection of the public health, safety and welfare; Reasonableness; Statutory authority; Consistency with the intent of the General Assembly.

Subsection (a) currently states that the examination required as a prerequisite to original licensure as a licensed social worker is the Association of Social Work Boards’ (ASWB) intermediate level examination. The Board is proposing to change the examination requirement to either the ASWBs’ master’s level examination or the clinical examination. We have two concerns.

First, this provision is inconsistent with the legislative intent of the General Assembly and lacks statutory authority. As noted by the House Professional Licensure Committee, the Board’s amendment to Subsection (a) “violates the intent of the General Assembly as expressed in the Social Workers, Marriage and Family Therapists and Professional Counselors Act” (Act). Section 7(a)(3) of the Act requires an applicant for licensure as a social worker to pass “an examination duly adopted by the board.” However, Section 7(d)(4) of the Act provides an escalated set of qualifications for applicants wishing to become licensed clinical social workers. That higher standard is passing a “clinical social work examination adopted by the Board.” Under the rules of statutory construction, 1 Pa.C.S.A. § 1921(a), the statute must be read to give effect to both provisions (Sections 7(a)(3) and 7(d)(4)). It is clear that the General Assembly believed it to be in the public interest to hold clinical social workers to a higher standard of qualification.

Second, as the ASWB has commented, this amendment is not sound policy because the master’s level examina-

tion and the clinical examination are very different. They note the following: “. . . in permitting entry level MSW’s to take the Clinical examination without the experience required in the statute and regulations, the Board would be allowing those who have not concentrated in clinical social work to advance to the status of prospective clinical social workers without the background to assure competence.” ASWB believes this would be a disservice to the client community and an unfair expectation placed on the recent graduate. We agree with the ASWB and recommend that the required examination be limited to the master’s level examination.

4. Section 47.12a. Licensed social work.—Statutory authority; Conflict with existing regulations.

This section lists the conditions that a licensee must meet to hold oneself out as a licensed social worker. Currently, licensees must graduate from a school that is accredited at the time of graduation. This mirrors the requirement found in Section 7(a)(2) of the Act. The Board is proposing to amend Subsection (a)(2) of the regulation by adding language that would allow the licensure of individuals who did not graduate from accredited schools. The Board lacks the statutory authority to allow individuals who have not graduated from an accredited school to obtain a license to practice social work. Therefore, this provision should be deleted.

If the Board proceeds with this section of the rulemaking as proposed, it would create an inconsistency between the licensure requirements of social workers and the requirements of provisional social workers and clinical social workers. Statutory and regulatory licensing requirements for both of these licensure classifications require applicants to graduate from accredited schools. Specifically, Section 7(b)(2) of the Act and Section 47.12b.(a)(2) of 49 Pa. Code require holders of a provisional license in social work to have graduated from an accredited school. Similarly, Section 7(d)(2)(i) of the Act and Section 47.12c.(a)(2) of 49 Pa. Code require holders of a clinical license in social work to have graduated from an accredited school. We question why one licensure classification of social worker should be held to a lesser standard than the other two classifications.

**State Board of Medicine Regulation #16A-4921
(IRRC #2494)**

Respiratory Care Continuing Education

December 7, 2005

We submit for your consideration the following comments on the proposed rulemaking published in the October 8, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

1. Section 18.309. Renewal of certification.—Clarity.

The House Professional Licensure Committee (Committee) questions whether the Board should delete the word “next” in Subsection (c) and replace it with “current,” as the State Board of Osteopathic Medicine did in its proposed Regulation 16A-5317. We agree.

2. Section 18.309a. Requirement of continuing education.—Consistency with statute; Consistency with existing regulations; Reasonableness; Clarity.

This section states, “The following continuing education requirements shall be completed each biennial cycle,

commencing with the biennial period ending December 31, 2006." This would require licensees to fulfill the 20-hour continuing education requirement by the end of the current biennial cycle, which is nearly a year old. Board counsel has indicated that is what the Board intended. We believe that this is unreasonable. To allow sufficient time for certificate holders to meet these continuing education requirements, the Board should make the requirements effective in the biennial period that begins after the effective date of this regulation.

Subsection (1)

This subsection requires the certificate holders to complete the 20 hours of continuing education "as set forth in section 36.1(f)(2) of the act." Act 55 of 2004 (Act) states that certificate holders "shall be required to attend and complete 20 hours of mandatory continuing education . . ." Commentators are concerned that this means that the certificate holder must be physically present at a live presentation and the proposal would not permit other non-traditional continuing education methods. We share this concern. The Board should consider allowing certain non-traditional continuing education methods for a portion of the 20-hour continuing education requirement.

Subsection (3)

We have two concerns with this subsection.

First, to be consistent with Section 36.1(f)(4) of the Act, the phrase "all or a portion of" should be inserted after the word "waive" in the first sentence.

Second, we agree with the Committee that utilizing specific language from Section 36.1(f)(4) of the Act would add clarity to the waiver provision.

Subsection (4)

The Board's existing regulations on Respiratory Care Practitioners uses the term "certificateholder" to describe a person who is permitted by the Board to provide respiratory care. The Act also uses this term. To be consistent with the Act and the existing regulations, the term "licensee" in this subsection should be replaced with "certificateholder."

**State Board of Osteopathic Medicine Regulation
#16A-5317 (IRRC #2496)**

Respiratory Therapists

December 7, 2005

We submit for your consideration the following comments on the proposed rulemaking published in the October 8, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Osteopathic Medicine (Board) to respond to all comments received from us or any other source.

Section 25.509a. Requirement of continuing education.—Reasonableness; Clarity.

Subsection (a)

We have two concerns with this subsection.

First, we concur with the House Professional Licensure Committee's (Committee) request that the Board clearly state its intention that the continuing education requirements set forth in this regulation would be effective starting with the biennial period that begins on November 1, 2006.

Second, we believe that the Board should consider allowing certain non-traditional continuing education

methods for a portion of the 20 hour continuing education requirements. This subsection requires the certificate holders to complete the 20 hours of continuing education "as set forth in section 10.2 of the act." Act 56 of 2004 (Act) states that certificate holders "shall be required to attend and complete 20 hours of mandatory continuing education . . ." The Pennsylvania Society for Respiratory Care is concerned that this means that the certificate holder must be physically present at a live presentation and the regulation would not permit other non-traditional continuing education methods. We share this concern.

Subsection (c)

We have two concerns with this subsection.

First, to be consistent with Section 10.2(f)(4) of the Act, the phrase "all or a portion of" should be inserted after the word "waive" in the first sentence.

Second, we agree with the Committee that specific language from Section 10.2(f)(4) of the Act would add clarity to the waiver provision and should be added.

**State Board of Social Workers, Marriage and
Family Therapists and Professional Counselors
Regulation #16A-6910 (IRRC #2498)**

Child Abuse Reporting Requirements

December 7, 2005

We submit for your consideration the following comments on the proposed rulemaking published in the October 8, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

This rulemaking adds child abuse reporting requirements to Chapter 48, relating to licensure of marriage and family therapists and Chapter 49, relating to licensure of professional counselors, of 49 Pa. Code. The House Professional Licensure Committee submitted comments on various provisions of this rulemaking. We concur with those comments that are discussed below.

1. Sections 48.51. and 49.51. Definitions relating to child abuse reporting requirements.—Clarity.

These sections contain a definition of "child abuse" that differs from the definition found in the Child Protective Services Law (Law). The statutory definition contains three sections. The proposed regulatory definition only contains the first section of the statutory definition. For consistency and clarity, we recommend that the Board add the missing text from the statutory definition to the regulatory definition of "child abuse."

2. Sections 48.52 and 49.52. Suspected child abuse—mandated reporting requirements.—Clarity; Possible conflict with existing regulations.

Subsections (a)—General rule

These subsections require marriage and family therapists and professional counselors (licensees) to report suspected child abuse to the Department of Public Welfare (DPW). Section 6313(b) of the Law provides that licensees must orally report suspected child abuse to the DPW and may report suspected child abuse to the appropriate county agency. Section 6313(c) of the Law provides that licensees must report suspected child abuse to the appropriate county agency. The final-form regulation should be amended to reflect the fact that licensees

have an obligation to report suspected child abuse to both the DPW and the appropriate county agency.

Subsections (c)—Reporting procedure

These subsections outline the specific reporting requirements for licensees. Subsections (c)(1) require licensees to orally report suspected abuse via telephone to DPW. Subsections (c)(2) require written reports to be made within 48 hours after the oral report is made by telephone. Similar to our concern on Subsections (a), the final-form regulation should clearly state that the written report must also be filed with the appropriate county agency.

Subsections (d)—Written reports

These subsections require written reports to be filed on forms prescribed by DPW. Subsections (d)(10) require the reporter to include: "Other information which the Department of Public Welfare may require by regulation." DPW has promulgated regulations on the filing of written reports by a required reporter (55 Pa. Code Chapter 3490.18), which differ slightly from the proposed rulemaking. In the final-form regulation, the Board should either provide a citation to DPW's regulation or use the exact language contained in that regulation.

3. Chapter 47. State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.—Possible conflict with or duplication of statutes or existing regulation.

If the Board amends the proposed rulemaking as recommended, it will differ from existing regulations of social workers on suspected child abuse found in 49 Pa. Code of Chapter 47. In order to provide consistency for all licensure classifications that fall under the Board's jurisdiction, the following sections of Chapter 47 should be amended: Section 47.51, relating to the definition of child abuse; Section 47.52(a), relating to general rule; and Section 47.52 (c)(2), relating to written report.

In addition, if the Board makes any other changes to the proposed rulemaking, it should make similar changes to the corresponding sections of Chapter 47.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-2347. Filed for public inspection December 16, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Nationwide Mutual Fire Insurance Company; Homeowners Rate Revision; Rate Filing

On December 5, 2005, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a proposed rate change for homeowners insurance.

The company requests an overall 2.4% decrease amounting to \$4.730 million annually, to be effective April 22, 2006, for new business and renewal business.

Unless formal administrative action is taken prior to February 3, 2006, 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. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2348. Filed for public inspection December 16, 2005, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau Workers' Compensation Loss Cost Filing; Rate Filing

On December 5, 2005, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The PCRB requests an overall 8.58% decrease in collectible loss costs, effective April 1, 2006, on a new and renewal basis. Also, the PCRB has calculated the Employer Assessment Factor effective April 1, 2006, to be 1.98%, as compared to the currently approved provision of 1.91%. Updates to a variety of other rating values to reflect the most recent available experience are also being submitted for approval. Finally, the filing includes proposed additions and/or changes to other manual rules consistent with intended practice regarding workers' compensation insurance options, classification procedures and related matters.

The entire April 1, 2006, loss cost filing is available for review on the PCRB's website at www.pcrb.com in the "Filings" section.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2349. Filed for public inspection December 16, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Delaware County, Wine & Spirits Shoppe #2333, 1500 Garrett Road, Upper Darby, PA 19082.

Lease Expiration Date: June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,800 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Garrett Road and Lansdowne Avenue, Upper Darby.

Proposals due: January 6, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9671

Lackawanna County, Wine & Spirits Shoppe #3520, Green Ridge Plaza, 1600 Nay Aug Avenue, Scranton, PA 18509.

Lease Expiration Date: November 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space on Green Ridge Street between North Main Avenue and Sanderson Avenue in the City of Scranton.

Proposals due: January 6, 2006, 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. 05-2350. Filed for public inspection December 16, 2005, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

Application Schedule

The Pennsylvania Gaming Control Board (Board), under the authority in 4 Pa.C.S. § 1306 (relating to order of initial license issuance) and 58 Pa. Code § 441.2 (relating to initial slot machine application deadlines), has adopted the following schedule for the acceptance of applications for Conditional Category 1 licenses, permanent Category 1 licenses, Category 2 licenses and Category 3 licenses.

The application acceptance period for Conditional Category 1 licenses, permanent Category 1 licenses, Category 2 licenses and Category 3 licenses will close on December 28, 2005.

THOMAS A. DECKER,
Chairperson

[Pa.B. Doc. No. 05-2351. Filed for public inspection December 16, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Interim Order

Public Meeting held
 December 1, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission v. MCI Metro Access Transmission Services, LLC Introducing Local Tariff Termination Service for Non-Access Minutes of Use; Doc. No. R-00050799

Interim Order

By the Commission:

On August 1, 2005, MCI Metro Access Transmission Services, LLC ("MCI Metro") or ("Company") filed Supplement No. 5 to Access Tariff—Pa. PUC No. 2 proposing to introduce a new service charge, Local Traffic Termination Service (LTTS) for Terminating Non-Access Minutes of Use¹ to become effective September 1, 2005. The effective date of the filing was extended by 30 days or until October 1, 2005, by Commission staff action through a Secretarial Letter, and a further voluntary postponement was issued by the Company until December 2, 2005. Further, the proposed rates, terms and conditions do not apply if the carrier and the Company have entered into an agreement that governs non-access minutes of use (MOU) including an interconnection agreement approved by the Commission pursuant to Section 252 of the Federal Telecommunication Act, and also Commercial Mobile Radio Service (CMRS) providers licensed by the FCC are exempt from this charge.

The proposed state tariff, if approved, would establish local call terminating compensation rates between MCI Metro and any Competitive Local Exchange Carrier (CLEC) that does not have an interconnection agreement with MCI Metro.² The proposed state tariff does not apply to Incumbent Local Exchange Carriers (ILECs) or Commercial Mobile Radio Service (CMRS) providers licensed

¹ Terminating Non-Access Minutes of Use is described by MCI Metro as non-Access minutes of use delivered by the Carrier to the Company for termination to customers of the Company, including all minutes of use for which the calling and called party number are assigned in the Local Exchange Routing Guide to the same Mandatory Local Calling area and excludes wireless traffic.

² The proposed tariff does not address the tariff's operation if MCI Communications Inc., (MCI), the parent company of MCI Metro, ultimately merges with Verizon and becomes an ILEC as opposed to a CLEC. MCI Metro's clarification of the CLEC terminating charges' operation was limited to a verbal discussion with staff.

by the FCC. CMRS providers are exempt from the proposed compensation rate based on the *T-Mobile Order*. ILECs are exempt from the proposed compensation rate based on the FCC's *1996 Local Competition Order*.³

MCImetro provided an illustration of the pricing methodology calculation in response to staff inquiries. MCImetro intends to bill carriers that terminate traffic to MCImetro for all minutes that are at or below 3,000 minutes a month. Only those terminating minutes that are above 3,000 in a single month are not billed.⁴ In MCImetro's view, the charge is appropriate because the minutes fall below the 3:1 presumption for ISP MOUs established in the *ISP Remand Order*.

LEGAL ANALYSIS

MCImetro relies on three Federal Communications Commission ("FCC") Orders in support of the proposed tariff. These are the *ISP Remand Order* at FCC 01-131⁵ (released April 27, 2001), the *Core Order* at FCC 04-241⁶ (released October 18, 2004), and the *T-Mobile Order* at FCC 05-42⁷ (released February 24, 2005).

The *ISP Remand Order* established interim federal reciprocal compensation rates for Internet Service Providers (ISPs) on a Minute-of-Use (MOU) basis. The *ISP Remand Order* also created a rebuttable presumption that traffic exceeding a 3:1 ratio of Originating Minutes to Terminating Minutes was ISP traffic subject to interim compensation rates and a growth cap.⁸ Traffic below this 3:1 threshold is not considered ISP traffic although the rate for this non-ISP traffic had to "mirror" the ISP rate.⁹

The FCC's *Core Order* modified the *ISP Remand Order*. The *Core Order* abandoned the growth cap and mirroring rate requirement of the *ISP Remand Order*.¹⁰

The *T-Mobile Order* expressly addressed the issue of whether a local exchange carrier could determine local call terminating compensation from a CMRS carrier using state-approved tariffs if the carriers have no interconnection agreement. The *T-Mobile Order* prohibits the use of state-approved tariff rates to determine local call terminating compensation from CMRS carriers. The prohibition applies on a going-forward basis following publication. The FCC takes this approach based on a legal conclusion that negotiations, as opposed to the state-approved compensation rates, are the legally required vehicle for determining wireless-to-wireline traffic compensation.¹¹

MCImetro suggests that its proposed state tariff language is consistent with these FCC Orders. MCImetro believes that the three orders collectively allow MCImetro

to charge other CLEC carriers compensation rates at state-approved rates when terminating non-access minutes of use below a 3:1 ratio¹² of Terminating to Originating Non-Access Minutes of Use if the carrier has no interconnection agreement with MCImetro and the traffic is neither wireless nor ILEC.

MCImetro seems to reason that the *ISP Remand Order* established a lower interim compensation rate for ISP traffic but excluded traffic below the 3:1 ratio from this interim compensation rate. MCImetro concludes that CLEC-to-CLEC traffic below the 3:1 ratio can still be established by state-approved tariffs because CLEC-to-CLEC compensation was not directly addressed in the *Core Order* and the *T-Mobile Order*. MCImetro's interpretation limits the *T-Mobile Order* holding to state-approved tariffs for wireless-to-wireline compensation.

Based upon this reasoning, MCImetro suggests that the negotiation and arbitration requirements of TA-96 cited in support of the *T-Mobile Order* are limited to ILEC-CLEC and LEC-CMRS compensation. MCImetro asks the Commission to approve a default compensation rate because the FCC's orders and the supporting negotiation and arbitration requirements of TA-96 do not apply to CLEC-to-CLEC traffic. MCImetro verbally clarified to staff that the proposed compensation rate applies only to CLEC-to-CLEC that is non-ISP (e.g., below the 3:1 ratio, and not wireless).

MCImetro concludes that the Commission can establish state-approved compensation rates for call termination services so long as the traffic does not come within the purview of the *ISP Remand Order*, the *Core Order*, and the *T-Mobile Order*, and the parties do not have an effective interconnection agreement covering the traffic in question. MCImetro recognizes that the *T-Mobile Order* adopted a rule prospectively prohibiting charges for wireless traffic but concludes that there is no rule against such charges for other kinds of local traffic (e.g., non-wireless traffic that is not ISP traffic).

The Commission is unwilling to immediately approve this tariff based on this narrow interpretation of Federal law and FCC practice without comments and replies from other interested persons. This refusal is underscored by the fact that CLECs other than MCImetro have not submitted a similar tariff relying on this narrow legal interpretation. Other CLECs seem to be unaware of MCImetro's proposed tariff and the supporting legal interpretation, even though those CLECs are impacted by the tariff.

The Commission also recognizes that this narrow legal interpretation and the resulting tariff will substantially alter existing CLEC-to-CLEC intercarrier compensation practices in Pennsylvania. CLECs largely utilize Bill-and-Keep for CLEC intercarrier compensation. The reciprocal compensation proposal reflected in this tariff constitutes a significant departure from that practice. There is no evidence that the CLECs impacted by this departure are aware of this substantial change in compensation practice or the underlying legal theory.

The proposed tariff could also shift the burden of interconnection agreements to carriers completing local calls on its network. This shifting could be particularly acute in any post-merger environment wherein the CLEC proposing this tariff could become an affiliate of an ILEC enforcing a carrier compensation right under state tariff. This could lead to a conclusion that unless the proposed

³ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket Nos. 96-98, Released August 8, 1996.

⁴ The FCC's *ISP Remand Order* contains a rebuttable presumption that traffic above a ratio of 3:1 is ISP traffic subject to a federal compensation rate. Traffic below a 3:1 ratio is not ISP traffic. The FCC expected the interim rates established in the *ISP Remand Order* to limit or end the opportunity for regulatory arbitrage and to be replaced by a final order in its *Inter-carrier Compensation Order* proceeding at CC 01-92 (the *ICC Order*). *ISP Remand Order*, paragraph 8. That did not happen. State commissions are responsible for adjudicating any challenges to the presumption.

⁵ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Inter-carrier Compensation for ISP-Bound Traffic*, CC Docket Nos. 96-98 and 99-68, Released April 27, 2001 (the *ISP Remand Order*).

⁶ *Petition of Core Communications, Inc. for Forebearance under 47 U.S.C. § 160(c) from Application of the ISP Remand Order*, WC Docket No. 03-171, Released October 18, 2004 (the *Core Order*).

⁷ *T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs, Declaratory Ruling and Report and Order* (FCC Rel. February 24, 2005) CC Docket No. 01-92, FCC 05-42. (*T-Mobile Order*).

⁸ *ISP Remand Order*, paragraph 8.

⁹ *ISP Remand Order*, paragraphs 3 through 8, 66-95.

¹⁰ *Core Order*, paragraph 24, last sentence. The growth cap and mirroring rules were part of a ruling aimed at developing a unified compensation regime premised on Bill-and-Keep. *ISP Remand Order*, paragraphs 4, 6, 8 and 66-67. The *Core Order* grants limited forbearance. The FCC abandoned these requirements based on a view that the underlying compensation premise reflected in the *ISP Remand Order* e.g., that no cost differences between voice and ISP warrant are sufficient to justify different rates, is less important than unified intercarrier compensation.

¹¹ *T-Mobile Order*, paragraphs 9 and 14.

¹² *ISP Remand Order*, paragraph 8. State commissions adjudicate any challenge to the presumption.

tariff benefits carriers by enabling carriers to account for all completed calls, the Commission should not approve the tariff as proposed.

Finally, in this filing we are dealing with rates governing the termination of what essentially is "local" traffic, but identified as "non-access" traffic, we need to explore whether it falls within certain statutory constraints. Termination of local traffic may be bound by intrastate carrier access charges in carriers' access tariff and may also be governed by Section 3017 of Chapter 30. Section 3017(c) prohibits a CLEC from charging access rates higher than those charged by an ILEC in the same service territory absent a demonstration that costs justify a higher access rate. 66 Pa.C.S. § 3017(c).

The Commission identifies some concerns about this proposed tariff. The Commission's concerns include the following:

1. Whether the FCC's overall approach favoring interconnection arbitration and negotiation reflected in the *Core Order* and the *T-Mobile Order* is limited to ILEC-CLEC and ILEC-Wireless and/or agreements.

2. What, if any, role Commission ratification of this proposed tariff could have if, as proposed, where MCI Communications, Inc. may potentially become an affiliate of Verizon Pennsylvania, Inc. given that this tariff may become a property right of an ILEC as opposed to a tariff proposal of a CLEC.

3. Whether a Commission approved default compensation rate by tariff for a CLEC in CLEC-to-CLEC compensation matters continues where MCI may potentially become an affiliate of Verizon Pennsylvania Inc.

4. Whether MCI Metro usage of the term "non-access minutes of use" is consistent with or contrasts with the general usage of the term in the industry. Typically, "non-access traffic" means telecommunications traffic that is not subject to access charges. It appears there might be a conflict in using such a term as "non-access traffic" for the proposed charge in an Access Tariff. Moreover, the use of the term "non-access" minutes varies even in the FCC Orders cited by MCI Metro.

5. Whether the proposed charge for local traffic transmitted between LECs in the form of "non-access charge" in just one carrier's tariff is in violation of Section 251(b)(5) of the 1996 Telecommunications Act which obligates LECs to establish reciprocal compensation arrangements through an interconnection agreement for the transport and termination of local telecommunication traffic and also specifies that LECs and interconnecting local exchange carriers compensate each other for termination of local traffic on a reciprocal basis.

6. Whether the proposed charge is within the constraints of Section 3017 of Chapter 30 (66 Pa.C.S § 3017), which prohibits a CLEC from charging access rates higher than those charged by an ILEC in the same service territory, absent a demonstration that costs justify a higher access rate.

The Commission concludes that suspension and investigation of this proposed tariff is necessary given these concerns and the Commission's refusal to accept MCI Metro's interpretation without further comment or replies.

The Commission takes this action to solicit comments and replies from other interested persons. Following review of the comments and replies, the Commission will determine the next course of action.

With that in mind, the Commission will adopt an Interim Order suspending MCI Metro's tariff filing to introduce a charge for non-access minutes of use for a period not to exceed six months. During the suspension, the Commission will solicit comments and replies on the issues identified in this Interim Order, as well as other issues of concern to others involving this proposed tariff. To that end, the Commission will publish this Interim Order in the *Pennsylvania Bulletin* with comments due in 30 days following publication and reply comments due within 15 days after the comment due date. The Commission will then determine the next appropriate action in response to those comments and replies; *Therefore*,

It Is Ordered That:

1. Supplement No. 5 to MCI Metro Access Transmission Services, LLC Tariff-Telephone Pa. PUC No. 2, filed August 2, 2005, the effective date has been postponed until December 2, 2005, to introduce Local Traffic Termination Service for non-access minutes of use, is suspended for a period not to exceed six months, or until June 2, 2006, pending a review of comments from the industry.

2. MCI Metro Access Transmission Services, LLC shall file the appropriate tariff suspension supplements.

3. The Commission hereby solicits comments on MCI Metro Access Transmission Service, LLC's proposed tariff for Local Traffic Termination Services.

4. The Secretary shall duly certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, for the purpose of collecting more public information through the solicitation of comments concerning the issues of intercarrier compensation involved in this case.

5. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, any concerned party may file comments by submitting an original and 10 copies to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A separate copy of any comments should be served upon each Commissioner's Office, the Bureau of Fixed Utility Services, the Office of Special Assistants, and the Law Bureau.

6. Reply comments shall be due 15 days after the comment due date and filed in accordance with Ordering Paragraph 5.

7. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

8. A copy of this Interim Order shall be served upon the Pennsylvania Telephone Association, COMPTTEL, all jurisdictional local exchange carriers, all competitive local exchange carriers, Office of Consumer Advocate, Office of Small Business Advocate, and the Office of Trial Staff.

9. The Bureau of Fixed Utility Services and Law Bureau prepare a Report and Order after review of the parties' comments.

10. The contact persons are Joseph Witmer, Law Bureau (717) 787-3663, joswitmer@state.pa.us, and Mohan Samuel, Bureau of Fixed Utility Services, (717) 783-0697, msamuel@pa.state.us.

11. If it becomes clear that a final Commission order disposing of the proposed tariff revision will not be entered by the end of the 6-month suspension period established in ordering paragraph 1 above, the Bureau Fixed Utility Services shall issue a further Interim Order suspending this filing for an additional three months or until September 2, 2006.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2352. Filed for public inspection December 16, 2005, 9:00 a.m.]

November 2005 Review of Fuel Cost Recovery Surcharge; S. P. 28208

Public Meeting held
December 1, 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. 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 Public Meeting on September 9, 2005. Recognizing that the price of fuel is likely to fluctuate in the future months, the Commission also ordered that the temporary fuel surcharge was to be evaluated on a monthly basis until further notice to ensure that the surcharge is appropriately adjusted to the price of fuel. The last adjustment was made by the Commission at Public Meeting on October 27, 2005.

The most recent data for the week ending November 28, 2005 indicates that the price of gasoline is \$2.23 per gallon, which is a decrease of \$.33 or 13% from the average price for October 24, 2005. The effect of this decrease results in an average cost of fuel per trip of \$1.01 for call or demand operations. The average cost of fuel per trip for paratransit and airport transfer operations is \$2.34. Considering this decrease, the surcharge shall be adjusted to \$.40 per trip for each paying passenger for call or demand service and \$.95 per trip for each paying passenger for airport transfer and paratransit services, effective December 5, 2005.

The changes which have occurred in the Fuel Cost Recovery Surcharge at S. P. 28208 are summarized in the table below.

Historical Charges for Fuel Cost Recovery Surcharge at S. P. 28208

<i>Effective Date</i>	<i>Call or Demand</i>	<i>Airport Transfer/ Paratransit</i>
June 14, 2004	\$.30	\$.70
September 2, 2005	\$.70	\$1.55
September 12, 2005	\$.90	\$2.00
October 3, 2005	\$.70	\$1.55
October 31, 2005	\$.55	\$1.25
December 5, 2005	\$.40	\$.95

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 the 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 at 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 surcharge to \$.40 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 surcharge to \$.95 per trip for each paying passenger.

4. The decreases be approved to become effective December 5, 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 January 12, 2006.

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 is \$.40 per trip for each paying passenger and is effective on December 5, 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 \$.95 per trip for each paying passenger and is effective on December 5, 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. 05-2353. Filed for public inspection December 16, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 9, 2006. 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-00122247. Arden G. McConnell (11214 Atlantic Road, Atlantic, Crawford County, PA 16111)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania, and return.

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

A-00104709, F. 2, Am-A. Unique Limousine Service, Inc. (1900 Crooked Hill Road, Harrisburg, Dauphin County, PA 17110), a corporation of the Commonwealth—persons, in airport transfer service from points in the Counties of Lancaster and York, to the following airports: Philadelphia International Airport, in the City and County of Philadelphia and the Township of Tinicum, Delaware County; Harrisburg International Airport in the Township of Lower Swatara, Dauphin County; Lancaster Municipal Airport, in the Township of Manheim, Lancaster County; and the Reading Municipal Airport in the Township of Bern, Berks County: *So As To Permit* the transportation of persons in airport transfer service from Harrisburg International Airport in the Township of Lower Swatara, Dauphin County to points in Pennsylvania.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00122224, Folder 2. Donald E. West t/a West Transport Service (P. O. Box 564, Manheim, Lancaster County, PA 17545)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2354. Filed for public inspection December 16, 2005. 9:00 a.m.]

Tentative Order

Public Meeting held
December 1, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*In re: Global Communications Consulting Corporation;
A-311211*

Tentative Order

By the Commission:

Global Communications Consulting Corporation (Global) has failed to pay its \$34 general assessment for 2005-2006 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Global is a telecommunications interexchange reseller certificated at A-311211, whose certificate of public convenience was issued on November 7, 2002. On or about August 17, 2005, Commission staff sent an invoice to Global notifying it that its 2005-2006 annual assessment was due. The notice was returned as "not deliverable," and the Commission has not received payment for this invoice. Several follow-up mailings have similarly come back as not deliverable. The Commission does not have a current telephone number for Global. Commission staff was subsequently advised by Global's former legal counsel that Global is no longer in business.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above and because of Global's failure to pay its general assessment for 2005-2006, we believe it is appropriate to revoke Global's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of Global's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Global seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of Global Communications Consulting Corporation's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Global Communications Consulting Corporation at A-311211 shall be canceled, and Global Communications Consulting Corporation's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2355. Filed for public inspection December 16, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-132.P, Purchase Nine (9) Marine Fenders, Packer Ave. Marine Terminal (PAMT) until 2 p.m. on Thursday, December 28, 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 December 20, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-2356. Filed for public inspection December 16, 2005, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #5-135.1, Site Demolition & Preparation Activities, Pier 74 S. Annex until 2 p.m. on Thursday, January 10, 2006. 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 December 19, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held at 10 a.m. on December 22, 2005, at Pier 74 S. Annex (through Pier 78 S. Gate, Columbus Blvd. and Snyder Ave.), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-2357. Filed for public inspection December 16, 2005, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 15, 2006 Patricia M. Dombart 1 p.m.
(Waiver of Adjustment)

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 05-2358. Filed for public inspection December 16, 2005, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.
Joseph Nguyen t/d/b/a Kims Nail Design; Doc.
No. 33572-45-01**

On October 20, 2005, Joseph Nguyen t/d/b/a Kims Nail Design, unlicensed, of Allentown, Lehigh County was assessed a civil penalty of \$500 for practicing cosmetology without a license.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Cosmetology (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.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 05-2359. Filed for public inspection December 16, 2005, 9:00 a.m.]
