

# 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 25, 2005.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-21-05	Susquehanna Bank PA, Lititz, First Susquehanna Bank & Trust, Sunbury, and WNB Bank, Williamsport Surviving Institution— Susquehanna Bank PA, Lititz	Lititz	Effective

*Note:* Farmers First Bank, Lititz, changed its corporate title to Susquehanna Bank PA, through the filing of Articles of Amendment, effective November 5, 2004. The three merger components are all subsidiary banks of Susquehanna Bancshares, Inc. All branch offices will become branches of Susquehanna Bank PA, including the former main offices of First Susquehanna Bank & Trust, Sunbury, and WNB Bank, Williamsport, as follows:

*Branches Obtained by Means of  
Merger:*

400 Market Street  
Sunbury  
Northumberland County  
  
329 Pine Street  
Williamsport  
Lycoming County

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-18-05	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	12360 Academy Road Philadelphia Philadelphia County	Opened
1-20-05	Northwest Savings Bank Warren Warren County	1767 North Atherton Street State College Patton Township Centre County	Opened

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-18-05	Fulton Bank Lancaster Lancaster County	<i>To:</i> 2100 Van Reed Road West Lawn Berks County  <i>From:</i> 2101 State Hill Road Wyomissing Berks County	Effective
1-18-05	Mercer County State Bank Sandy Lake Mercer County	<i>To:</i> 16411 Conneaut Lake Road Meadville Crawford County  <i>From:</i> 16881 Conneaut Lake Road Meadville Crawford County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-20-05	Community Bank & Trust Co. Clarks Summit Lackawanna County	97 College Avenue Factoryville Wyoming County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversion to Community Charter**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-21-05	Freedom Credit Union Philadelphia Philadelphia County	Philadelphia	Approved

Represents conversion from an occupational-based to a community-based credit union which will be accomplished by amending Article 8 of the credit union's Articles of Incorporation to extend the field of membership of the credit union to include persons who live, work, worship, perform volunteer services, attend school, and businesses and other legal entities located in the Counties of Philadelphia, Bucks, Chester, Delaware and Montgomery in Pennsylvania, subject to a requirement that prior to establishing an initial branch in either Delaware or Chester County, and as part of the branch approval process, the credit union provide additional support regarding the feasibility and financial impact of the branching activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-235. Filed for public inspection February 4, 2005, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Lehigh River Watershed Conservation Management Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Lehigh River Watershed Conservation Management Plan (Plan) and is placing the Lehigh River, the watershed and all tributaries covered in the Plan in Berks, Bucks, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Schuylkill and Wayne Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Wildlands Conservancy (Conservancy) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- The watershed area of the Lehigh River Watershed from the headwaters to its confluence with the Delaware River—1,345 square miles.
- All tributary streams within the Lehigh River Watershed.

This action takes effective February 5, 2005. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Wildlands Conservancy, 3701 Orchard Place, Emmaus, PA 18049-1637, (610) 965-4397; and the Department of Con-

servation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Conservancy.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-236. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Lower Neshaminy Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Lower Neshaminy Creek Watershed Conservation Plan (Plan) and is placing the portion of the Neshaminy Creek Watershed studied in the Plan in Bucks County on the Pennsylvania Rivers Conservation Registry (Registry).

The Heritage Conservancy (Conservancy) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- A portion of the Neshaminy Creek Watershed, located within the municipal boundaries of Hulmeville Borough, Langhorne Borough, Langhorne Manor Borough, Lower Southampton Township, Middletown Township, Northampton Township, Pendel Borough and Upper Southampton Township, Bucks County—60.7 square miles.

- All tributary streams within the Neshaminy Creek Watershed, located within the municipal boundaries of Hulmeville Borough, Langhorne Borough, Langhorne Manor Borough, Lower Southampton Township, Middletown Township, Northampton Township, Pendel Borough and Upper Southampton Township, Bucks County.

- A portion of the Queen Anne Creek Watershed, located within the municipal boundaries of Middletown and Lower Makefield Townships, Bucks County.

This action takes effective February 5, 2005. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at The Heritage Conservancy, 85 Old Dublin Pike, Doylestown, PA 18901-2489, (215) 345-7020; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Conservancy.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-237. Filed for public inspection February 4, 2005, 9:00 a.m.]

Creek, the watershed and all tributaries covered in the Plan in Schuylkill and Dauphin Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- The watershed area of the Wiconisco Creek Watershed (Dauphin and Schuylkill Counties) from the headwaters to its confluence with the Susquehanna River—116.32 square miles.

- All tributary streams within the Wiconisco Creek Watershed.

This action takes effective February 5, 2005. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at Dauphin County Conservation District, 1451 Peters Mountain Road, Dauphin, PA 17108, (717) 921-8100; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Dauphin County Conservation District.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-238. Filed for public inspection February 4, 2005, 9:00 a.m.]

**Wiconisco Creek Watershed Conservation Plan**

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Wiconisco Creek Watershed Conservation Plan (Plan) and is placing the Wiconisco

**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 and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063975 (Renewal)	Thompson Borough Water Street P. O. Box 89 Thompson, PA 18465	Susquehanna County Thompson Borough	Starrucca Creek (4E)	Y
PA-0013676	Pocono Auto Truck Plaza P. O. Box 98 Bartonsville, PA 18321	Hamilton Township Monroe County	Pocono Creek HQ-CWF (1E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0081957 (IW)	Viacom, Inc. 11 Stanwix Street Pittsburg, PA 15222-1384	Adams County Cumberland Township	UNT to Rock Creek/13-D	Y
PA0008184 (IW)	Harsco Corporation P. O. Box 8888 Camp Hill, PA 17001-8888	Dauphin County Harrisburg City	Paxton Creek/7-C	Y
PA0024244 (IW)	Sunoco, Inc. R. R. 5, Box 2379 Sugar Run Road Altoona, PA 16601-9314	Blair County Allegheny Township	Sugar Run/11-A	Y
PA0031551 (SEW)	Chambersburg Area School District Lurgan Elementary School 435 Stanley Avenue Chambersburg, PA 17201	Franklin County Lurgan Township	UNT/7B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0100927	R. B. Food, Drink and Lodging, Inc. 7860 West Ridge Road Fairview, PA 161415	Fairview Township Erie County	Trout Run 15-TR	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0025283	Knox Borough Sewage Treatment Plant P. O. Box 366 Knox, PA 16232-0366	Beaver Township Clarion County	Canoe Creek 17-B	Y
PA0221848	USDA Allegheny National Forest Willow Bay Recreation Area P. O. Box 847 222 Liberty Street Warren, PA 16365-2304	Corydon Township Warren County	UNT to Allegheny River 16-B	Y
PA025551	USDA Allegheny National Forest Dew Drop Recreation Area P. O. Box 847 222 Liberty Street Warren, PA 16365-2304	Mead Township Warren County	UNT to Allegheny River 16-E	Y
PA0025534	USDA Allegheny National Forest Kiasutha Recreation Area P. O. Box 847 222 Liberty Street Warren, PA 16365-2304	Hamilton Township McKean County	UNT to Allegheny River 16-B	Y
PA0025542	USDA Allegheny National Forest Kinzua Beach Recreation Area P. O. Box 847 222 Liberty Street Warren, PA 16365-2304	Mead Township Warren County	UNT to Allegheny River 16-B	Y
PA0029726	Jamestown Municipal Authority Sewage Treatment Plant P. O. Box 188 Jamestown, PA 16134	Jamestown Borough Mercer County	Shenango River 20-A	Y
PA0038814	Ellport Borough Sewer Authority 313 Burns Avenue Ellwood City, PA 16117	Ellport Borough Lawrence County	Connoquenessing Creek 20-C	Y

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

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

**No. PA0012882**, Industrial Waste, **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge noncontact cooling water from the facility in the City of Philadelphia, Philadelphia County. This is an existing discharge to the Delaware River Estuary Zone 3.

The receiving stream, Delaware River—Zone 3, is in the State Water Plan watershed 3J and is classified for WWF and MF. There are no public water supply intake downstream of this discharge in this Commonwealth.

The proposed effluent limits for Outfall 004 are based on a design flow of 12.8. mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Influent Temperature (°F)	Monitor and Report		Monitor and Report
Effluent Temperature (°F)			110°F
pH (STD)	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions:

The EPA Waiver is in effect.

**PA0042889**, SEW, SIC 4952, **Octorara Area School District**, 228 Highland Road, Suite 1, Atglen, PA 19310. This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Octorara Area School District STP.

The receiving stream, UNT to Knight Run, is in the State Water Plan watershed 7K and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Chester Water Authority is located on Octorara Creek and is 15.85 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 30,000 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>Instantaneous Maximum mg/l</i>
CBOD <sub>5</sub>	6.25		25.0	50.0
TSS	7.5		30.0	60.0
NH <sub>3</sub> as N	0.5		2.0	4.0
(05-01 to 10-31)	1.5		6.0	12.0
(11-01 to 04-30)				
Phosphorus as P	0.5		2.0	4.0
Fecal Coliform			200 Colonies/100 ml	3,700 Colonies/100 ml
(05-01 to 09-30)				
(10-01 to 04-30)				
Dissolved Oxygen				5.0 (Instantaneous Minimum)
pH			6.0 to 9.0 (STD)	
pH (influent)			Monitor and Report	Monitor and Report
TRC			0.02	0.04

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

1. Operator Notification
2. Abandon STP When Municipal Sewers Available
3. Remedial Measures if Unsatisfactory Effluent
4. No Stormwater
5. Acquire Necessary Property Rights
6. Small Stream Discharge
7. Change of Ownership
8. Chlorine Minimization
9. Proper Sludge Disposal
10. I-Max Limits
11. 2/Mo Monitoring
12. TRC Monitoring Below Detection Level

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

**PA No. 0063894**, Industrial, **Municipal Authority of the Borough of Minersville**, Two East Sunbury Street, Minersville, PA 17954. This proposed facility is located in Cass Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Dyer Run Reservoir, is in the State Water Plan watershed No. 3A and is classified for: CWF. The nearest downstream public water supply intake for Municipal Authority of the Borough of Minersville is located at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.180 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Suspended Solids			30.0	
Total Aluminum			4.0	
Total Iron			2.0	
Total Manganese			1.0	
pH				
(Effluent)				
(Influent)			6 or Influent pH - 9	Monitor

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

**Application No. PA 0020621**, Sewage, **Waynesboro Borough**, 57 East Main Street, Waynesboro, PA 17268. This facility is located in Waynesboro Borough, **Franklin County**.

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

The receiving stream, UNT East Branch Antietam Creek, is in Watershed 13-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Brunswick Mayor and Council is located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.6 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	-	50
Total Suspended Solids	30	45	-	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	4.5	-	-	9.0
(11-1 to 4-30)	13.5	-	-	27.0
Total Phosphorus			Monitor and Report	-
Total Residual Chlorine	0.5	-	-	1.6
NO <sub>2</sub> -N			Monitor and Report	-
NO <sub>3</sub> -N			Monitor and Report	-
TKN			Monitor and Report	-
Total Nitrogen			Monitor and Report	-
Total Copper	0.053	-	Monitor and Report	0.132
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 7.0 to 9.0 inclusive		
Fecal Coliform		200/100 ml as a geometric average		
(5-1 to 9-30)		2,000/100 ml as a geometric average		
(10-1 to 4-30)				

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

The EPA waiver is not in effect.

**Application No. PA 0080225**, Sewage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503. This facility is located in Washington Township, **Franklin County**.

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

The receiving stream, East Branch Antietam Creek, is in Watershed 13-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Brunswick Mayor and Council is located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.94 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	-	50
Total Suspended Solids	30	45	-	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	4.2	-	-	8.4
(11-1 to 4-30)	12.6	-	-	25.2
Total Phosphorus	Monitor and Report	-	Monitor and Report	-
Total Residual Chlorine	0.5	-	-	1.6
NO <sub>2</sub> -N			Monitor and Report	-
NO <sub>3</sub> -N			Monitor and Report	-
TKN			Monitor and Report	-
Total Nitrogen			Monitor and Report	-
Dissolved Oxygen		Minimum of 5.0 at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		From 6.0 to 9.0 inclusive		
Fecal Coliform		200/100 ml as a geometric average		
(5-1 to 9-30)		3,200/100 ml as a geometric average		
(10-1 to 4-30)				

Stormwater sampling, reporting requirements and Best Management Practices (BMPs) are included in Part C.

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

The EPA waiver is not in effect.

**Application No. PA 0247618**, Sewage, **Delaware Township Juniata County**. This facility is located in Delaware Township, **Juniata County**.

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

The receiving stream, UNT Delaware Creek, is in Watershed 12-B and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.020 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	8.4	-	16.8
(11-1 to 4-30)	25	-	50
Total Residual Chlorine	0.5	-	1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		9,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

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

**PA0001562-A1**, Industrial Waste, SIC, 3316, **Wheeling Pittsburgh Steel Corporation**, 1134 Market Street, Wheeling, WV 26003.

This application is for an amendment of an NPDES permit to discharge treated process water from the Allenport Plant in Allenport Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Washington Township Municipal Authority, 1390 Fayette Avenue, Belle Vernon, PA 15012, 0.95 mile below the discharge point.

The EPA waiver is not in effect.

*Outfall 202: existing discharge, design flow of 1.28 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids	483	1,040	30	70	88
Oil and Grease	161	439	10	30	
Lead	2.41	7.24	0.15	0.45	0.56
Zinc	2.36	7.08	0.1	0.3	0.38
Naphthalene		0.86		0.85	0.11
Tetrachloroethylene		1.29		0.13	
pH	not less than 6.0 nor greater than 10.0				



Outfall 002: existing discharge, design flow of 6.43 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)	Monitor and Report				
Oil and Gas	15			30	
pH	not less than 6.0 nor greater than 9.0				

**PA0252697**, Industrial Waste, SIC, 41, **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714. This application is for issuance of an NPDES permit to discharge treated process water from Northern Cambria Borough Water Treatment Plant in Northern Cambria Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, West Branch of Susquehanna River, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is N/A, located at N/A, N/A miles below the discharge point.

Outfall 001: new discharge, design flow of 0.015 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids	30			60	
Iron	2.0			4.0	
Aluminum	4.0			8.0	
Manganese	1.0			2.0	
Total Residual Chlorine	0.5			1.0	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096903**, Sewage, **Paul and Mark Galbraith, G & G Mobile Homes Sales**, 23 Oakridge Drive, Oakdale, PA 15071. This application is for renewal of an NPDES permit to discharge treated sewage from Hidden Valley Estates MHP STP in Robinson Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Raccoon Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Water Authority.

Outfall 001: existing discharge, design flow of 0.009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	15.0			30.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric mean		
(10-1 to 4-30)		15,000/100 ml as a geometric mean		
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0239500**, Sewage. **Susan V. and William H. Semelka, Jr. SRSTP**, 940 Dill Park Road, North East, PA 16428. This proposed facility is located at 2200 North Brickyard Road in North East Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SRSTP serving a single dwelling. Treatment consists of a septic tank, dosing tank, sand filter, chlorine disinfection and dechlorination.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply to consider between the discharge and Lake Erie.

The receiving stream, UNT to Twelve Mile Creek, is in the Lake Erie watershed and classified for: HQ-CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Total Residual Chlorine	1.4		3.3
Fecal Coliform	200/100ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

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

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

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

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

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

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI021304007	Jim Thorpe Area School District 140 West 10th Street Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Tributary to Robertson Run, HQ-CWF

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, (610) 391-9583.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI023905001	John Folck 2968 Boger Stadt Rd. New Tripoli, PA 18066	Lehigh	Weisenberg Township	UNT to Jordan Creek, HQ-CWF, TSF, MF

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

*Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823 (814) 355-6817.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI041405001	Dan and Linda Shreckengast 110 Windy Hill Lane Spring Mills, PA 16875	Centre	Penn Township	UNT Elk Creek EV

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

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI051105001	Westmont Hilltop School District 827 Diamond Boulevard Johnstown, PA 15905	Cambria	Upper Yoder Township	Mill Creek (HQ-CWF)

*Washington County Conservation District: 100 West Beau Street, Suite 602, Washington, PA 15301-440, (724) 228-6774.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI056305001	Joseph DeNardo 3625 Washington Pike Bridgeville, PA 15017	Washington	North Strabane Township	Little Chartiers Creek (HQ)

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

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

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may 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**

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

**Permit No. 4005501**, Public Water Supply

Applicant	<b>Nature's Way Purewater Systems, Inc.</b>
Township or Borough	Dupont Borough
County	<b>Luzerne County</b>
Responsible Official	Sandy Insalaco, Sr., President Nature's Way Purewater Systems, Inc. 164 Commerce Road Dupont, PA 18641
Type of Facility	PWS—Bottled Water Facility

Consulting Engineer	James Palumbo, P. E. Quad Three Group, Inc. 72 Glenmaura National Boulevard Moosic, PA 18507
Application Received Date	January 21, 2005
Description of Action	Nature's Way Purewater Systems, Inc. proposes the modification of their existing drinking water system line by installing a reverse osmosis (RO) treatment system. The RO system will include bag filtration, water softening, carbon filtration and RO filtration.

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

**Permit No. 3604514**, Public Water Supply.

Applicant	<b>Millbrook Manor Mobile Home Park</b>
Municipality	West Cocalico Township
County	<b>Lancaster</b>
Responsible Official	Nelson M. Wenger, Owner 100 East Queen Street Stevens, PA 17578
Type of Facility	Public Water Supply
Consulting Engineer	Scott M. Rights, P. E. Steckbeck Engineering Associates 43 N Cornwall Rd Lebanon, PA 17042

Application Received Date	10/15/2004
Description of Action	Installation and use of new Well No. 3 to augment the existing source of supply. Treatment will consist of softening and disinfection.

**Permit No. 5004504**, Public Water Supply.

Applicant	<b>Newport Water Authority</b>
Municipality	Newport Borough
County	<b>Perry</b>
Responsible Official	Robert E. Campbell, Vice Chairperson 231 Market St. Newport, PA 17074
Type of Facility	Public Water Supply
Consulting Engineer	Harry E. Bingaman, P. E. Glace Assoc., Inc. 3705 Trindle Rd. Camp Hill, PA 17011

Application Received Date 8/31/2004  
 Description of Action Construction of a water filtration plant using membrane technology. Plant will use Juniata River as the source of supply for the filtration plant.

**Permit No. 2805501**, Public Water Supply.

Applicant **Washington Township Municipal Authority**  
 Municipality Washington Township  
 County **Franklin**  
 Responsible Official Eugene A. Barnhart, Manager  
 11102 Buchanan Trail East  
 Waynesboro, PA 17268-9424  
 Type of Facility Public Water Supply  
 Consulting Engineer Harry E. Bingaman, P. E.  
 Glace Assoc., Inc.  
 3705 Trindle Rd.  
 Camp Hill, PA 17011  
 Application Received Date 1/3/2005  
 Description of Action Construction of a 1.267 million gallon storage tank and related appurtenances.

**Application No. 3604513 MA**, Minor Amendment, Public Water Supply.

Applicant **Marietta Gravity Water Company**  
 Municipality West Hempfield Township  
 County **Lancaster**  
 Responsible Official Donald H. Nikolaus, President  
 Route 441 Box 302  
 Marietta, PA 17547  
 Type of Facility Public Water Supply  
 Consulting Engineer David T. Lewis, P. E.  
 ARRO Consulting Inc  
 270 Granite Run Drive  
 Lancaster, PA 17601  
 Application Received Date 8/18/2004  
 Description of Action Upgrade of existing Well No. 2 chlorination system.

**Permit No. 0604518**, Public Water Supply.

Applicant **Pennsylvania-American Water**  
 Municipality Amity Township  
 County **Berks**  
 Responsible Official William C. Kelvington, V. P.  
 Operations  
 800 W. Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply  
 Consulting Engineer Michael J. Daschbach, P. E.  
 Entech Engineering Inc  
 4 South Fourth Street  
 Reading, PA 19603

Application Received Date 11/1/2004  
 Description of Action Premanufactured below grade booster pumping station to provide potable water and fire service at the required pressures to the Amity Township distribution system.

**Application No. 3604513 MA**, Minor Amendment, Public Water Supply.

Applicant **Marietta Gravity Water Company**  
 Municipality West Hempfield Township  
 County **Lancaster**  
 Responsible Official Donald H. Nikolaus, President  
 Route 441 Box 302  
 Marietta, PA 17547  
 Type of Facility Public Water Supply  
 Consulting Engineer David T. Lewis, P. E.  
 ARRO Consulting Inc  
 270 Granite Run Drive  
 Lancaster, PA 17601  
 Application Received Date 8/18/2004  
 Description of Action Upgrade of existing Well No. 2 chlorination system.

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

**Application No. 6105501**, Public Water Supply

Applicant **Sugarcreek Borough Waterworks**  
 Township or Borough Sugarcreek Borough, **Venango County**  
 Responsible Official G. Daniel Fisher, Borough President  
 Type of Facility PWS  
 Application Received Date 01/12/2005  
 Description of Action Construction of water storage standpipe, pump station and distribution system to serve Route 417 area of Borough.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release

of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**AAA Mid Atlantic Building**, City of Philadelphia, **Philadelphia County**. Richard S. Werner, P. G., Env. Consulting, Inc., 500 East Washington St., Norristown, PA 19401 on behalf of Bill Fisher, Carriage House Condominiums, LP, 1700 Walnut St., Second Floor, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil on the site was impacted with unleaded gasoline and leaded gasoline. The intended future use of the site is to develop the site into a condominium building.

**M. F. Stein Corp.**, City of Philadelphia, **Philadelphia County**. Kurt J. Spiess, EMG, P. O. Box 129, Edgemont, PA 19028 on behalf of M. F. Stein Corp., 2560 E. Tioga St., Philadelphia, PA has submitted a Notice of Intent to Remediate. Soil at the site was impacted with no. 4 fuel oil. The future site will be commercial. A summary of the

Notice of Intent to Remediate was reported to have been published in the *Port Richmond Star* on December 16, 2004.

**Vacant Property/5040 Belfield Ave.**, City of Philadelphia, **Philadelphia County**. Staci Cottone, American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 on behalf of Mr. and Mrs. Elliot Timms, 1862 Lindley St., Philadelphia, PA 19141 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with lead. The intended use of the property is commercial.

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

**Former Stauffer Printing Site**, East Lampeter Township, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Ephrata, PA 17522 on behalf of Bible Visuals International, 650 Main Street, Akron, PA 17501, submitted a Notice of Intent to Remediate soils contaminated with inorganics. The proposed use of the site will continue as nonresidential and the applicant will seek attainment of a site-specific standard.

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

**Sunoco-Montgomery**, Montgomery Borough, **Lycoming County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum hydrocarbon constituents, including separate-phase gasoline, as well as absorbed and dissolved-phase compounds associated with gasoline and heating oil. This site is being remediated to meet a Statewide Health Standard.

**Diesel Fuel Release, Lawrenceville, PA**, Lawrence Township, **Tioga County**. Environmental Solutions TM Remediation Services, 67 Frid St., Unit 5, Hamilton, ON 4m3, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel fuel. This site is being remediated to meet a Statewide Health Standard.

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

**Honeywell Wax Mfg Fac OLD**, Emlenton, **Venango County**. Dayne Crowley, MACTEC Engineering & Consulting Inc., 700 N Bell Ave, Suite 200, Carnegie, PA 15106, on behalf of Jeff Carr, Owner, P. O. Box 660, 1001 Hill St., Emlenton PA 16373, has submitted a Notice of Intent to Remediate. The entire facility encompasses 45 acres. The facility operated as a refinery and/or wax plant for over 100 years. Soil and Groundwater were found to contain Separate Phase Liquid, VOCs and metals. The areas will be remediated to attain nonresidential Statewide Health standards, Site-Specific standards for soil and groundwater.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 100148. Waste Management Disposal Service of PA, Inc.**, 1121 Bordentown Road, Morrisville PA 19067, Falls Township, **Bucks County**. This major permit modification was received for the G.R.O.W.S Landfill for revision to its Leachate Management Plan. This application was received by the Southeast Regional Office on January 13, 2005.

**Permit Application No. 101494. Waste Management of PA Inc.**, 1000 New Ford Mill Road, Morrisville PA 19067, Falls Township and Borough of Tullytown, **Bucks County**. This major permit modification application was received for the Tullytown Recovery Resource Facility for revision to its Leachate Management Plan. The application was received by the Southeast Regional Office on January 13, 2005.

**Permit Application No. 101429. Richard S. Burns & Co. Inc.**, 4300 Rising Sun Ave, Philadelphia PA, 19140-2720, City of Philadelphia. The application was received for a 10-year permit renewal for the referenced transfer facility. The application was received by the Southeast Regional Office on January 20, 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### PLAN APPROVALS

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

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

**40-320-017A: Bemis Co., Inc.** (20 Jaycee Drive, Valmont Industrial Park, West Hazleton, PA 18202) for modification of surface coating operations at their facility in the Valmont Industrial Park, West Hazleton, **Luzerne County**.

**48-307-061: International Mill Service, Inc.** (1155 Business Center Drive, Suite 200, Horsham, PA 19044) for construction/replacement of two slag processing operations at their facility in Bethlehem, **Northampton County**.

**54-308-021: Alcoa Extrusions, Inc.** (53 Pottsville Street, Cressona, PA 17929) for modification of emission rates for melting furnaces 4—7 at their facility in Cressona Borough, **Schuylkill County**.

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

**06-03117D: Custom Processing Services, Inc.** (2 Birchmont Drive, Reading, PA 19606-3266) for construction of a material grinding mill controlled by a fabric collector and the installation of a fabric collector to control various fugitive emission points in Exeter Township, **Berks County**.

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

**41-310-001I: Hanson Aggregates—PA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) for construction of a replacement tertiary crusher rated at 200 tons per hour for their Pine Creek Quarry in Limestone Township, **Lycoming County**.

**18-00009C: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748) for modification of a municipal waste landfill by increasing the average daily waste volume from 725 tons per day to 1,200 tons per day at the Wayne Township Landfill in Wayne Township, **Clinton 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.*

**09-0102A: Soil Technology, Inc.** (7 Steel Road East, Morrisville, PA 19067) for installation of a diesel driven screen at a soil remediation facility in Falls Township, **Bucks County**. This facility is a non-Title V facility. The diesel engine associated with the screen will be subject to a limit of 2.85 tons per year for NOx emissions. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0037V: Cabot Performance Materials** (County Line Road, P. O. Box 1608, Boyertown, PA 19512-1608) for changing an existing GEMCO Dryer exhaust to a higher removal efficiency air-cleaning device at their Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**. This facility is a Title V facility. The change will not result in any emission increase. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0180A: White Engineering Surfaces Corporation** (One Pheasant Run, Newtown, PA 18940) for installation of the Metal, Ceramics and Paint Surface Coating Spray Paint Booths (paint booths) with Dust Collectors at their White Engineering machine shop/parts manufacturing new facility at One Pheasant Run, Newtown Township, **Bucks County**. The installation of the paint booths may result in the emissions of: 2.0 tons per year of VOCs; 2.0 tons per year of HAPs; and 2.0 tons per year of Particulate Matter with an aerodynamic diameter of 2.5 micrometer or smaller. 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.

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

**40-318-053: Certainteed Corp.** (Crestwood Industrial Park, 1220 Oak Hill Road, Mountaintop, PA 18707-2199) for increase of VOC emissions from their Marking Inks at the site in Wright Township, **Luzerne County**. The proposed increase will be for source 114 (Marking Inks) which will go from 4.2 tpy of VOC to 6.0 tpy of VOC, based on a 12-month rolling sum. The company has proposed no other changes. Certainteed Corporation is a major facility subject to Title V permitting requirements and currently has a Title V Permit 40-00010. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The 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. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

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

**06-05100B: Calpine Construction Finance Co., LP** (95115 Pottsville Pike, Reading, PA 19605) for modification of their electric generating plant controlled by SCR in Ontelaunee Township, **Berks County**. The modification will permit the two combine cycle turbines to operate

at a lower loading than currently permitted. This modification will not result in the increase of potential emissions from the facility. The facility will continue to be limited by the current standards. The turbines are subject to 40 CFR Part 60, Subpart GG, Standards of Performance for New Stationary Sources and Title IV, Acid Rain. The plan approval will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit 06-05100. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

**22-05034C: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) for replacement of an existing fabric collector with a new fabric collector for their pulverized mineral processing operation, Hummelstown Quarry, South Hanover Township, **Dauphin County**. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. Estimated atmospheric emissions for the pulverized mineral processing operation for PM10, SOx, CO, NOx, VOCs and HAPs are projected to be 6.82, 0.85, 30.75, 6.25, 9.50 and 0.05 tpy, respectively. The pulverized mineral processing operation is subject to Part 60-Standards of Performance for New Stationary Sources, Subpart 000.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**19-00026A: Haddon Craftsmen, Inc.** (4411 Old Berwick Road, Bloomsburg, PA 17815) for construction of two book binding lines (Source ID P106), two heatset web offset lithographic printing presses (Source ID P116) and installation of an air cleaning device (regenerative thermal oxidizer) (ID C116) to control VOCs from the printing presses in South Centre Township, **Columbia County**.

The book binding lines will utilize adhesives and the printing presses will utilize inks, fountain solutions and cleaning solvents that contain VOCs and hazardous air pollutants (HAP). The proposed sources will emit up to 16.4 tons of VOC and 1 ton of HAPs in any 12 consecutive month period (CMP). The facility as a whole is restricted to emit less than 50 tons of VOC in any 12 CMP to avoid the requirements for Title V facility. The facility is also required to keep records on a monthly basis and submit semi-annual reports to verify compliance with the 50 tons VOC emission limitation.

The Department of Environmental Protection's (Department) review of the information provided by Haddon Craftsmen, Inc. indicates that the new sources will comply with all air quality requirements, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12, pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department proposes to issue plan approval for the construction of two book binding lines, two heatset web offset lithographic printing presses and installation of a regenerative thermal oxidizer.

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 total combined emission of VOCs from existing Binding Lines No. 3 and No. 4 shall not exceed 5 tons in any 12 CMP.

2. The total combined emission of VOCs from existing Printing Press HCM-015 shall not exceed 13.2 tons in any 12 CMP.

3. The total combined emission of VOCs from all sources at the facility shall not equal or exceed 50 tons in any 12 CMP.

4. The permittee shall keep up-to-date records of Certified Product Data Sheets (CPDS) that identify the VOC content and HAP content of each VOC and/or HAP containing material used at the facility.

5. The total combined emission of VOCs from Source ID P106 shall not exceed 7.91 tons in any 12 CMP.

6. The hot melt adhesives used in Source ID P106 shall not contain in excess of 3.5% VOCs by weight, as applied and shall not contain any HAPs.

7. The permittee shall keep records of the identity and amount of adhesive used each month in Source ID P106.

8. The permittee shall submit reports to the Department on a semi-annual basis that include the records of the identity and amount of adhesive used each month in Source ID P106.

9. Prior to the operation of Source ID P106, the permittee shall permanently remove existing book binding lines No. 1 and No. 2 from service.

10. The inks used in Source ID P116 shall contain no more than 37% VOCs (by weight), as applied, on a weighted average basis, calculated monthly.

11. The fountain solutions used in Source ID P116 shall contain no more than 1.0% VOCs (by weight), as applied.

12. The total combined emission of VOCs from Source ID P116, including ID C116, shall not exceed 8.50 tons in any 12 CMP.

13. Source ID P116 shall not be operated without the simultaneous operation of ID C116 and the total combined VOC emissions from the exhaust of ID C116 shall not exceed 1.45 tons in any 12 CMP.

14. The emission of total combined HAPs from Source ID P116 shall not exceed 1.0 ton in any 12 CMP.

15. The materials used in Source ID P116 shall not contain any HAPs, except for the following:

(a) The fountain solution used in Source ID P116 may contain ethylene glycol.

(b) The blanket wash and other cleanup solvents used in Source ID P116 may contain cumene, xylene and/or naphthalene.

16. The permittee shall only use natural gas as fuel for each press dryer of Source ID P116 and the burner of ID C116.

17. The VOC emissions from ink oil used in Source ID P116 that are not retained in the substrate shall be captured with an efficiency of 100% and exhausted to ID C116. The VOC emissions from fountain solution used in Source ID P116 shall be captured with an efficiency of 70% and exhausted to ID C116.

18. ID C116 shall destroy the VOC emissions ducted to it from Source ID P116 at a destruction efficiency of no less than 97% (by weight) or the VOC concentration in the exhaust of ID C116 is no greater than 20 parts per million, by volume, dry basis (ppmvd), expressed as methane.

19. Within 120 days of the initial startup of ID C116, the permittee shall perform stack testing upon the inlet and outlet of ID C116 while ID C116 is being used to control emissions from Source ID P116 to determine the amount of VOCs and HAPs present and the VOC/HAP destruction efficiency of ID C116 to verify compliance with the destruction efficiency and emission limitation. Testing shall occur while Source ID P116 is operating at maximum capacity at which it will ever be operated and while Source ID P116 is operating at a minimal capacity. In each case, testing is to be performed while operating the combustion chamber of ID C116 is as close to 1,500°F as can reasonably be achieved (but not less than 1,500°F). Additionally, the pressure drop of the bed media of ID C116 shall be continuously monitored during testing.

20. Each press of Source ID P116 shall be equipped with a pressure measuring device to monitor the differential pressure of each press dryer of Source ID P116 with respect to the ambient pressure of the pressroom at all times Source ID P116 is in operation.

21. ID C116 shall be equipped with instrumentation to monitor and record the temperature of the combustion chamber on a continuous basis. Additionally, ID C116 shall be equipped with instrumentation to monitor and record the pressure drop across the bed media of ID C116 on a continuous basis.

22. The permittee shall determine VOC inlet and outlet concentrations of ID C116 on a quarterly basis using a portable total hydrocarbon analyzer. The frequency of monitoring the VOC inlet and outlet concentrations of ID C116 may be increased or decreased based upon the results of the testing and compliance with all applicable requirements.

23. The permittee shall keep records of the identity and amount of each VOC-containing and/or HAP-containing material used each month in Source ID P116.

24. The permittee shall keep records of the dates and results of the VOC concentration stack tests, including portable analyzer tests with calibration data and shall verify compliance with the VOC concentration/destruction efficiency requirement specified for ID C116.

25. The permittee shall submit reports to the Department on a semi-annual basis that include the records of the identity and amount of each VOC-containing material used each month in Source ID P116.

26. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations used to verify compliance with the VOC concentration/destruction efficiency requirement specified for ID C116.

27. All VOC-containing materials used for cleanup purposes in Source ID P116 shall have a vapor pressure no greater than 3.0 millimeters of mercury at 68° F.

28. Each press dryer of Source ID P116 shall be operated at a negative differential pressure with respect to the ambient pressure of the pressroom at all times Source ID P116 is in operation. Each press dryer of Source ID P116 shall be equipped with an interlocking device that prevents Source ID P116 from operating if the differential pressure with respect to the ambient pressure of the pressroom is not negative.

29. The permittee shall keep all containers of cleanup solvent associated with Source ID P116 closed when not in actual use and store all solvent-wet rags, etc. in closed containers when not in actual use. Under no circumstances shall the permittee dispose of waste solvent



associated with Source ID P116 by means of evaporation or treat or pretreat solvent-wet rags, and the like prior to disposal or reuse by subjecting them to air drying or any other means of solvent removal that would unnecessarily cause solvent to be evaporated into the air.

30. VOC-containing material added to the fountain solution used in Source ID P116 shall have a vapor pressure of less than 3.0 mm Hg at 68°F.

31. Prior to the initial startup of Source ID P116, the permittee shall permanently remove existing Printing Presses HCM-011, HCM-012, HCM-013 and HCM-014 from service.

32. Upon each occurrence of operation of Source ID P116, the combustion chamber of ID C116 shall achieve a temperature of at least 1,500°F prior to the commencement of printing and the combustion chamber temperature shall thereafter be maintained at no less than 1,500°F at all times during operation of Source ID P116. ID C116 shall be equipped with an interlock that prevents Source ID P116 from operating if the combustion chamber temperature of ID C116 is below 1,500°F.

33. The total combined emission of NO<sub>x</sub> from the exhaust of ID C116 shall not exceed 1.31 pounds per hour and 3.27 tons in any 12 CMP. This emission limitation also includes the NO<sub>x</sub> emissions from Source ID P116.

34. The total combined emission of CO from the exhaust of ID C116 shall not exceed 1.1 pounds per hour and 2.74 tons in any 12 CMP. This emission limitation also includes the CO emissions from Source ID P116.

35. All conditions contained in existing Operating Permit 19-320-001E remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition contained in this plan approval and a condition contained in Operating Permit 19-320-001E, the permittee shall comply with the condition contained in this plan approval.

**49-00020A: Truck Accessories Group, Inc. d/b/a Leer East** (200 Housels Run Road, Milton, PA 17847) for the construction of a mold maintenance area, a wet-out reinforcement area, a secondary lamination area, a base rail lamination area, a truck cap and tonneau cover headliner adhesive process, fiberglass reinforced plastic truck cap and tonneau cover assembly and final finish operations, an aluminum welding operation and an aluminum truck cap assembly, final finish and installation operation in an existing fiberglass reinforced plastic and aluminum truck cap manufacturing facility in Milton Borough, **Northumberland County**.

The respective facility is a major facility for both VOCs and volatile HAPs and one for which a Title V operating permit (49-00020) has been issued.

The operation of the proposed air contamination sources will result in the emission of up to 25.87 tons of VOCs, 19.332 tons of volatile HAP, .294 ton of particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM<sub>10</sub>), 4.81 tons of acetone and .39 ton of ammonia per year.

The Department of Environmental Protection's (Department) review of the information submitted by Truck Accessories Group, Inc. indicates that the proposed air contamination sources will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12, the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217 and the Reasonably Avail-

able Control Technology requirements of 25 Pa. Code §§ 129.91—129.95. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed air contamination sources. Additionally, if the Department subsequently determines that the respective air contamination sources are being operated and maintained in accordance with the conditions of the plan approval as well as all applicable regulatory requirements, the conditions established in the plan approval will be incorporated into Title V Operating Permit 49-00020 via administrative amendment in accordance with 25 Pa. Code § 127.450.

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

1. The VOC contents of the 3M Flowable Finishing Putty, 3M Short Strand Fiberglass Reinforce Filler, Axel Xtend 802 and Axel Xtend 19SAM (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the mold maintenance area shall not exceed 1.83, 2.72, 6.03 and 5.7 pounds per gallon, respectively. No other VOC-containing material shall be used in this area.

2. The volatile HAP contents of the 3M Flowable Finishing Putty and 3M Short Strand Fiberglass Reinforce Filler (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the mold maintenance area shall not exceed 1.83 and 2.72 pounds per gallon, respectively. No other VOC-containing material shall be used in this area.

3. The styrene content of the 3M Flowable Finishing Putty and 3M Short Strand Fiberglass Reinforce Filler (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the mold maintenance area shall not exceed 20% by weight. No other styrene-containing material shall be used in this area.

4. The VOC and volatile HAP emissions from the mold maintenance area shall not exceed 1.28 and .11 tons in any 12 consecutive month period (CMP), respectively.

5. All materials applied in the mold maintenance area shall be applied by hand. All containers of Axel Xtend 802 and Axel Xtend 19SAM (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) shall be closed except when material is being removed from or introduced into the container.

6. Records shall be maintained of the amount, VOC content, volatile HAP content and styrene content of each material used in the mold maintenance area as well as of the total VOC and total volatile HAP emissions from the area. This data shall be reported to the Department on a quarterly basis.

7. The neat resin used in the wet-out reinforcement area and secondary lamination area shall have a combined styrene and methyl methacrylate content of no greater than 32% by weight as well as a vapor suppressant factor of at least .05 and shall be applied using non-atomized resin application technology (as defined by the Department). No other volatile HAP-containing material shall be used in these areas. No other VOC-containing material shall be used in these areas other than cleanup solvents authorized by condition 42 herein.

8. The amount of neat resin used in the wet-out reinforcement area shall not exceed 2,600 gallons in any

12 CMP and the VOC emissions shall not exceed .45 tons in any 12 CMP (excluding those from the use of cleanup solvent).

9. The volatile HAP emissions from the wet-out reinforcement area shall not exceed .45 ton in any 12 CMP.

10. The amount of neat resin used in the secondary lamination area shall not exceed 76,388 gallons in any 12 CMP and the VOC emissions shall not exceed 13.17 tons in any 12 CMP (excluding those from the use of cleanup solvent).

11. The volatile HAP emissions from the secondary lamination area shall not exceed 13.17 tons in any 12 CMP.

12. The neat resin used in the base rail lamination area shall have a combined styrene and methyl methacrylate content of no greater than 32% by weight as well as a vapor suppressant factor of at least .05 and shall be applied using non-atomized resin application technology (as defined by the Department). No other VOC-containing material shall be used in this area other than cleanup solvents authorized by condition 42 herein.

13. The amount of neat resin used in the base rail lamination area shall not exceed 26,000 gallons in any 12 CMP, the VOC emissions shall not exceed 4.48 tons in any 12 CMP (excluding those from the use of cleanup solvent) and the volatile HAP emissions shall not exceed 4.48 tons in any 12 CMP.

14. The volatile HAP emissions from the wet-out reinforcement area, secondary lamination area and base rail lamination area shall not exceed 87 pounds per ton of neat resin (weighted average over 12 consecutive months).

15. Records shall be maintained of the identity, amount, VOC content, volatile HAP content, styrene content and methyl methacrylate content of the neat resin used in the wet-out reinforcement area and secondary lamination area as well of the total VOC and total volatile HAP emissions from each of these areas. This data shall be reported to the Department on a quarterly basis.

16. Records shall be maintained of the identity, amount, VOC content, volatile HAP content, styrene content and methyl methacrylate content of the neat resin used in the base rail lamination area as well as of the total VOC and total volatile HAP emissions from this area. This data shall be reported to the Department on a quarterly basis.

17. The VOC contents of the CASA 246-DB adhesive and Quick Clean No. 6 cleanup solvent (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the truck cap and tonneau cover headliner adhesive process shall not exceed .56 and 1.31 pounds per gallon, respectively. No other VOC-containing material shall be used in this process.

18. The volatile HAP contents of the CASA 246-DB adhesive and Quick Clean No. 6 cleanup solvent (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the truck cap and tonneau cover headliner adhesive process shall not exceed zero and 1.57 pounds per gallon, respectively and the ammonia content of the adhesive shall not exceed 1%. No other volatile HAP-containing material shall be used in this process.

19. The amounts of CASA 246-DB adhesive and Quick Clean No. 6 cleanup solvent (or alternate materials

determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the truck cap and tonneau cover headliner adhesive process shall not exceed 9,565 and 16.83 gallons, respectively, in any 12 CMP.

20. The VOC emissions from the truck cap and tonneau cover headliner adhesive process shall not exceed 2.7 tons in any 12 CMP.

21. The volatile HAP, ammonia and particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) emissions from the truck cap and tonneau cover headliner adhesive process shall not exceed .0132 ton, .39 ton and .27 ton, respectively, in any 12 CMP.

22. All adhesive used in the truck cap and tonneau cover headliner adhesive process shall be applied in either the truck cap headliner adhesive spray booth or the tonneau cover headliner adhesive spray booth and shall only be applied with high volume low pressure spray equipment (or alternate technology determined by the Department to have an equivalent, or lower, air contaminant emission potential).

23. The truck cap and tonneau cover headliner adhesive spray booths shall each be equipped with dry filters with a particulate matter removal efficiency of at least 95%.

24. All containers of the materials used in the truck cap and tonneau cover headliner adhesive process shall be closed except when material is being removed from or introduced into the container.

25. Records shall be maintained of the amount, VOC content, volatile HAP content and ammonia content of each material used in the truck cap and tonneau cover headliner adhesive process, as well as of the total VOC and total volatile HAP emissions from the process. This data shall be reported to the Department on a quarterly basis.

26. The VOC contents of the 3M Primer 94, 3M Scotch-Grip Industrial Adhesive 4799, Sika Flex 255-FC and Sika Activator (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall not exceed 7.58, 4.45, .26 and 5.6 pounds per gallon, respectively. No other VOC-containing material shall be used in this operation.

27. The volatile HAP contents of the 3M Primer 94, 3M Scotch-Grip Industrial Adhesive 4799 and Sika Flex 255-FC (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall not exceed 3.41, 1.85 and .26 pounds per gallon, respectively. No other volatile HAP-containing material shall be used in this operation.

28. The VOC and volatile HAP emissions from the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall not exceed 2.29 and 1.07 tons in any 12 CMP, respectively.

29. All materials applied in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall be applied by hand. All containers of the materials used in this assembly operation shall be closed except when material is being removed from or introduced into the container.

30. Records shall be maintained of the amount, VOC content and volatile HAP content of each material used in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation as well as of the total VOC and total volatile HAP emissions from this operation. This data shall be reported to the Department on a quarterly basis.

31. The VOC contents of the 3M Finesse II Finishing Material, 3M Perfect-It III Finishing Glaze, 3M Brand Super Duty Rubbing Compound and Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall not exceed 1.92, 2.27, 3.11 and 7.35 pounds per gallon, respectively. No other VOC-containing material shall be used in this operation.

32. The volatile HAP of the Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall not exceed .33 pounds per gallon. No other volatile HAP-containing material shall be used in this operation.

33. The VOC, volatile HAP and particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) emissions from the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall not exceed .53, .0098 and .0012 ton in any 12 CMP, respectively.

34. The 3M Finesse II Finishing Material, 3M Perfect-It III Finishing Glaze and 3M Brand Super Duty Rubbing Compound (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall be applied by hand. All containers of the materials used in this operation shall be closed except when material is being removed from or introduced into the container.

35. Records shall be maintained of the amount, VOC content and volatile HAP content of each material used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation as well as of the total VOC and total volatile HAP emissions from the operation. This data shall be reported to the Department on a quarterly basis.

36. The particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) and VOC emissions from the aluminum welding operation shall not exceed .0225 and .0139 ton in any 12 CMP, respectively. The permittee shall maintain such records as are necessary to demonstrate compliance with these limitations.

37. The VOC contents of the 3M Primer 94, Sika Flex 255-FC, Sika Activator and Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the aluminum truck cap assembly, final finish and installation operation shall not exceed 7.58, .26, 5.6 and 7.35 pounds per gallon, respectively. No other VOC-containing material shall be used in this operation.

38. The volatile HAP contents of 3M Primer 94, Sika Flex 255-FC and Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the aluminum truck cap assembly, final finish and installation operation shall not exceed 3.41, .26 and .33 pounds per gallon, respectively. No other volatile HAP-containing material shall be used in this operation.

39. The VOC, volatile HAP and particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) emissions from the aluminum truck cap assembly, final finish and installation operation shall not exceed .28, .0178 and .002 ton in any 12 CMP, respectively.

40. The 3M Primer 94, Sika Flex 255-FC and Sika Activator used in the aluminum truck cap assembly, final finish and installation operation shall be applied by hand. All containers of the materials used in this operation shall be closed except when material is being removed from or introduced into the container.

41. Records shall be maintained of the amount, VOC content and volatile HAP content of each material used in the aluminum truck cap assembly, final finish and installation operation as well as of the total VOC and total volatile HAP emissions from the operation. This data shall be reported to the Department on a quarterly basis.

42. The only cleanup solvents to be used in the wet-out reinforcement area, secondary lamination area and base rail lamination area shall be acetone and ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential).

43. No more than a combined total of 1,455.37 gallons of acetone may be used in the wet-out reinforcement area, secondary lamination area and base rail lamination area in any 12 CMP nor shall the combined acetone emissions from these areas exceed 4.81 tons in any 12 CMP.

44. Records shall be maintained of the total combined amount of acetone used in wet-out reinforcement area, secondary lamination area and base rail lamination area as well as of the amount of 100% acetone removed from these areas and shipped offsite in liquid form. This data shall be submitted to the Department on a quarterly basis.

45. The wet-out reinforcement area, secondary lamination area and base rail lamination area shall each use no more than 463.84 pounds of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) in any 12 CMP nor shall the VOC emissions from each of these areas exceed .23 ton in any 12 CMP.

46. Records shall be maintained of the amount of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the wet-out reinforcement area, in the secondary lamination area and in the base rail lamination area as well as of the amount of 100% Shipshape (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) removed from each of these areas and shipped offsite in liquid form. This data shall be reported to the Department on a quarterly basis.

47. The height of the existing gelcoat booth No. 1 stack, the existing gelcoat booth No. 2 stack and the existing lamination booth stack shall be increased to 37.25, 37.25 and 34.75 feet above grade, respectively.

48. Condition No. 005 of Source ID P101 (gelcoat and primary lamination operation) of the Title V Operating Permit 49-00020 is modified to allow the use of up to 104 gallons of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) in any 12 CMP.

49. Records shall be maintained of the amount of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in Source ID P101.

50. The permittee must obtain 54.41 tons of VOC emission reduction credits.

51. The mold maintenance area, wet-out reinforcement area, secondary lamination area and base rail lamination area are subject to subpart WWWW of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.5780—63.5935 and must comply with all applicable requirements contained therein by April 21, 2006.

The mold maintenance area, wet-out reinforcement area, secondary lamination area, truck cap and tonneau cover headliner adhesive process, fiberglass reinforced plastic truck cap and tonneau assembly and final finish operations, aluminum welding operation and aluminum truck cap assembly, final finish and installation operation are subject to the reasonably available control technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. The Department has made a preliminary determination to approve the RACT plan submitted by Truck Accessories Group, Inc. for these air contamination sources. This preliminary RACT determination, if approved, will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP). The SIP revision will not adopt any new regulations. It will contain the requirements established by the Department in its approval of the RACT plan.

Conditions 1, 3, 5—8, 10, 15, 17, 19, 20, 22, 24—26, 29—31, 34, 35, 37, 40—42, 45, 46, 48 and 49 contain the Department's preliminary RACT determination for the respective air contamination sources.

A copy of the plan approval application, including the RACT plan, is available for public inspection during normal business hours at the address listed in this notice. Persons interested in inspecting the application must schedule an appointment in advance.

A public hearing will be held solely for the purpose of receiving comments on the Department's RACT determination and associated proposed SIP revision. The Department will not be entertaining comments regarding any other aspect of the respective plan approval application or the Department's review of said application at this hearing. The hearing will be held on March 15, 2005, at 1 p.m. at the Department of Environmental Protection's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. The public is invited to appear at this public hearing and comment on the Department's preliminary RACT determination and proposed SIP revision.

Persons who wish to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one individual to present testimony on its behalf.

Persons with a disability who wish to comment at the hearing and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 to discuss how the Department may accommodate your needs.

Anyone unable to attend the hearing but wishing to comment on the Department's preliminary RACT determination and proposed SIP revision or anyone who has comments which he believes should be considered in the Department's review of any other aspect of the respective plan approval application or anyone who wishes to protest the issuance of plan approval may do so by submitting their comments or protests in writing to the Department at the address listed in this notice. Comments or protests must be received by the Department by no later than March 25, 2005, to be considered. Each protest or comment should include the following: name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the comment or protest being presented to the Department.

The Department may hold an additional public hearing to solicit comments on issues and concerns, other than the Department's preliminary RACT determination and proposed SIP revision, pertaining to the respective plan approval application and the Department's review thereof if the Department, in its discretion, decides a hearing is warranted based on the information received. Persons requesting a hearing, protesting the issuance of plan approval or submitting comments will be notified of the decision to hold an additional public hearing by publication in a newspaper of general circulation in the Milton area or by letter or telephone if the Department feels that such notification is sufficient.

Written comments, protests or requests for an additional public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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

**10-281F: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) for postconstruction plan approval of four 1,200 horsepower emergency generators at their Saxonburg facility in Clinton Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for postconstruction plan approval of four 1,200 horsepower emergency generators at their Saxonburg facility in Clinton Township, Butler County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date.

**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.**

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

**NOTICE OF INTENT TO APPROVE**

**Plan Approval At a Title V Facility  
No. PA-63-00922A**

Notice is hereby given, under 25 Pa. Code, § 127.44(a), that the Pennsylvania Department of Environmental

Protection (Department) intends to issue a Plan Approval to for the installation of a 272 net megawatt waste coal fired, circulating fluidized bed boiler to be located in Robinson Township, Washington County. Other air emission sources at the facility include material handling operations for coal, ash and limestone as well as an emergency generator, firewater pump and a cooling tower as described in the application received in June 2004.

Based on the information provided by the applicant and on Department's analysis of that information, this installation will result in facility emissions of no more than 3154.25 tons of SO<sub>2</sub>, 976.06 tons of NO<sub>x</sub>, 1826.09 tons of CO, 72.9 tons of VOC, and 369.39 tons of particulate matter (as PM<sub>10</sub>) each year. Air modeling provided by the applicant indicates the following impacts:

**Modeling Results**

Pollutant	Averaging Period	Significant Impact		Increment Consumption		NAAQS Analysis	
		Modeling Sig. Level $\mu\text{g}/\text{m}^3$	RPC Impact $\mu\text{g}/\text{m}^3$	PSD Increment	RPC Impact $\mu\text{g}/\text{m}^3$	NAAQS $\mu\text{g}/\text{m}^3$	RPC Impact $\mu\text{g}/\text{m}^3$
PM <sub>10</sub>	Annual	1	5.7	17	5.8	50	36.3
	24-hour	5	40.1	30	28.2	150	111.0
SO <sub>2</sub>	Annual	1	.6	20	1.8	80	82.1*
	24-hour	5	27.3	91	27.3	365	317.9
	3-hour	25	186.7	512	123.5	1,300	1051.4
NO <sub>2</sub>	Annual	1	.2	25		100	
CO	1-hour	500	75.2			40,000	
	8-hour	2,000	27.9			10,000	

\* Separate model runs showed that the Robinson Power Project did not result in a significant impact at the receptors that were above the NAAQS.

A final Plan Approval will not be issued prior to Department authorization of the modeling results presented above.

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

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

**3. GENERAL CONDITIONS**

a) This Plan Approval authorizes the construction of a 272 net megawatt waste coal-fired, circulating fluidized bed boiler by Robinson Power Company (RPC), P. O. Box 127, Rt 18 Burgettstown, PA 15021. The plant will be located in Robinson Township, Washington County. Other air emission sources at the facility include material handling operations for fuel, ash and limestone as well as an emergency generator, firewater pump and a cooling tower. The proposed facility will include several structures such as the boiler building, turbine building, concrete stack, material storage building, run-of-mine crusher building, coal refuse dryer building and the administrative office buildings. [25 Pa. Code § 127.12b].

b) RPC shall install a hydrated fly-ash re-injection or polishing spray dryer system for SO<sub>2</sub> emission control. RPC shall advise the Department of the specific make and model of equipment and its design details within 10 business days of issuing the purchase order for this air

cleaning device by submitting appropriate pages of the Plan Approval Application. [25 Pa. Code § 127.12b].

c) This approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or, (2) if construction is discontinued for a period of 18 months or more; or, (3) construction is not completed within 5 years. RPC shall submit to the Department a detailed construction schedule for the entire facility within 180 days of issuance of this Plan Approval.

d) The provisions of 40 CFR 60 New Source Performance Standards for fossil fuel-fired steam generators (Subpart Da) and Coal Processing Plants (Subpart Y) are applicable requirements.

i) Subpart Da emission limits for particulate matter, visible emissions and sulfur dioxide and subsumed by the emission limits established in conditions 4(a) and 4(b). This facility shall comply with the compliance provisions, emission monitoring, compliance determination procedures and methods and reporting requirements in this Subpart.

ii) Subpart Y standards are applicable requirements for the thermal dryer(s), all coal processing and conveying equipment and all coal storage, transfer and loading systems. The facility shall comply with the standards for particulate matter, and those provisions relating to monitoring of operations and test methods and procedures in this Subpart.

iii) In accordance with 40 CFR 60.4 copies of all requests, reports, applications submittals and other communications shall be forwarded to both EPA and the Department at the addresses listed unless otherwise noted.

Director	Air Quality Program Manager
Air Toxics and Radiation	Pa DEP
US EPA, Region III	Air Quality
1650 Arch Street	400 Waterfront Drive
Philadelphia, Pa.	Pittsburgh Pa. 15222
19103-2029	

e) This Plan Approval authorizes temporary operation of the source(s) covered by this Plan Approval provided the following conditions are met. [25 Pa. Code § 127.12b]:

i) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

ii) Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the source(s) for

compliance with all applicable regulations and requirements.

iii) This condition authorizes temporary operation of the source(s) for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator pursuant to subpart (i).

iv) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

v) The notice submitted by the Owner/Operator under subpart (i), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

#### 4. STACK EMISSIONS LIMITATIONS

a) Emissions from the CFB shall be limited as follows [25 Pa. Code § 127.12b]:

#### CFB Emission Limits

Pollutant	Lbs/mmBtu	Lbs/Hr	Tons/Yr
SO <sub>2</sub>	.234	720* 1,115 on a 24 hr avg. 1,440 on a 3 hr avg.	3,154
NO <sub>x</sub> (as NO <sub>2</sub> )	.08* .10 on a 24 hr avg.	539*	972
CO	.15	416	1,823
VOC (as Propane)	.006	16.64	72.90
Total PM <sub>10</sub> (Condensable and Filterable)	.012	41.6	182.3
Pb	5 × 10 <sup>-6</sup>	.014	.06
H <sub>2</sub> SO <sub>4</sub>	0.003	8.31	36.4
HF	2.54 × 10 <sup>-3</sup>	7.0	29.06
HCl	2.90 × 10 <sup>-3</sup>	8.0	33.18
Mercury**	.113 lb/trillion Btu		2.77 lbs per year
NH <sub>3</sub>	10 ppm		

\* Emissions are based on a 30-day rolling average.

\*\* The Department will revise this emission limit in accordance with the NESHAP for utility boilers.

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

#### Facility Emission Limits

Pollutant	Total Emissions (tpy)
SO <sub>2</sub>	3,154.25
NO <sub>x</sub>	976.06
CO	1,826.09
VOC	72.9
PM <sub>10</sub>	369.39

c) The Owner or Operator shall not permit the emission to the outdoor atmosphere of visible emissions from the boilers, in such a manner that the opacity of the emission is equal to or greater than 10% for a period, or periods aggregating more than 3 minutes in any one hour, or 30% at any time. The presence of uncombined water is

not considered a failure to meet the limitations. [25 Pa. Code § 127.1 and 25 Pa. Code § 127.12(b)].

d) The ammonia slip from the CFB shall not exceed 10 ppmv at stack conditions. Continuing compliance with this condition shall be determined by adhering to good operating practices. [25 Pa. Code § 127.1 and 25 Pa. Code § 127.12(b)].

e) Potential emissions of sulfur oxides (SO<sub>2</sub>) from the CFB shall be reduced by at least 97% on a 30 day rolling average. Compliance with this requirement shall be demonstrated by calculating daily control efficiencies and averaging them on a 12 month rolling basis using the fuel analysis, waste coal feed rate and the SO<sub>2</sub> CEM. [25 Pa. Code § 127.12b]

f) Particulate matter emissions from any fuel or limestone handling and processing stack may not exceed 0.02 gr/dscf. [25 Pa. Code § 127.12b]

g) Particulate matter emissions from the fuel dryer baghouse stack may not exceed 0.02 gr/dscf. [25 Pa. Code § 127.12b]

h) The Owner or operator shall secure 1,118 tons of NOx ERCs and 84 tons of VOC ERCs. ERCs shall be properly generated, certified by the Department and processed through the registry in accordance with 25 Pa. Code § 127.206(d)(1). Upon transfer, owner/operator shall provide the Department with documentation clearly specifying the details of the ERC transaction. This facility may not commence operation until the Department certifies the required emissions reductions.

i) The Department may establish or revise the maximum allowable emission rates based upon CEM data, stack test results, optimization the boiler and the associated air cleaning devices [25 Pa. Code § 127.12b].

j) This facility is subject to the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments, and shall comply with all applicable provisions of that Title, including the following:

- 40 CFR Part 72 Permits Regulations
- 40 CFR Part 73 Sulfur Dioxide Allowance System
- 40 CFR Part 75 Continuous Emissions Monitoring
- 40 CFR Part 77 Excess Emissions

k) This facility is subject to the NOx Budget Trading Program found in 25 Pa. Code Chapter 145.

#### 5. TESTING REQUIREMENTS

a) Within 180 days of initial start-up but no later than 60 days of achieving maximum production, a stack test(s) shall be performed on the CFB in accordance with the provisions of Chapter 139 to determine the following pollutant emission rates:

- Total PM<sub>10</sub>
- HCl
- HF
- H<sub>2</sub>SO<sub>4</sub>
- NMVOC
- Mercury
- Arsenic
- Beryllium
- Cadmium
- Hexavalent Chromium
- Nickel
- Lead
- Ammonia

These tests shall be repeated on a yearly basis. The frequency may be reduced in subsequent permits if determined appropriate by the Department. [25 Pa. Code § 139.2].

b) The Owner or Operator shall submit a pre-test protocol for review at least 60 days prior to performance of the stack tests. [25 Pa. Code § 139.2].

c) The Owner or Operator shall also notify the Department at least two weeks prior to the stack tests so that an observer may be present at the time of the tests. [25 Pa. Code § 139.2].

d) The Owner or Operator shall submit a stack test report to the Department within 60 days of the completed testing. [25 PA Code 139.2].

#### 6. CONTINUOUS MONITORING

a) The company shall install, certify, maintain and operate a CEM system for monitoring sulfur oxides (as SO<sub>2</sub>), NOx (as NO<sub>2</sub>), visible emissions (opacity), carbon monoxide (CO) and gas flow from the CFB boiler. Oxygen (O<sub>2</sub>) or carbon dioxide (CO<sub>2</sub>) shall be monitored at each location where SOx, NOx, and CO are monitored in accordance with the requirements of 25 Pa Code Chapter 139.

b) The Owner or Operator shall install, operate and maintain a system and procedures for monitoring as-fired fuel in accordance with the requirements of 40 CFR 60.48a(3) and 25 Pa. Code Chapter 139. The daily sulfur input rate to the CFB shall be determined and used as a basis in the calculation of the 30 day rolling average SOx control efficiency.

c) The Owner or Operator shall maintain a daily log of:

- hours of operation for each air pollution source
- coal feed rate
- natural gas consumption
- ammonia injection rate
- limestone consumption

This log shall be maintained on site for a minimum of five years and shall be made available to the Department upon request 25 Pa. Code § 127.12b].

#### 7. NOTIFICATION/REPORTING

a) At least 90 days prior to start-up, the Owner or Operator shall submit information required by Phase I of the Department's "Continuous Source Monitoring Manual," Revision 6, January 1996 to the following address.

Chief, Division of Technical Services & Monitoring  
Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street (12th Floor)  
P. O. Box 8468  
Harrisburg, PA 17105-8468

b) The owner or operator shall report each malfunction that poses an imminent and substantial danger to the public health and safety or the environment or which it should reasonably believe may result in citizens complaints to the Department that occurs at this Title V facility. For purposes of this condition a malfunction is defined as any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner that may result in an increase in the emissions of air contaminants [25 Pa. Code § 127.441].

c) The owner/operator shall submit a Title V Operating Permit Application within 120 days of startup of the source(s) and/or pollution control device(s). [25 Pa. Code § 127.505(a)]

#### 8. WORK PRACTICE STANDARDS/MISC.

a) The Department reserves the right to require additional controls (such as, road paving, process equipment enclosures, conveyor covers, and the like) based on evaluation of the operation after start-up and a determination that the existing controls are inadequate to control fugitive emissions [25 Pa. Code § 127.12b].

b) The truck loading and unloading areas and the plant delivery roads shall be paved with asphalt, concrete, or an equivalent surface approved by the Department [25 Pa. Code § 127.12b].

c) Road dust shall be controlled by a road sweeper or the use of water sprays, oils, or other dust surfactants [25 Pa. Code § 127.12b].

d) A pressurized water truck shall be on site and in use when the facility is operating [25 Pa. Code § 127.12b].

e) The plant shall post a sign stating the requirement that "All loaded trucks entering or exiting plant property shall be properly tarpaulin covered." [25 Pa. Code § 127.12b].

f) The plant shall post a speed limit of 15 mph or less on all plant roads [25 Pa. Code § 127.12b].

g) All conveyor belts shall be partially enclosed, and all screens and crushers shall be fully enclosed so as to prevent fugitive emissions from becoming airborne [25 Pa. Code § 127.12b].

h) Ash silos shall discharge through an ash conditioner which shall moisten the ash before it is loaded into trucks for disposal [25 Pa. Code § 127.12b].

i) Coal shall not be stockpiled or loaded in any area that is not enclosed or watered as needed by the pressurized water truck and/or sprinkler system [25 Pa. Code § 127.12b].

j) The baghouse inlet temperature shall not exceed 250°F. A thermocouple shall be provided to monitor this temperature, which shall be continuously recorded. An audible alarm will sound in the CFB control room if the baghouse inlet temperature exceeds 250°F [25 Pa. Code § 127.12b].

k) The baghouse shall be designed with an effective air-to-cloth ratio at actual conditions of not more than 3:1 [25 Pa. Code § 127.12b].

l) The owner/operator shall demonstrate, to the Federal Land Manager, that the emissions from this source, do not adversely affect any Class I area's air quality related value (AQRV). [40 CFR Part 52]

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

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southwest Region—Field Operation  
400 Waterfront Drive  
Pittsburgh, Pennsylvania 15222-4745

For additional information you may contact the following at the same address:

Thomas J. Joseph, P. E.  
Air Pollution Control Engineer III  
Air Quality Control

## PLAN APPROVAL

### PUBLIC HEARINGS

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

**49-00020A: Truck Accessories Group, Inc.—d/b/a Leer East** (200 Housels Run Road, Milton, PA 17847) for construction of a mold maintenance area, a wet-out reinforcement area, a secondary lamination area, a base rail lamination area, a truck cap and tonneau cover headliner adhesive process, fiberglass reinforced plastic truck cap and tonneau cover assembly and final finish operations, an aluminum welding operation and an aluminum truck cap assembly, final finish and installation operation in an existing fiberglass reinforced plastic and aluminum truck cap manufacturing facility in Milton Borough, **Northumberland County**.

The respective facility is a major facility for both volatile organic compounds (VOC) and volatile hazardous air pollutants (HAP) and one for which a Title V operating permit (49-00020) has been issued.

The operation of the proposed air contamination sources will result in the emission of up to 25.87 tons of VOCs, 19.332 tons of volatile HAPs, .294 ton of particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10), 4.81 ton of acetone and .39 ton of ammonia per year.

The Department of Environmental Protection's (Department) review of the information submitted by Truck Accessories Group, Inc. indicates that the proposed air contamination sources will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12, the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217 and the Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed air contamination sources. Additionally, if the Department subsequently determines that the respective air contamination sources are being operated and maintained in accordance with the conditions of the plan approval as well as all applicable regulatory requirements, the conditions established in the plan approval will be incorporated into Title V Operating Permit 49-00020 by means of administrative amendment in accordance with 25 Pa. Code § 127.450.

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

1. The VOC contents of the 3M Flowable Finishing Putty, 3M Short Strand Fiberglass Reinforce Filler, Axel Xtend 802 and Axel Xtend 19SAM (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the mold maintenance area shall not exceed 1.83, 2.72, 6.03 and 5.7 pounds per gallon, respectively. No other VOC-containing material shall be used in this area.

2. The volatile HAP contents of the 3M Flowable Finishing Putty and 3M Short Strand Fiberglass Reinforce Filler (or alternate materials determined by the Department to have an equivalent, or lower, air contami-



nant emission potential) used in the mold maintenance area shall not exceed 1.83 and 2.72 pounds per gallon, respectively. No other VOC-containing material shall be used in this area.

3. The styrene content of the 3M Flowable Finishing Putty and 3M Short Strand Fiberglass Reinforce Filler (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the mold maintenance area shall not exceed 20% by weight. No other styrene-containing material shall be used in this area.

4. The VOC and volatile HAP emissions from the mold maintenance area shall not exceed 1.28 tons and .11 ton in any 12 consecutive month period (CMP), respectively.

5. All materials applied in the mold maintenance area shall be applied by hand. All containers of Axel Xtend 802 and Axel Xtend 19SAM (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) shall be closed except when material is being removed from or introduced into the container.

6. Records shall be maintained of the amount, VOC content, volatile HAP content and styrene content of each material used in the mold maintenance area as well as of the total VOC and total volatile HAP emissions from the area. This data shall be reported to the Department on a quarterly basis.

7. The neat resin used in the wet-out reinforcement area and secondary lamination area shall have a combined styrene and methyl methacrylate content of no greater than 32% by weight as well as a vapor suppressant factor of at least .05 and shall be applied using nonatomized resin application technology (as defined by the Department). No other volatile HAP-containing material shall be used in these areas. No other VOC-containing material shall be used in these areas other than cleanup solvents authorized by condition 42 herein.

8. The amount of neat resin used in the wet-out reinforcement area shall not exceed 2,600 gallons in any 12 CMP and the VOC emissions shall not exceed .45 ton in any 12 CMP (excluding those from the use of cleanup solvent).

9. The volatile HAP emissions from the wet-out reinforcement area shall not exceed .45 ton in any 12 CMP.

10. The amount of neat resin used in the secondary lamination area shall not exceed 76,388 gallons in any 12 CMP and the VOC emissions shall not exceed 13.17 tons in any 12 CMP (excluding those from the use of cleanup solvent).

11. The volatile HAP emissions from the secondary lamination area shall not exceed 13.17 tons in any 12 CMP.

12. The neat resin used in the base rail lamination area shall have a combined styrene and methyl methacrylate content of no greater than 32% by weight as well as a vapor suppressant factor of at least .05 and shall be applied using nonatomized resin application technology (as defined by the Department). No other VOC-containing material shall be used in this area other than cleanup solvents authorized by condition 42 herein.

13. The amount of neat resin used in the base rail lamination area shall not exceed 26,000 gallons in any 12 CMP, the VOC emissions shall not exceed 4.48 tons in any 12 CMP (excluding those from the use of cleanup solvent) and the volatile HAP emissions shall not exceed 4.48 tons in any 12 CMP.

14. The volatile HAP emissions from the wet-out reinforcement area, secondary lamination area and base rail lamination area shall not exceed 87 pounds per ton of neat resin (weighted average over 12 consecutive months).

15. Records shall be maintained of the identity, amount, VOC content, volatile HAP content, styrene content and methyl methacrylate content of the neat resin used in the wet-out reinforcement area and secondary lamination area as well as of the total VOC and total volatile HAP emissions from each of these areas. This data shall be reported to the Department on a quarterly basis.

16. Records shall be maintained of the identity, amount, VOC content, volatile HAP content, styrene content and methyl methacrylate content of the neat resin used in the base rail lamination area as well as of the total VOC and total volatile HAP emissions from this area. This data shall be reported to the Department on a quarterly basis.

17. The VOC contents of the CASA 246-DB adhesive and Quick Clean No. 6 cleanup solvent (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the truck cap and tonneau cover headliner adhesive process shall not exceed .56 and 1.31 pounds per gallon, respectively. No other VOC-containing material shall be used in this process.

18. The volatile HAP contents of the CASA 246-DB adhesive and Quick Clean No. 6 cleanup solvent (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the truck cap and tonneau cover headliner adhesive process shall not exceed zero and 1.57 pounds per gallon, respectively and the ammonia content of the adhesive shall not exceed 1%. No other volatile HAP-containing material shall be used in this process.

19. The amounts of CASA 246-DB adhesive and Quick Clean No. 6 cleanup solvent (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the truck cap and tonneau cover headliner adhesive process shall not exceed 9,565 and 16.83 gallons, respectively, in any 12 CMP.

20. The VOC emissions from the truck cap and tonneau cover headliner adhesive process shall not exceed 2.7 tons in any 12 CMP.

21. The volatile HAP, ammonia and particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) emissions from the truck cap and tonneau cover headliner adhesive process shall not exceed .0132 ton, .39 ton and .27 ton, respectively, in any 12 CMP.

22. All adhesive used in the truck cap and tonneau cover headliner adhesive process shall be applied in either the truck cap headliner adhesive spray booth or the tonneau cover headliner adhesive spray booth and shall only be applied with high volume low pressure spray equipment (or alternate technology determined by the Department to have an equivalent, or lower, air contaminant emission potential).

23. The truck cap and tonneau cover headliner adhesive spray booths shall each be equipped with dry filters with a particulate matter removal efficiency of at least 95%.

24. All containers of the materials used in the truck cap and tonneau cover headliner adhesive process shall be closed except when material is being removed from or introduced into the container.

25. Records shall be maintained of the amount, VOC content, volatile HAP content and ammonia content of each material used in the truck cap and tonneau cover headliner adhesive process, as well as of the total VOC and total volatile HAP emissions from the process. This data shall be reported to the Department on a quarterly basis.

26. The VOC contents of the 3M Primer 94, 3M Scotch-Grip Industrial Adhesive 4799, Sika Flex 255-FC and Sika Activator (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall not exceed 7.58, 4.45, .26 and 5.6 pounds per gallon, respectively. No other VOC-containing material shall be used in this operation.

27. The volatile HAP air pollution contents of the 3M Primer 94, 3M Scotch-Grip Industrial Adhesive 4799 and Sika Flex 255-FC (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall not exceed 3.41, 1.85 and .26 pounds per gallon, respectively. No other volatile HAP-containing material shall be used in this operation.

28. The VOC and volatile HAP emissions from the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall not exceed 2.29 and 1.07 tons in any 12 CMP, respectively.

29. All materials applied in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation shall be applied by hand. All containers of the materials used in this assembly operation shall be closed except when material is being removed from or introduced into the container.

30. Records shall be maintained of the amount, VOC content and volatile HAP content of each material used in the fiberglass reinforced plastic truck cap and tonneau cover assembly operation as well as of the total VOC and total volatile HAP emissions from this operation. This data shall be reported to the Department on a quarterly basis.

31. The VOC contents of the 3M Finesse II Finishing Material, 3M Perfect-It III Finishing Glaze, 3M Brand Super Duty Rubbing Compound and Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall not exceed 1.92, 2.27, 3.11 and 7.35 pounds per gallon, respectively. No other VOC-containing material shall be used in this operation.

32. The volatile HAP content of the Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall not exceed .33 pound per gallon. No other volatile HAP-containing material shall be used in this operation.

33. The VOC, volatile HAP and particulate matter (including particulate matter with an aerodynamic diam-

eter of 10 microns or less, also known as PM10) emissions from the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall not exceed .53, .0098 and .0012 ton in any 12 CMP, respectively.

34. The 3M Finesse II Finishing Material, 3M Perfect-It III Finishing Glaze and 3M Brand Super Duty Rubbing Compound (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation shall be applied by hand. All containers of the materials used in this operation shall be closed except when material is being removed from or introduced into the container.

35. Records shall be maintained of the amount, VOC content and volatile HAP content of each material used in the fiberglass reinforced plastic truck cap and tonneau cover final finish operation as well as of the total VOC and total volatile HAP emissions from the operation. This data shall be reported to the Department on a quarterly basis.

36. The particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) and VOC emissions from the aluminum welding operation shall not exceed .0225 and .0139 ton in any 12 CMP, respectively. The permittee shall maintain records as are necessary to demonstrate compliance with these limitations.

37. The VOC contents of the 3M Primer 94, Sika Flex 255-FC, Sika Activator and Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the aluminum truck cap assembly, final finish and installation operation shall not exceed 7.58, .26, 5.6 and 7.35 pounds per gallon, respectively. No other VOC-containing material shall be used in this operation.

38. The volatile HAP contents of 3M Primer 94, Sika Flex 255-FC and Spartan Chemical Company Glass Cleaner (or alternate materials determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the aluminum truck cap assembly, final finish and installation operation shall not exceed 3.41, .26 and .33 pound per gallon, respectively. No other volatile HAP-containing material shall be used in this operation.

39. The VOC, volatile HAP and particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM10) emissions from the aluminum truck cap assembly, final finish and installation operation shall not exceed .28, .0178 and .002 ton in any 12 CMP, respectively.

40. The 3M Primer 94, Sika Flex 255-FC and Sika Activator used in the aluminum truck cap assembly, final finish and installation operation shall be applied by hand. All containers of the materials used in this operation shall be closed except when material is being removed from or introduced into the container.

41. Records shall be maintained of the amount, VOC content and volatile HAP content of each material used in the aluminum truck cap assembly, final finish and installation operation as well as of the total VOC and total volatile HAP emissions from the operation. This data shall be reported to the Department on a quarterly basis.

42. The only cleanup solvents to be used in the wet-out reinforcement area, secondary lamination area and base

rail lamination area shall be acetone and ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential).

43. No more than a combined total of 1,455.37 gallons of acetone may be used in the wet-out reinforcement area, secondary lamination area and base rail lamination area in any 12 CMP nor shall the combined acetone emissions from these areas exceed 4.81 tons in any 12 CMP.

44. Records shall be maintained of the total combined amount of acetone used in wet-out reinforcement area, secondary lamination area and base rail lamination area as well as of the amount of 100% acetone removed from these areas and shipped offsite in liquid form. This data shall be submitted to the Department on a quarterly basis.

45. The wet-out reinforcement area, secondary lamination area and base rail lamination area shall each use no more than 463.84 pounds of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) in any 12 CMP nor shall the VOC emissions from each of these areas exceed .23 ton in any 12 CMP.

46. Records shall be maintained of the amount of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the wet-out reinforcement area, in the secondary lamination area and in the base rail lamination area as well as of the amount of 100% Shipshape (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) removed from each of these areas and shipped offsite in liquid form. This data shall be reported to the Department on a quarterly basis.

47. The height of the existing gelcoat booth No. 1 stack, the existing gelcoat booth No. 2 stack and the existing lamination booth stack shall be increased to 37.25, 37.25 and 34.75 feet above grade, respectively.

48. Condition No. 005 of Source ID P101 (gelcoat and primary lamination operation) of the Title V Operating Permit 49-00020 is modified to allow the use of up to 104 gallons of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) in any 12 CMP.

49. Records shall be maintained of the amount of ISP Technologies Shipshape-resin cleaner (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in Source ID P101.

50. The permittee must obtain 54.41 tons of VOC emission reduction credits.

51. The mold maintenance area, wet-out reinforcement area, secondary lamination area and base rail lamination area are subject to subpart WWWW of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.5780—63.5935 and must comply with all applicable requirements contained therein by April 21, 2006.

The mold maintenance area, wet-out reinforcement area, secondary lamination area, truck cap and tonneau cover headliner adhesive process, fiberglass reinforced plastic truck cap and tonneau assembly and final finish operations, aluminum welding operation and aluminum truck cap assembly, final finish and installation operation are subject to the RACT requirements of 25 Pa. Code

§§ 129.91—129.95. The Department has made a preliminary determination to approve the RACT plan submitted by Truck Accessories Group, Inc. for these air contamination sources. This preliminary RACT determination, if approved, will be submitted to the EPA as a revision to the SIP. The SIP revision will not adopt any new regulations. It will contain the requirements established by the Department in its approval of the RACT plan.

Conditions 1, 3, 5—8, 10, 15, 17, 19, 20, 22, 24—26, 29—31, 34, 35, 37, 40—42, 45, 46, 48 and 49 contain the Department's preliminary RACT determination for the respective air contamination sources.

A copy of the plan approval application, including the RACT plan, is available for public inspection during normal business hours at the address listed in this notice. Persons interested in inspecting the application must schedule an appointment in advance.

A public hearing will be held solely for the purpose of receiving comments on the Department's RACT determination and associated proposed SIP revision. The Department will not be entertaining comments regarding any other aspect of the respective plan approval application or the Department's review of said application at this hearing. The hearing will be held on March 15, 2005, at 1 p.m. at the Department of Environmental Protection's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. The public is invited to appear at this public hearing and comment on the Department's preliminary RACT determination and proposed SIP revision.

Persons who wish to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one individual to present testimony on its behalf.

Persons with a disability who wish to comment at the hearing and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 to discuss how the Department may accommodate their needs.

Anyone unable to attend the hearing but wishing to comment on the Department's preliminary RACT determination and proposed SIP revision or anyone who has comments which he believes should be considered in the Department's review of any other aspect of the respective plan approval application or anyone who wishes to protest the issuance of plan approval may do so by submitting their comments or protests in writing to the Department at the address listed in this notice. Comments or protests must be received by the Department by no later than March 25, 2005, to be considered. Each protest or comment should include the following: name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the comment or protest being presented to the Department.

The Department may hold an additional public hearing to solicit comments on issues and concerns, other than the Department's preliminary RACT determination and proposed SIP revision, pertaining to the respective plan approval application and the Department's review thereof if the Department, in its discretion, decides a hearing is warranted based on the information received. All persons requesting a hearing, protesting the issuance of plan

approval or submitting comments will be notified of the decision to hold an additional public hearing by publication in a newspaper of general circulation in the Milton area or by letter or telephone if the Department feels that the notification is sufficient.

Written comments, protests or requests for an additional public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

### PLAN APPROVAL

### PUBLIC HEARING

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

**PA-63-00922A, Robinson Power Company, LLC,** Beach Hollow Power Project, Robinson Township, **Washington County.** As per 25 Pa. Code § 127.48 notice is hereby given that the Department of Environmental Protection (Department) will hold a public hearing on March 7, 2005, at 6 p.m. at the Burgettstown Grange, 643 Creek Road, Bulger, PA, 15019.

The hearing is to take testimony concerning the Department's intent to issue a Plan Approval to the Robinson Power Company, LLC. for the installation of a 272 net megawatt waste coal fired, circulating fluidized bed boiler to be located in Robinson Township, Washington County. Other air emission sources at the facility include material handling operations for coal, ash and limestone, an emergency generator, firewater pump and a cooling tower. The proposed facility will include several structures such as the boiler building, turbine building, concrete stack, material storage building, run-of-mine crusher building, coal refuse dryer building and the administrative office buildings.

Persons wishing to present testimony during the hearing should contact Community Relations Coordinator, Betsy Mallison, at (412) 442-4000 before March 7 to register.

Persons wishing to present testimony during the hearing should contact Community Relations Coordinator, Betsy Mallison, at (412) 442-4000 before March 7 to register.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Betsy Mallison or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those who are unable to attend the hearing, but wish to comment, should provide written comments to Thomas Joseph, P. E. Air Pollution Control Engineer III, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. The comment period is open for 30 days after the appearance of this notice.

### OPERATING PERMITS

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

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

**39-00018: Stanley Vidmar Storage Technologies, Inc.** (11 Grammes Road, Allentown, PA 18105) for operation of spray booths, ovens and space heaters at their facility in the City of Allentown, **Lehigh County.** This action is a renewal of the Title V Operating Permit issued in 1999.

**54-00005: Wheelabrator Frackville Energy Co., Inc.** (475 Morea Road, Frackville, PA 1817931) for operation of CFB Boiler, space heaters, Diesel Fuel Pump and Emergency Generator in Mahanoy Township, **Schuylkill County.** This action is a renewal of the Title V Operating Permit issued in 1999.

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

**05-05005: Bedford Materials Co., Inc.** (7676 Allegheny Road, Manns Choice, PA 15550) for their flexible insulating materials production facility in Napier Township, **Bedford County.** The facility is a major source that primarily emits VOCs and HAPs. The Title V operating permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of their Title V operating permit.

**22-05005: NRG Energy Center Paxton, LLC** (100 North Tenth Street, Harrisburg, PA 17105-2151) for a Title V Operating Permit Renewal in the City of Harrisburg, **Dauphin County.** The facility's major sources of emissions include four boilers, natural gas and No. 6 oil fired and two dual fuel engines, natural gas and No. 2 oil fired. The sources primarily emit NOx. This is a renewal of their Title V operating permit issued in April 2000.

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

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

**35-00052: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for an asphalt plant and associated air pollution control devices in Dunmore Borough, **Lackawanna County.**

**40-00076: American Asphalt Paving Co.** (500 Chase Road, Shavertown, PA 18708) for an asphalt plant, stone crushing operation and associated air pollution control devices in Plains Township, **Luzerne County.**

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

**61-00193: National Fuel Gas Supply Corp.** (Township Route 300, Stoneboro, PA 16153) for renewal of their Natural Minor Operating Permit for the Henderson natural gas compressor station in Mineral Township, **Venango County.**

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.

**N04-008: Hillock Anodizing, Inc.** (5101 Comly Street, Philadelphia, PA 19135) for operation of their anodizing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 550-gallon chromic acid tank and a No. 2 oil 1.045 mmBtu/hr boiler.

**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)	3.0mg/l	6.0mg/l	7.0mg/l
manganese (total)	2.0mg/l	4.0mg/l	5.0mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0;	less than 9.0
alkalinity greater than acidity <sup>1</sup>			

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

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

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-7100.*

**30841316. 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. Application received November 22, 2004.

**32961302. NPDES Permit No. PA0214949, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to add underground permit and subsidence control plan acres. underground acres proposed 962.1, SCP acres proposed 842.0. No additional discharges. Application received December 27, 2004.

**03860701. NPDES Permit No. PA0213519, McVile Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the permit for the McVile Refuse

Disposal Area in South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received December 28, 2004.

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

**56050101 and NPDES Permit No. PA0249696. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 299.2 acres. Receiving streams: UNTs to/and Casselman River and UNTs to/and Stony Batter Run classified for the following uses: WWF and CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2005.

**32890107. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, surface mining permit renewal for reclamation only in Rayne Township, **Indiana County**, affecting 16.0 acres. Receiving streams: Dixon Run and UNT to Rayne Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Authority Crooked Creek surface water withdrawal and PA American Water Company Two Lick Creek surface water withdrawal. Application received December 17, 2004.

**56990101 and NPDES Permit No. PA0235008. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, surface mining permit renewal in Paint Township, **Somerset County**, affecting 54.3 acres. Receiving streams: UNTs to/and Kaufman Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stoney Creek surface water withdrawal. Application received December 21, 2004.

**32823066 and NPDES Permit No. PA0606316. T. L. H. Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, surface mining permit renewal for reclamation only in East Mahoning and Rayne Townships, **Indiana County**, affecting 256.1 acres. Receiving streams: to Rayne Run and to Dixon Run classified for the following uses: CWFs. The first downstream potable water supply intake from the point of discharge are Indiana County Municipal Service Authority Crooked Creek surface water withdrawal and PA American Water Company Two Lick Creek surface water withdrawal. Application received January 11, 2005.

**Permit No. 56920101 and NPDES Permit No. PA0599395. Future Industries, Inc.**, P. O. Box 157 Meyersdale, PA 15552, permit revision—land use change on Richard and Robert Sanner property from forest to unmanaged natural habitat in Summit Township, **Somerset County**, affecting 21 acres. Receiving streams: UNT to/and Casselman river and Shaffer Run classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received on January 12, 2005.

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

**04000101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application of an existing bituminous surface mine for reclamation only, located in Darlington Township, **Beaver County**, affecting 102.2 acres. Receiving streams: State Line Creek and UNT to North Fork of Little Beaver Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 7, 2005.

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

**33723006 and NPDES Permit No. PA0603406. Jeffco Coal Company** (1800 Washington Road, Pittsburgh, PA 15241). Renewal of an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County** affecting 450.2 acres. Receiving streams: UNTs to Soldier Run and Soldier Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: January 24, 2005.

**33010103 and NPDES Permit No. PA0241954. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Revision to an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 103.0 acres. Receiving streams: UNT to Sandy Lick Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to revise the approved abatement plan. Application received: January 10, 2005.

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

**17050101 and NPDES Permit No. PA0256153. Kenneth K. Rishel & Sons, Inc.** (1229 Turnpike Avenue, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Penn and Pike Townships, **Clearfield County** affecting 267.9 acres. Receiving streams: Kratzer Run, UNTs to Kratzer Run, Fenton Run, UNTs to Fenton Run, Bilger Run, UNTs to Bilger Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received: January 5, 2005.

**17040101 and NPDES Permit No. PA0243680. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), transfer of an existing surface mine permit application from Ferlitch Construction Co., Inc. The site is located in Bigler Township, **Clearfield County** and affects 61.5 acres. Receiving stream: Japling Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received: December 15, 2004.

**17040107 and NPDES Permit No. PA0243817. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-auger permit application from Moravian Run Reclamation Co., Inc. The site is located in Girard Township, **Clearfield County** and affects 147.5 acres. Receiving streams: UNTs to Deer Creek and Deer Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received: November 19, 2004.

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

**49050101 and NPDES Permit No. PA0224430. Farragut Anthracite Company**, (100 Lehigh Avenue, Mt. Carmel, PA 17851), commencement, operation and restoration of an anthracite surface mine, coal refuse disposal, fly ash disposal operation and discharge of treated mine drainage in Coal and Zerbe Townships, **Northumberland County** affecting 578.0 acres, receiving stream: Shamokin Creek, classified for the following use: CWF. Application received January 12, 2005.

*Coal Applications Returned*

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

**03010108 and NPDES Permit No. PA0250171. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for a bituminous coal surface mine has been returned due to the failure of the applicant to respond to the Department's corrections, affecting 126.3 acres. Receiving streams: UNTs to Glade Run. Application re-

ceived: June 24, 2002. Application returned: January 19, 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>Instantaneous Maximum</i>	<i>Daily Maximum</i>
suspended solids	35mg/l	70mg/l	90mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	

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

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

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

**26840301 and NPDES Permit No. 0200042. Norman Thomson** (P. O. Box 10, Lemont Furnace, PA 15456). NPDES renewal application for a noncoal surface mine, located in North Union Township, **Fayette County**, affecting 50.2 acres. Receiving stream: UNT to Cove Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 18, 2005.

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

**6575SM1C6 and NPDES Permit No. PA0594415. Hanson Aggregates PA, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving streams: UNT to Lake Creek and Cherry Creek, classified for the following uses: CWFs and MFs. Application received January 13, 2005.

**38970301C and NPDES Permit No. PA0224448. Haines & Kibblehouse, Inc.,** (P. O. Box 196, Skippack, PA 19474), correction to an existing quarry operation to include NPDES Permit for discharge of treated mine drainage in Cornwall Borough, **Lebanon County** affecting 194.14 acres, receiving stream: UNT to Snitz Creek, classified for the following use: TSF. Application received January 13, 2005.

**1579601C3 and NPDES Permit No. PA0119181. Lynn Hanaway,** (151 North Church Street, Parkersburg, PA 19365), renewal of NPDES Permit for discharge of treated mine drainage in Parkersburg Borough, **Chester County**, receiving stream: UNT to Buck Run, classified for the following uses: trout stocking and MF. Application received January 18, 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-881. PA DOT**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Bedminster Township, **Bucks County**, ACOE Philadelphia District.

**Deep Run Bridge Replacement Project (SR4023, Section BU1)**

To replace two arch structures along Deep Run Road with one box culvert and a bridge. The proposed bridge spans 36 feet and the box culvert spans 20 feet, both over the Deep Run (WWF) with an underclearance of 6.75 feet. The work will include the following activities:

1. Construction of temporary diversion devices within the stream.
2. Construction of temporary road crossing to accommodate material and equipment movement across the workspace perimeter.
3. Grading of streambed to compliment new stream alignment, removal of gravel bar and to increase hydraulic conveyance of the stream.
4. Removal of all abutments and construction of new ones to improve stream alignment.
5. Construction and placement of a total of approximately 357 cubic yards of riprap of sizes R-5 and R-8 for scour protection at critical segments along the abutments, exit and entry points of the two hydraulic structures.
6. Placement of approximately 410 cubic yards fill material for grading and to accommodate roadway approach widening and adjustment of vertical alignment to new structures.
7. To place and maintain fill in 0.0034 acre of wetland.
8. Modify stream alignment by increasing it by 6 feet on the south side running approximately 36 linear feet.

The project proposes to affect a total of approximately 202 linear feet of stream, of which 64 linear feet is permanent impact. This site is located approximately 1,350 feet northeast of the intersection of Deep Run and Keller Church Roads in Bedminster Township, Bucks County. (Bedminster, PA Quadrangle N: 1.86 inches; W: 8.79 inches.

**E09-564. Forest Park Water—North Penn & North Wales Water Authority**, 144 Park Avenue, P. O. Box 317 Chalfont, PA 18914-0317.

To construct and maintain a 16-inch pipeline extending 71-feet across and temporarily impacting 0.05 acre of forested wetland (PFO) and to construct and maintain a rip rapped outfall structure to Pine Creek (TSF-MF). The proposed modification is associated with the expansion of the Forest Park Water Treatment Plant, which is needed to meet increasing demand for public water in the region. The project includes upgrades and replacements to the water treatment process equipment. A small building is being constructed to house chemical storage and feed equipment to the south of the existing treatment plant building, within the 100-year floodplain.

The site is located approximately 2000 feet northeast of intersection of Route 152 and Park Avenue (Doylestown, PA. USGS Quadrangle N: 7.80 inches W: 11.04 inches) in Chalfont Borough, **Bucks County**.

**E46-969. Pennypack Ecological Restoration Trust**, 2955 Edge Hill Road, Huntingdon Valley, PA 19006-5099, Upper Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To modify an existing 1.34-acre reservoir and outlet works of an off-stream nonjurisdictional dam known as

Crossroads Marsh. The am and reservoir is located within the 100-year floodway of the Pennypack Creek (TSF-MF). The proposed work will include the following activities:

1. To dewater the existing reservoir and temporarily disturb 1.22 acres of wetland (PEM).
2. To remove accumulated sediment and organic material from a portion of the reservoir.
3. To excavate and deepen a portion of the reservoir impacting 0.34 acre of wetland (PEM).
4. To redistribute excavated material along the margins and within the reservoir to create wetland and riparian shelf habitat zones.
5. To construct 0.34 acre of replacement wetlands at two locations adjacent to the existing reservoir.

The site is located along the northwestern side of the intersection of Creek Road and Papermill Road (Hatboro, PA USGS Quadrangle N: 2.75 inches; W: 10.75 inches.

**E23-448. First Blackhawk, LLC**, P. O. Box 467, Concordville, PA 19331, Middletown Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities in and along an UNT of Ridley Creek (TSF-HQ) watershed associated with the proposed Bittersweet Way, a single-family residential subdivision:

1. To modify and extend an existing 36-inch CMP stormwater outfall structure and to backfill approximately 80 linear-foot reach of abandoned eroded stormwater channel, to facilitate the construction of lots 3 and 4. The pipe will start at Manhole No. 2, consist of approximately 153 linear feet of 29-inch by 45-inch Elliptical R.C.P., extend to end wall EW No. 2, including a riprap apron where it rejoins the existing channel. Work also includes installation and maintenance of an 8-inch PVC sanitary sewer line and a waterline crossing of the stormwater pipe.
2. To modify and extend a stormwater outfall situated in and along an UNT to Ridley Creek (TSF-HQ) for the widening of SR 4004 (Barren Road) to accommodate the required turning lanes into the subdivision. Work also includes installation and maintenance of the 8-inch PVC sanitary sewer line placed under the storm sewer extension.
3. To construct and maintain 51 linear feet of 24-inch R.C.P. culvert in and along an UNT to Ridley Creek and impacting 0.02 acre of wetland (PFO) associated with a common drive for lots 2—4. The work also includes installation and maintenance of an 8-inch PVC sanitary sewer line placed under the proposed culvert.

The applicant also requests an Environmental Assessment approval to construct an earthen embankment and appurtenant out let works impacting 90 linear feet of stream and 0.02 acre of wetland (PEM) associated with the reconstruction of a currently breached on-stream nonjurisdictional dam, which will be utilized as a stormwater management facility. The operation of the dam will result in the secondary impact to 0.14 acres of wetland as a result of incidental and temporary backwater.

The project will impact 680 linear feet of watercourse and 0.18 acre of wetland. The site is located on the northeast corner of the Route 352 and Barren Road (Media, PA USGS Quadrangle N: 7.9 inches; W: 9.2 inches.



**E46-970. Toll Brothers, Inc., Regency @ Northampton**, 445 St. Leonard's Road, Holland, PA 18966, Lower Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To perform grading activities and to construct and maintain an approximately 1,200-linear foot long concrete retaining wall within the 100-year floodway of Pennypack Creek (TSF, MF) and Mill Race Creek (TSF, MF) associated with the proposed Huntingdon Valley Club Condominiums. This work also includes the construction and maintenance of a stormwater basin and its associated intake/outfall structures and an outfall structure associated with the collection system and interior drainage of this project. The site is located just northwest of the intersection of Huntingdon Pike (SR 0232) and Welsh Road (SR 0063), (Frankford, PA USGS Quadrangle N: 21.8 inches; W: 9.8 inches).

**E51-212. USACOE**, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390, City and **County of Philadelphia**, ACOE Philadelphia District.

To perform the following activities associated with Phase 1 of the proposed transloading facility and rail spur at the existing Fort Mifflin Confined Dredge Material Disposal Facility.

To construct and maintain a railroad crossing which will impact 0.15 acre of wetland (PEM). The crossing includes fill to support the rail and three 24-inch HDPE cross drain pipes to maintain hydrologic connectivity of the wetland.

The site is located 300 feet northeast of the Enterprise Avenue exist of I-95, (Philadelphia, PA USGS Quadrangle, N: 3.7 inches; W: 3.7 Inches).

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

**E22-487: PennDot Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Mifflin Township, **Dauphin County**, ACOE Baltimore

To remove the existing structure and then to construct and maintain a 14-foot by 8.5-foot box culvert on a 75° skew at the channel of an UNT to Wiconisco Creek (WWF) and associated improvements on SR 0225, Section 015, Segment 0430, Offset 1611 to improve the traffic safety condition located about 0.7 mile south of Ber-rysburg Borough (Elizabethville, PA Quadrangle N: 12.0 inches; W: 10.0 inches) in Mifflin Township, Dauphin County.

**E22-488: Waverly Woods Associates, Capitol View Development Co. Inc.**, 1300 Market Street, Lemoyne, PA 17043-0622, in Susquehanna Township, **Dauphin County**, ACOE Baltimore.

To permanently impact a 0.26 acre and temporarily impact 0.19 acre of wetland and associated improvements in order to construct Phase 7 of the Waverly Woods Subdivision located on North Progress Avenue about 0.5 mile north from its intersection with Linglestown Road (Harrisburg, PA Quadrangle N: 16.1 inches; W: 15.25 inches) in Susquehanna Township, Dauphin County.

**E50-226: Richard M. Nolt**, 29 Lyons Road, Millers-town, PA 17062 in Tuscarora Township, **Perry County**, ACOE Baltimore.

To construct and maintain a single span bridge with a clear span of 16.0 feet, a rise of 1.75 feet and an instream length of 11.25 feet within the channel of Raccoon Creek (CWF), a perennial stream, approximately 1,200 feet downstream of the Tuscarora and Saville Township line at

a point (Ickesburg, PA Quadrangle N: 19.4 inches; W: 9.1 inches) in Tuscarora Township, Perry County. The project will result in 11.25 linear feet of direct impacts to the channel of Raccoon Creek.

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

**E18-385. Clinton County Commissioners**, 232 East Main Street, Lock Haven, PA 17754. Clinton County Conservation District Dry Hydrants No. 1-7, in Logan Township/Greene Township/Lamar Township/Loganton Borough, **Clinton County**, ACOE Baltimore District (Loganton/Millheim/Mill Hall, PA Quadrangles).

To construct and maintain seven dry hydrants within the Fishing Creek Watershed for the purpose of fire protection at the following locations: No. 1—Tylersville Hatchery, No. 2—Sugar Value Lions Club Ballfield, No. 3—Daniel C. Schrack property, No. 4—Richard Herman property, No. 5—Richard Thompson property, No. 6—Jay and Nichole Bechdel property, No. 7—Doris J. Lamey property. This project proposes to permanently impact 28 linear feet of Fishing Creek, which is classified as a HQ-CWF and no wetland impacts.

**E17-405. Pennsylvania Department of Transportation**, Engineering District 2-0, P. O. Box 342 1924-30 Daisy Street, Clearfield, PA 16830. SR 2014, Section A01 Bridge Replacement, Decatur Township, **Clearfield County**, ACOE Baltimore District (Houtzdale, PA Quadrangle N: 19.8 inches; W: 9.8 inches).

To remove an existing structure and to construct, operate and maintain a single span concrete box beam bridge to carry SR 2014, Section A01 across Coal Run (CWF) and to change the channel of UNT to Coal Run (CWF) for highway safety improvements. The bridge across Coal Run shall be constructed with a minimum span of 40-feet, width of 30-feet and an underclearance of 5-feet. All construction and future repair work shall be completed during stream low flow. Construction of the bridge will permanently impact 80-feet of Coal Run while impacting 0.2-acre of wetland; whereas, the channel change of the UNT to Coal Run will permanently impact 193-feet of stream. The bridge replacement project is located along the western right-of-way SR 0053 approximately 1.1-miles west of SR 2014 and SR 0053 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary construction road crossings, cofferdams and stream diversions. Upon completion of the bridge replacement project, all temporary structures shall be removed and all disturbed areas shall be restored to original contour and elevation with final stabilization applied.

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

**E63-568. Washington County Commissioners**, 100 West Beau Street, Suite 702, Washington, PA 15301. To construct a bridge in Hanover Township and Robinson Township, **Washington County**, Pittsburgh ACOE District. (Clinton, PA Quadrangle N: 11.3 inches; W: 15.9 inches and Latitude: 40° 26' 14"—Longitude: 80° 21' 51"). The applicant proposes to remove the existing structure and to construct and maintain a single span bridge having a normal clear span of 73' 9" at a 70 skew angle and an underclearance of approximately 11' 7" over Raccoon Creek (WWF), to construct and maintain various outfalls to Raccoon Creek and to place and maintain fill in a de minimus area of palustrine emergent wetland equal to 0.0001 acre. The bridge (T-500, Donaldson Bridge

Raccoon Creek No. 7) is located on Raccoon Creek Road. The project will permanently impact 0.0001 acre of PEM wetlands and 50' of perennial stream channel.

**E63-569. Thomas B. McCloskey**, 6316 Irishtown Road Extension, Bethel Park, PA 15102. To construct 3 culverts in Peters Township, **Washington County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 0.1 inches; W: 6.9 inches and Latitude: 40° 16' 00"—Longitude: 80° 02' 56"). The applicant proposes to construct and maintain three 5-foot diameter culverts in an UNT to Peters Creek (TSF) to provide access to the proposed Rees Manor Plan Parcel "A." The project is located on the west side of McCombs Road, approximately 6,000 feet southeast from the intersection of Bower Hill Road and McCombs Road and will impact 65.0 linear feet of stream channel.

**E65-864. Coal and Coke Trail Corporation**, P. O. Box 360, Scottdale, PA 15683. To construct a bridge in Mt. Pleasant Township and also to construct a bridge in East Huntingdon Township, **Westmoreland County**, Pitts-

burgh ACOE District. The applicant proposes to reconstruct two railroad crossings for a rail trail. For both crossings the existing abutments will be used and a new bridge deck will be constructed and maintained. The first crossing is located over Shupe Run (WWF), (Mt. Pleasant, PA Quadrangle N: 0.5 inches; W: 5.1 inches and Latitude: 40° 7' 40"—Longitude: 79° 32' 1"), the bridge will have a clear span of approximately 38 feet at a 38 skew give a normal opening of approximately 28' and an underclearance of approximately 4.9 feet. The bridge is located approximately 1,500 feet upstream of its confluence with Jacob Creek. The second crossing is located over Sherrick Run (WWF), (Connellsville, PA Quadrangle N: 20.8 inches; W: 7.8 inches and Latitude: 40° 6' 5"—Longitude: 79° 33' 2"). The bridge will have a span of approximately 51 feet and underclearance of approximately 10'. The bridge is located approximately 1,000 feet upstream of its confluence with Jacobs Creek in East Huntingdon Township. The total proposed impacts are 10' to Shupe Run and 18' to Sherrick Run.

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## ACTIONS

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### 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063924 Sewage	PA DCNR—Delaware Canal State Park 2808 Three Mile Run Road Perkasie, PA 18944-2065	Northampton Williams Township	Delaware River (1E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080799 (Sewage)	Newburg-Hopewell Joint Authority P. O. Box 128 Newburg, PA 17240	Cumberland County Hopewell Township	Newburg Run/7B	Y
PA0247570 (Sewage)	Fredericksburg Sewer and Water Authority P. O. Box 161 Fredericksburg, PA 17026	Lebanon County Swatara Township	Swatara Creek/7D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102067	Nystrom Martin Subdivision P. O. Box 332 Sugar Grove, PA 16350	Sugar Grove Township Warren County	UNT to Stillwater Creek 16-B	Y
PA0033120	Warren County School District Eisenhower Middle/Senior High School 14 Hospital Drive Building 11 Warren, PA 16365-4885	Farmington Township Warren County	Fairbanks Run 16-B	Y
PA0223018	Farmington Township R. D. 2, Box 2265 Russell, PA 16345	Farmington Township Warren County	UNT to Kiantone Creek 16-B	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-0061000**, Sewage, **Village of Four Seasons Association, Inc.**, R. R. 2, P. O. Box 3350, Union Dale, PA 18470. This proposed facility is located in Herrick Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit. Increased discharge from existing system.

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

**NPDES Permit No. PA0083887**, Sewage, **Brad Shover, Brush Creek Country Estates**, 225 Pine Hill Road, Landisburg, PA 17040. This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters named Brush Creek in Watershed 11-C (Dunning Creek).

**NPDES Permit No. PA0247308**, Sewage, **Bright Hope Fellowship BIC Church**, Deodate Road, Middletown, PA 17057. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Lynch Run in Watershed 7-G.

**NPDES Permit No. PA0055123**, Sewage, **Sunbeam Products, Inc.**, 2381 Executive Center Drive, Boca Raton, FL 33431. This proposed facility is located in Bally Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to unt West Branch Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0247308**, Sewage, **Bright Hope Fellowship BIC Church**. Final notice is hereby given that the Department, after public notice, has on January 20, 2005, issued an NPDES Permit to:

This notice reflects changes from the notice published at 33 Pa.B. 4938 (October 4, 2003).

Total Residual Chlorine limitations were removed since UV disinfection is used instead of chlorination.

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

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

**NPDES Permit No. PA0252701**. Industrial Waste. **Dominion Transmission, Inc.**, 1201 Pitt Street, Pittsburgh, PA 15221-2029. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Discharge of groundwater from South Bend Compressor Station to Crooked Creek.

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

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

**WQM Permit No. 0599406 Amendment 05-1**, Sewerage, **Brad Shover**, 225 Pine Hill Road, Landisburg, PA 17040. This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Permit amendment for the construction/operation of Sewage Treatment Facilities and Groundwater Monitoring Wells MW-1 and MW-2.

**WQM Permit No. 6700417 Amendment 05-1**, Sewerage, **Felton Borough**, 88 Main Street, Felton, PA 17322. This proposed facility is located in Felton Borough, **York County**.

Description of Proposed Action/Activity: Permit amendment for the Beaver Street Pump Station.

**WQM Permit No. 2204408**, Sewerage, **Bright Hope Fellowship BIC Church**, Deodate Road, Middletown, PA 17057. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of duplex septic tanks.

**WQM Permit No. 2804406**, Sewerage, **Leroy E. Beeler**, 2984 Sollenberger Drive, Chambersburg, PA 17201. This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow individual residence spray irrigation system for denitrification consisting of a septic tank, Zabel filter, chlorine disinfection and spray field.

**WQM Permit No. 3804404**, Sewerage, **Fredericksburg Sewer and Water Authority**, P. O. Box 161, Fredericksburg, PA 17026. This proposed facility is located in Swatara Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of sewerage facilities Camp Strauss-Monroe Valley Sanitary Sewer System and Treatment Plant.

**WQM Permit No. 0704404**, Sewerage, **Gary and Christine Stillwell**, 1260 Dry Run Road, Duncansville, PA 16635. This proposed facility is located in Juniata Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single family residence.

**WQM Permit No. 567s030 Amendment 04-1**, **Pennsylvania Turnpike Commission**, 700 South Eisenhower Boulevard, Middletown, PA 17057. This proposed facility is located in Taylor Township, **Fulton County**.

Description of Proposed Action/Activity: Construction/Operation of a new mechanical final clarifier.

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

**WQM Permit No. 0204402**, Sewerage, **Collier Township Municipal Authority**. This proposed facility is located in Collier Township, **Allegheny County**.

Description of Proposed Action/Activity: to construct a sanitary sewer system to serve the Cowan-Upper McMichael portions of Collier Township

**WQM Permit No. 0403401**, Sewerage, **North Sewickley Township Sewer Authority**, 893 Mercer Road, Beaver Falls, PA 15010. This proposed facility is located in North Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Extension of sanitary sewers for flow to Ellwood City STP and Beaver Falls STP.

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

**WQM Permit No. WQG018338**, Sewerage, **Joseph Figurski**, 9127 Kuhl Road, Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018342**, Sewerage, **Daniel R. Dart**, 300 Hacket Hollow Road, Smethport, PA 16749. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018352**, Sewerage, **Edward L. and Linda L. Vincent**, 1605 Garvin Road, Cranberry Township, PA 16066. This proposed facility is located in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018354**, Sewerage, **Brian and Tina Mercer**, 1133 Pleasant Road, Warren, PA 16365. This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018334**, Sewerage, **Michael A. Povlick Subdivision SFTF**, 2320 Rinderle Drive, Erie, PA 16509. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operations of a small flow treatment facility to serve 3 single family homes.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI132239	Lehigh County 17 South Seventh St. Allentown, PA 18101	Lehigh		Little Lehigh Creek, HQ-CWF; Jordan Creek, TSF, MF; Lehigh River, TSF	Y
PAI132219	Bushkill Township 1114 Bushkill Center Rd. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek, HQ-CWF; Monocacy Creek, HQ-CWF	Y

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404007	Honesdale Borough 958 Main Street Honesdale, PA 18431	Wayne	Honesdale Borough	Dyberry Creek, HQ-CWF, MF; West Branch Lackawaxen River, HQ-TSF, MF; Lackawaxen River, HQ-TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0336-04-009	Charles & Mull Custom Builders 2493 Gambler Road Washingtonboro, PA 17582	Lancaster	Conestoga Township	Grubb Hollow/HQ- WWF
PAI-0306-03-011	Anthony Forino Governor Pointe Subdivision 555 Mountain Home Road Sinking Spring, PA 19608	Berks	Cumru Township	Wyomissing Creek/HQ- CWF
PAI-0307-04-002	Edgewood Acres Development, LLC 279 North Zinns Mill Road, Suite D Lebanon, PA 17042	Blair	North Woodbury Township	Clover Creek/EV-HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10K021R	George D. Aneglo 521 Seminole Drive Erie, PA	Erie County	Millcreek Township	Thomas Run and drainage ditches-HQ-CWF

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI106504001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Westmoreland County	Mount Pleasant Township	Sewickley Creek to Youghiogheny River (HQ-CWF)

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

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

### **List of NPDES and/or Other General Permit Types**

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

#### *General Permit Type—PAG-2*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Saucon Township Lehigh County	PAG2003904032	Dennis Benner 2005 City Line Rd. Bethlehem, PA 18017	Saucon Creek, CWF	Lehigh County Conservation District (610) 391-9583
York County Springettsbury Township	PAG2006704037	Kinsley Equities II Motter Tract-Residential 6259 Reynolds Mill Rd. Seven Valleys, PA 17360	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Armstrong Township	PAG2004105001	Donald G. Bixler 110 1/2 W. Central Ave. S. Williamsport, PA 17702	Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Fayette County Georges Township	PAG2002604035	Thomas P. Licciardi P. O. Box 2031 Uniontown, PA 15401	UNT to Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Fayette County South Union Township	PAG2002605001	David M. Faris 11 Holly Lane Uniontown, PA 15401	Coal Lick Run (WWF)	Fayette County CD (724) 438-4497
Fayette County North Union Township	PAG2002605002	North Union Township Municipal Services Authority 6 South Evans Station Road Lemont Furnace, PA 15456	Cove Run (WWF)	Fayette County CD (724) 438-4497
Washington County Centerville Borough	PAG2006305010	Robert Mikulski 27 Glass Hill Road McDonald, PA 15057	UNT to Pike Run (WWF/TSF)	Washington County CD (724) 228-6774
Erie County City of Erie	PAG2-00-25-04- 038	John Palovsky Echo Real Estate Service Co. 701 Alpha Drive Pittsburgh, PA 15238	West Branch of Cascade Creek- WWF; MF	Erie County Conservation District (814) 825-6403
Erie County City of Erie	PAG2-00-25-04- 040	David Steffens Environmental Reclamation Services 2101 West 12th Street Erie, PA 16505	Presque Isle Bay- WWF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2-00-25-04- 042	Mathew Baldwin 5 W. 10th Street Erie, PA 16501	UNT to Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504043	Mathew Baldwin 5 W. 10th Street Erie, PA 16501	Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
Jefferson County Punxsutawney Borough	PAG2-0033-04- 001(1)	University Acquisitions Inc 650 South Thirteenth Street Indiana, PA 15705-1807	UNT to Sawmill Run-CWF	Jefferson Conservation District (814) 849-7463
Jefferson County Young and Bell Township	PAG2-00-33-05- 001	Young Township Supervisors 1517 Walston Road P. O. Box 125 Walston PA 15781	Elk Run-CWF	Jefferson Conservation District (814) 849-7463

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hazleton City Luzerne County	PAR112221	Weir Hazleton Inc. 225 N. Cedar Street Hazleton, PA 18201	Black Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Banks Township Carbon County	PAR602230	Hazleton Oil & Environmental, Inc. 300 South Tamaqua Street Hazleton, PA 18201	Catawissa Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Huntingdon County Morris Township	PAR603555	William Shaffer Shaffer Auto Salvage 3313 Union Furnace Road Tyrone, PA 16686	Little Juniata Creek /WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Straban Township	PAR703522 (transfer)	Reliant Energy Wholesale Generation, LLC P. O. Box 148 Houston, TX 77002	Beaver Dam Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cambria County City of Johnstown	PAR206145	Johnstown Redevelopment Authority 401 Washington Street 4th Floor Public Safety Building Johnstown, PA 15901-1892	Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Franklin and Sandycreek Township, Venango County	PAR808354	Venango County Board of Commissioners Venango County Courthouse Annex 1174 Elk Street Franklin, PA 16323	UNTs to Morrison Run and French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Hanover Township Dauphin County	PAG043519	Guy and Carol Weaver 601 Carlson Road Hummelstown, PA 17036	Manada Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington County Amwell Township	PAG046206	Larry L. Day P. O. Box 5 Prosperity, PA 15329-0005	UNT to Fork Bane Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Hempfield Township	PAG046210	Harold C. Lepro R. D. 11, Box 618A Greensburg, PA 15601-9141	UNT to Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene Township, Erie County	PAG049131	Joseph Figurski 9127 Kuhl Road Erie, PA 16510	UNT to Fourmile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Keating Township, McKean County	PAG049134	Daniel R. Dart 300 Hackett Hollow Road Smethport, PA 16749	UNT to Potato Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township, Erie County	PAG048342	Frank R. Stefano, Jr. 13969 Route 86 Edinboro, PA 16412	Little Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hickory Township, Forest County	PAG049144	Edward L. and Linda L. Vincent 1605 Garvin Road Cranberry Township, PA 16066	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pleasant Township, Warren County	PAG049146	Brian and Tina Mercer 1133 Pleasant Road Warren, PA 16365	Sill Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAG049127	Michael A. Povlick Subdivision SFTF 2320 Rinderle Drive Erie, PA 16509	UNT to Mill Creek 15-MC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Manor Township Lancaster County	PAG083556	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Abe Barley Sr. Farm (Farm 4) Manor Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Manor Township Lancaster County	PAG083556	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Kibler Farm (Fram 5) Manor Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

## **PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

**Permit No. 2104502**, Public Water Supply.

Applicant **Aqua Pennsylvania Inc.**  
 Municipality Monroe Township  
 County **Cumberland**  
 Type of Facility This permit is for the construction of Aqua Pennsylvania's White Rock Acres Well No. 4 in Monroe Township.

Consulting Engineer William A LaDieu  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112

Permit to Construct Issued: 1/14/2005

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

**Permit No. Minor Amendment—Construction** 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—Construction

Consulting Engineer N/A  
 Permit Issued Date 1/20/05  
 Description of Action Blasting and repainting of the interior and exterior of the Philipsburg Reservoir.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **C & N Mobile Home Park**  
 Township or Borough Lawrence Township  
 County **Tioga**  
 Responsible Official Bruce Cooper, Owner  
 103 Game Farm Road  
 Schwenksville, PA 19473

Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 1/20/05

Description of Action Operation of Well No. 3, three 1,700 gallon storage tanks and a booster pump.

### 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.

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

**WA 05-895, Water Allocations. Bedford Township Municipal Authority, Bedford County.** Expansion of service area to include the Village of Wolfsburg. Consulting Engineer: Timothy A Cooper, P. E., Stiffler McGraw & Associates Inc. Permit Issued: 1/11/2005.

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Fermanagh Township	P. O. Box 148 Mifflintown, PA 17059	Juniata

*Plan Description:* The approved plan revision provides for a new private sewage treatment plant with a treated discharge of 40,000 gpd to Horning Run, a tributary to the Juniata River. The proposed facility will serve the Arch Rock Project, a new 10 lot subdivision to consist of 100 to 125 townhouses, an office building, a 2-acre commercial site, and the existing state police barracks. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

#### Proposed Consent Order And Agreement

#### Detroit Street Partners, L. P., Redevelopment Authority of the County of Washington, City of Washington, 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 entered into a proposed Consent Order and Agreement (CO&A) with Detroit Street Partners, L. P. (Detroit) and the Redevelopment Authority of the County of Washington (Authority). The proposed CO&A resolves the liability of Detroit for reimbursement of costs expended by the Department at a used tire fire that took place in February 1997 at the National Granulating Company, Inc. (NGC) tire recycling facility. The facility was located at 41 Detroit Avenue in the City of Washington, Washington County (site). Secondly, the CO&A calls for site owner Detroit's transfer of site title to the Authority in anticipation of redevelopment of the site for the benefit of the surrounding community.

It is the Department's determination that Detroit owned the 11-acre site beginning 1991 and that it operated the site from 1991 until 1993 and from 1996 through the time of the 1997 fire. The Department believed that, as a result of the 1997 fire and its burning of over 2 million stockpiled used tires, Detroit was an owner and operator of a site at the time of a release of hazardous substances there and, further, was a generator of hazardous substances released at the site. Under section 701 of HSCA (35 P. S. § 6020.701) the Department believed Detroit jointly and severally liable for costs in the amount of \$1,834,866 expended by the Department in addressing the fire and related soil, groundwater and surface water contamination.

The CO&A relieves Detroit of liability for all Department-incurred costs in exchange for Detroit's transfer of site title to the Authority. It is the hope of the parties that the Authority will find a private developer willing to purchase the site and put the site to a use of benefit to the surrounding community. In that instance, the CO&A calls for the Authority's sharing equally with the Department in any proceeds of the Authority's sale of the site.

Under section 1113 of HSCA (35 P. S. § 6020.1113) the Department is publishing notice of the 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 February 5, 2005, through April 7, 2005. 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 discretion, 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Former Allegro Microsystems W. G., Inc., Property**, Upper Moreland Township, **Montgomery County**. Richard T. Wroblewski, PG, ERM, 350 Eagleview Blvd., Suite 200, Exton, PA 19341 on behalf of Bruce Goodman, Goodman Prop., 636 Old York Rd., Jenkintown, PA 19046 has submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with barium. The report is intended to document remediation of the site to meet the site-specific standard.

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

**Buonarroti Trust Property**, Susquehanna Township, **Dauphin County**. Mavickar Environmental Consultants, Inc., 1240 North Mountain Road, Harrisburg, PA 17112, on behalf of Buonarroti Trust Property, 1001 Elmerton Avenue, Harrisburg, PA 17110, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with heavy metals and solvents. The report is intended to document remediation of the site to the site-specific standard.

**Former GS Electric Facility**, Borough of Carlisle, **Cumberland County**. TRC Environmental Corporation, 5 Waterside Crossing, Windsor, CT 06095-1563 on behalf of General Signal Environmental Risk Management Company, 13515 Ballantyne Corporate Place, Charlotte, NC 28277, and Key Real Estate, LLC, 701 East Baltimore Pike, Suite A2, Kennett Square, PA 19348, submitted Final Report concerning remediation of site groundwater contaminated with BTEX, PAHs and solvents. The report is intended to document remediation of the site to a combination of the Statewide Health and Background standards.

**Defense Distribution Depot Susquehanna, Pennsylvania (DDSP) N-PX Gas Station**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, 2001 Mission Drive, New Cumberland, PA 17070, submitted a combined Remedial Investigation and Risk Assessment concerning remediation of site soils and groundwater contaminated with solvents and BTEX compounds. The site is being remediated to a site-specific standard.

**Sunline Coach Company**, East Cocalico Township, **Lancaster County**. ARM Group, Inc. 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Sunline Coach Company, 245 South Muddy Creek Road, Denver, PA 17517, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The report is intended to document remediation of the site to the site-specific standard.

**Former Samuel Miller & Son, Inc. Site**, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of David Selson, 220 Centerville Road, Lancaster, PA 17601, submitted a revised Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and other organics. The report is intended to document remediation of the site to the site-specific standard.

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

**Dominion Transmission Leidy Compressor Station**, Leidy Township, **Clinton County**. SE Technologies, 98 Vanadium Road, Building D, 2nd floor, Bridgeville, PA 15017, has submitted a Final Report concerning soil contaminated with BTEX and groundwater contaminated with PCBs and BTEX. This Final Report is intended to demonstrate attainment of the site-specific standard and Statewide Health Standard for soil and Statewide Health Standard for groundwater.

**Wilden Nuss Property**, College Township, **Centre County**, Groundwater & Environmental Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601 has submitted a Final Report concerning soil contaminated with fuel oil. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 21, 2005.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**South Philadelphia High School Track & Field**, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, PG, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooven, School Dist. of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA 19146 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil contaminated with lead PAH and inorganics arsenic. The Remedial Investigation and Cleanup Plan was approved by the Department on January 19, 2005.

**API Harowe, Inc.**, West Goshen Township, **Chester County**. Peter Barringer, UAI Env., Inc., 495 Highlands Blvd., Suite 106, Coatesville, PA 19320 on behalf of Bruce Tahsler, High V Ltd Partnership, 1853 William Penn Way, Lancaster PA 17605 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil and groundwater contaminated with solvents and BTEX. The Remedial Investigation and Final report demonstrated attainment of the site-specific standard and was approved by the Department on November 19, 2004.

**Cassell & Katsarkas Prop./Heating Oil Delivery Truck Traffic Incident**, New Britain Township, **Bucks County**. John Woodruff, Groundwater Svc., Intl., Inc., 1123 Tannery Run Rd., Amber, PA 19002 on behalf of Mr. and Mrs. Cassell, 795 N. Limekiln Pike, Chalfont, PA 18914 and Mr. and Mrs. Katsarkas, 779 N. Limekiln Pike, Chalfont, PA 18914 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 19, 2005.

**Alloy & Stainless Facility**, Hilltown Township, **Bucks County**. Daniel Auerbach, ATC Assoc., Inc. 920

Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 on behalf of David Singer, Esq., Telford Realty Assoc., LLC, 125 Mason St., Greenwich, CT 06830 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 10, 2005.

**Burnhauser Prop.**, Perkasio Borough, **Bucks County**. Scott A. Alderfer, P. G., EMS Env., Inc., 4550 Bath Pike, Bethlehem, PA 18017 on behalf of Erik Burnhauser, 312 N. 5th St., Perkasio, PA 18944 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on January 7, 2005.

**Church Parking Lot**, City of Philadelphia, **Philadelphia County**. John Luxford, Apex Env., Inc., 269 Great Valley Pkwy, Malvern, PA 19355 on behalf of Thomas Roberts, Church of the Lord Jesus Christ of the Apostolic Faith, 701 South 22nd St., Philadelphia, PA 19146 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with residual ethylbenzene. The Final report demonstrated attainment of the site specific standard and was approved by the Department on January 13, 2005.

**Rite Aid Store 1764**, City of Philadelphia, **Philadelphia County**. Kenneth M. Yoder, P. G., BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 on behalf of Robert Lerner, Rite Aid Corp., 30 Hunter Ln, Camp Hill, PA 17011 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents and other organics. The Final report demonstrated attainment of the Background Health Standard and was approved by the Department on January 14, 2005.

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

**Progress Park, Lot No. 2**, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of City of Lebanon, 400 South 8th Street, Lebanon, PA 17042, submitted a Work Plan concerning remediation of site soils contaminated with inorganics and PAHs, and site groundwater contaminated with PAH. The site is being remediated as a Special Industrial Area. The Work Plan was approved by the Department on January 13, 2003.

**Progress Park, Lot No. 8**, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of City of Lebanon, 400 South 8th Street, Lebanon, PA 17042, submitted a Work Plan concerning remediation of site soils contaminated with inorganics and PAHs, and site groundwater contaminated with PAH. The site is being remediated as a Special Industrial Area. The Work Plan was approved by the Department on January 13, 2003.

**Buonarroti Trust Property**, Susquehanna Township, **Dauphin County**. Mavickar Environmental Consultants, Inc., 1240 North Mountain Road, Harrisburg, PA 17112, on behalf of Buonarroti Trust Property, 1001 Elmerton Avenue, Harrisburg, PA 17110, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with heavy metals and solvents. The combined report demonstrated attainment of the Site-specific standard, and was approved by the Department on January 20, 2005.

**RSC 196 Thomasville**, Jackson Township, **York County**. Brown and Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of RSC 196 Thomasville, 6778 Lincoln Highway, Thomasville, PA 17364, submitted a Final Report concerning remediation of site soils contaminated with heating fuel. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on January 21, 2005.

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#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 101390. Waste Management of Pennsylvania, Inc.**, 400 Progress Drive, Telford PA 18969-1191, Hilltown Township, **Bucks County**. This permit is for the 10-year renewal of the solid waste permit for the continued operation of the Indian Valley Transfer Station located at 400 Progress Drive. The permit was issued by the Southeast Regional Office effective January 23, 2005.

**Permit No. 101188. Delaware County Solid Waste Authority**, 1521 North Providence Road, Media, PA 19063, Chester Township, **Delaware County**. This permit is for the 10-year renewal of the solid waste permit for the continuing operation of the Delaware County Transfer Station No 1. The permit was issued by the Southeast Regional Office effective January 23, 2005.

**Permit No. 101103. Delaware County Solid Waste Authority**, 1521 North Providence Road, Media, PA 19063, Marple Township, **Delaware County**. This permit is for the 10-year renewal of the solid waste permit for the continuing operation of the Delaware County Transfer Station No 3. The permit was issued by the Southeast Regional Office effective January 23, 2005.

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#### AIR QUALITY

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**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.**

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

**AQ-SE-0016: Allan A. Myers, L. P.** (1805 Berks Road, P. O. Box 98, Worcester, PA 19490) on January 21, 2005, to operate a portable crushers and screening unit in Springfield Township, **Montgomery County**.

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

**GP3-22-03064: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) on January 18, 2005, for Portable Nonmetallic Mineral Processing Plants under GP3 in Lower Swatara Township, **Dauphin 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.*

**23-0089: FPL Energy Marcus Hook LP** (Blueball Avenue and Ethylene Boulevard, Marcus Hook, PA 19061) on January 21, 2005, to modify the operation of a 750 Megawatt Combined Cycle in Marcus Hook Borough, **Delaware County**.

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

**40-320-023: Cascade Tissue Group—PA, Inc.** (901 Sathers Drive, Voglebacher Industrial Park, Pittston, PA 18640) on January 11, 2005, to construct flexographic printers on napkin lines No.1 and No. 2 at their facility in Pittston Township, **Luzerne County**.

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

**ER-36-05033: Goodville Industrial Center—Rutt Custom Cabinetry, LLC** (1564 Main Street, Goodville, PA 17528) on January 14, 2005, for an air quality emission reduction credit (ERC) approval of 84.9 tons of VOCs resulting from the shutdown of their wood custom kitchen cabinet manufacturing operation in East Earl Township, **Lancaster County**. The ERCs generated are based on the September 1, 2003, permanent shutdown of the Lancaster facility.

**01-05016G: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) on January 20, 2005, to install a new Headlap Plant in Hamiltonban Township, **Adams County**.

**06-05020A: Craft Maid Kitchens, Inc.** (501 South Ninth Street, Building C, Reading, PA 19602) on January 14, 2005, to construct three new spray booths controlled by dry filter pads and low VOC and HAP coatings in the City of Reading, **Berks County**.

**07-05029B: Chicago Rivet and Machine Co.** (Industrial Park, Tyrone, PA 16686) on January 18, 2005, to increase the emissions limits of their Durr airless/airtight cleaning machine in Tyrone Borough, **Blair 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.*

**09-0134A: Reed Minerals Division** (P. O. Box 8888, Camp Hill, PA 17001-8888) on January 18, 2005, to operate two baghouses in Falls Township, **Bucks County**.

**09-0159: Colorcon** (171 New Britain Blvd, Chalfont, PA 18914) on January 20, 2005, to operate a no-tox production in New Britain Township, **Bucks County**.

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

**39-313-045: Carpenter Co.** (P. O. Box 519, 57 Olin Way, Fogelsville, PA 18051) on January 19, 2005, to modify an expanded polystyrene manufacturing process and associated air cleaning device at their facility in Upper Macungie Township, **Lehigh County**. The Plan Approval has been extended.

**39-399-056: Carpenter Co.** (P. O. Box 519, 57 Olin Way, Fogelsville, PA 18051) on January 19, 2005, to construct a polyurethane foam manufacturing process and associated storage tanks at their facility in Upper Macungie Township, **Lehigh County**. The Plan Approval has been extended.

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

**67-03069A: H and H Castings, Inc.** (4300 Lincoln Highway, York, PA 17406) on January 11, 2005, to construct a no-bake molding line and a sand storage bin controlled by two fabric collectors and a bin vent filter at their aluminum foundry in Hellam Township, **York County**. This plan approval was extended.

**67-05014A: The York Group, Inc.** (2880 Blackbridge Road, York, PA 17402) on January 15, 2005, to install a regenerative thermal oxidizer to replace the catalytic oxidizer that is part of the system that controls VOC emissions from five spray paint booths at their wood casket manufacturing facility in Manchester Township, **York County**. This plan approval was extended.

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

**49-331-001: Merck and Co., Inc.** (P. O. Box 600, Danville PA 17821) on January 12, 2005, to operate the hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quench, venturi scrubber, tray tower scrubber and wet electrostatic precipitator) identified in the respective plan approval on a temporary basis until May 10, 2005, at their Cherokee Plant in Riverside Borough, **Northumberland County**. The plan approval has been extended.

**14-00002A: Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on January 4, 2005, to authorize the potential use of an alternative wet scrubber manufacturer to control SO<sub>2</sub> emissions from lime kiln no. 7, to revise the type of scrubber parameters monitored (that is, deletion of scrubber solution flow rate, makeup water flow rate and scrubber solution conductivity and addition of pressure differential across the Chevron demisters) and monitoring and recording frequency and to revise the quality control program requirement to allow greater flexibility in developing the program in Spring Township, **Centre County**. There should be no emission increases as a result of these changes.

**41-303-008A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on January 12, 2005, to operate a reprocessed oil-fired drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis until May 12, 2005, in Loyalsock Township, **Lycoming County**. The plan approval has been extended.

**17-305-049: Energy Link, Inc.** (840 Philadelphia Street, Indiana, PA 15701) on January 14, 2005, to operate a coal stockpiling and railcar loading operation on

a temporary basis to May 14, 2005, in Lawrence Township, **Clearfield County**. The plan approval has been extended.

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

**32-00348A: AMFIRE Mining Co., LLC—formerly DLR Mining, Inc.** (1 Energy Place, Latrobe, PA 15650) on January 20, 2005, to install a prep plant at their Nolo Deep Mine Coal Preparation Facility in Buffington Township, **Indiana County**. This Plan Approval was extended.

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

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

**04-00227: Koppel Steel Corp.** (P. O. Box 750, Beaver Falls, PA 15010) on January 20, 2005, for various heat treating furnaces used to produce carbon and alloy tubular products. Also the facility receives those bullets to further treat and shape them into tubular products. The facility also operates two paint booths to coat some of these products. The Ambridge Plant is in Harmony Township, **Beaver County**. This is a Title V Renewal.

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

**16-00128: County Environmental of Clarion—County Landfill, Inc.** (State Route 36, Township Road 620, Leeper, PA 16233) on January 14, 2005, to re-issue the Title V Operating Permit to operate a landfill in Clay Township, **Butler County**. As a result of potential emissions of NOx and VOC, the facility is not a major source, and is therefore not subject to Reasonable Available Control Technology. The issued renewal Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring (CAM) under to 40 CFR Part 64.

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**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.**

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

**09-00102: Soil Technology, Inc.** (7 Steel Road East, P. O. Box 847, Morrisville, PA 19067) on January 20, 2005, to operate a Synthetic Minor Operating Permit in Falls Township, **Bucks County**.

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

**07-03033: James E. Van Zandt—VA Medical Center** (2907 Pleasant Valley Boulevard, Altoona, PA 16602) on January 20, 2005, to operate their three Cleaver Brooks boilers and two emergency generators in Logan Township, **Blair County**.

**21-05042: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) to operate their hot mix batch asphalt

plant (controlled by a knockout box/fabric collector) at their Silver Spring Quarry in Silver Spring Township, **Cumberland County**.

**22-03021: A. P. Green Refractories, Inc.** (105 North Wood Street, Middletown, PA 17057) on January 20, 2005, to manufacture refractory products controlled by two (2) fabric collectors in Middletown Borough, **Dauphin County**.

**44-05013: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on January 19, 2005, to operate their Naginey Stone and Blacktop Plant in Armagh Township, **Mifflin County**.

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

**14-00022: State College Area School District** (131 West Nittany Avenue, State College, PA 16801) on December 23, 2004, to issue a State Only (Synthetic Minor) Operating Permit for their junior-senior high school in State College Borough, **Centre County**. The facility's main sources include five natural gas/No. 2 fuel oil fired boilers, and four natural gas fired emergency generators. The facility has taken restrictions to limit potential SOx emissions below Title V thresholds. The State Only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**41-00061: Hanson Aggregates Pennsylvania, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, to issue a State Only Operating Permit for their sand and gravel processing facility in Fairfield Township, **Lycoming County**. The facility's main sources include various pieces of crushing, screening 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.*

**65-00065: Hanson Aggregates PMA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on December 28, 2004, for their Lower Burrell Sand and Aggregate Plant in Lower Burrell **Westmoreland County**.

**04-00698: Hanson Aggregates PMA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on December 20, 2004, for their Thaddus Carr Dredge on the Ohio River in Industry Borough and Potter Township, **Beaver County**.

**65-00807: Hanson Aggregates PMA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on December 20, 2004, for their Whitney Sand and Gravel Plant in Unity township, **Westmoreland County**.

**56-00095: THIELE Industries, Inc.** (111 Spruce Street, P. O. Box 188, Windber PA 15963) on December 28, 2004, for their truck and bus body fabrication and painting operation in Winber, Paint Township, **Somerset County**.

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

**33-00156: National Fuel Gas Supply Corp.** (North 4th Street, Reynoldsville, PA 15851) on January 19, 2005, to re-issue a Natural Minor Permit to perform natural gas transmission at the Reynoldsville compressor station in Winslow Township, **Jefferson County**.

**16-00043: J. M. Smucker—PA, Inc.** (300 Keck Ave; New Bethlehem, PA 16242) on January 18, 2005, for a Natural Minor operating permit for a peanut butter manufacturing facility in New Bethlehem Borough, **Clarion County**.

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

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

**49-00007: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) on January 11, 2005, to issue a revised operating permit, Revision No. 6, for their pharmaceutical, pesticide and chemical manufacturing facility in Riverside Borough, **Northumberland County**. The revision of this permit is to incorporate plan approval exemption conditions issued July 20, 2004 for the Trityl Losartan process. The revision also included minor changes as requested in the modification request dated September 15, 2004. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**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) 769-7100.*

**56841606. NPDES Permit No. PA0110507, Surfield Coal, Inc.**, (228 Main Street, Berlin, PA 15530), to renew the permit for the Surfield Coal Preparation Plant in Brothersvalley Township, **Somerset County** and related NPDES permit. No additional discharges. Permit issued January 18, 2005

**03851303. NPDES Permit No. PA0213462, McVillie Mining Company**, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Clementine Mine No. 1 in North Buffalo and South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. Permit issued January 20, 2005.

**11031701. NPDES Permit No. PA0235601, Pristine Resources, Inc.**, (3250 Interstate Drive, Richfield, OH 44286), to operate the Mine 31 AMD Plant in Jackson

Township, **Cambria County** for postmining water treatment. Surface Acres Proposed 72.82. Receiving stream, UNT to Blacklick Creek, classified for the following use: CWF. Permit issued January 20, 2005.

**63921301. NPDES Permit No. PA0214434, UMCO Energy, Inc.**, (981 Route 917, Bentleyville, PA 15314), to revise the permit for the High Quality Mine in Fallowfield Township, **Washington County** to add surface acres to install the 8 East Airshaft and Sedimentation Pond. Surface Acres Proposed 9.5. Receiving stream, UNT to Maple Creek, classified for the following use: WWF. Permit issued January 20, 2005.

**63921301. NPDES Permit No. PA0214434, UMCO Energy, Inc.**, (981 Route 917, Bentleyville, PA 15314), to revise the permit for the High Quality Mine in Fallowfield Township, **Washington County** for stream remediation within the UNT to Maple Creek. No additional discharges. Permit issued January 20, 2005.

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

**56813104 and NPDES Permit No. PA0599115, Finzel Coal**, 12152 National Pike, Grantsville, MD 21536-2105. SMP renewal for reclamation only in Brothersvalley Township, **Somerset County**, affecting 344.7 acres. Receiving streams: UNTs to Tubs Run and Tubs Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 1, 2004. Permit issued: January 14, 2005.

**32950104 and NPDES Permit No. PA0213055. Big Mack Leasing Company, Inc.**, R. D. 6, Box 231, Kittanning, PA 16201, surface mining permit renewal for reclamation only in Young Township, **Indiana County**, affecting 48.2 acres. Receiving streams: UNT to/and Whisky Run to Blacklegs Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 3, 2004. Permit issued January 19, 2005.

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

**37820108 and NPDES Permit No. PA0604658. Ambrosia Coal & Construction Co.** (R. D. 1, Box 422, Edinburg, PA 16116) Renewal of an existing bituminous strip operation in North Beaver Township, **Lawrence County** affecting 225.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Sugar Creek. Application received: September 23, 2004. Permit Issued: January 12, 2005.

**61990103 and NPDES Permit No. PA0241466. Ancient Sun, Inc.** (P. O. Box 129, Main Street, Shippenville, PA 16254) Renewal of an existing bituminous strip operation in Clinton Township, **Venango County** affecting 18.5 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Bullion Run. Application received: September 2, 2004. Permit Issued: January 11, 2005.

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

**17030120 and NPDES Permit No. PA 0243663. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 79.4 acres. Receiving stream: UNT to Banian Run. Application received: December 12, 2003. Permit issued: January 18, 2005.



**17990111 and NPDES Permit No. PA 0238341.** **Larry D. Baumgardner Coal Co., Inc.** (P. O. Box 186, Lanse, PA 16849). Renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 93.3 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River. Application received: May 28, 2004. Permit issued: January 13, 2005.

**17880116 and NPDES Permit No. PA 0116432.** **Warquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 64.4 acres. Receiving stream: an unnamed stream to Hogback Run. Application received: November 3, 2004. Permit issued: January 10, 2005.

**17743172 and NPDES Permit No. PA 0610909.** **Sky Haven Coal, Inc.,** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 569 acres. Receiving streams: two UNTs to Hawk Run and two UNTs to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received: October 15, 2004. Permit issued: January 13, 2005.

**12040101 and NPDES Permit No. PA0243701.** **Allegheny Enterprises, Inc.** (R. R. 1, Box 48F, Corsica, PA 15829). Commencement, operation and restoration of a bituminous surface mine permit in Shippen Township, **Cameron County** affecting 238.5 acres. Receiving streams: UNTs to Finley Run. Application received: February 23, 2004. Permit issued: January 21, 2005.

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

**49783007R4. Blaschak Coal Corp.,** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and coal refuse disposal in Coal Township, **Northumberland County** affecting 337.39 acres, receiving stream: none. Application received September 15, 2004. Renewal issued January 18, 2005.

**40990202R. HUD, Inc. t/a Emerald Anthracite II,** (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing coal refuse reprocessing operation in Newport and Hanover Townships, **Luzerne County** affecting 104.2 acres, receiving stream: none. Application received April 23, 2004. Renewal issued January 18, 2005.

**13940201R2. Rossi Excavating Company,** (9 West 15th Street, Hazleton, PA 18201), renewal of an existing coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 11.5 acres, receiving stream: none. Application received July 21, 2004. Renewal issued January 19, 2005.

**54733020C34. Lehigh Coal & Navigation Company,** (P. O. Box 111, Tamaqua, PA 18252), correction of an existing anthracite surface mine operation to include dredge material, cement kiln dust and lime kiln dust for reclamation in Tamaqua, Coaldale, Lansford, Nesquehoning and Summit Hill Boroughs, **Schuylkill and Carbon Counties** affecting 7596.4 acres, receiving stream: Panther Creek and Little Schuylkill River. Application received April 19, 2004. Correction issued January 19, 2005.

#### *Noncoal Permits Actions*

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

**16940308. County Environmental Services, Inc.** (344 Walley Run Drive, Leeper, PA 16233-4128) Revision

to an existing daily cover operation to increase the depth of mining to 1,622 feet in Farmington Township, **Clarion County** affecting 209.2 acres. Receiving streams: UNT to Little Coon Run, UNT to Licking Creek, UNT to Toby Creek. Application received: August 31, 2004. Permit Issued: January 19, 2005.

**62040803. Michael Zurkan, Jr.** (87 Crestview Boulevard, Warren, PA 16365) Commencement, operation and restoration of a small noncoal sand and gravel permit in Sugar Grove Township, **Warren County** affecting 5.5 acres. Receiving streams: UNT to Jackson Run. Application received: July 1, 2004. Permit Issued: January 13, 2005.

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

**41940801. Vernice Vaughn** (2657 Bottle Run Road, Williamsport, PA 17701). Transfer of an existing small industrial minerals (shale) surface mine permit from Wilbur C. Vaughn. The permit is located in Old Lycoming Township, **Lycoming County** and affects 1 acre. Receiving streams: Bottle Run, tributary to Lycoming Creek. Application received: June 10, 2004. Permit issued: January 4, 2005.

**08031801. Walter Flagstone, Inc.** (R. R. 1, Box 40, Sugar Run, PA 18846). Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: Sugar Run Creek, tributary to North Branch of the Susquehanna River. Application received: May 21, 2003. Permit issued: January 4, 2005.

**08810301 and NPDES Permit No. PA 0123315.** **Calvin C. Cole, Inc.** (809 N. Elmira Street, Sayer, PA 18840). Transfer of an existing large industrial minerals (quarry stone) permit from New Milford Sand & Gravel, Inc. The permit is located in Burlington Township, **Bradford County** and affects 7 acres. Receiving streams: Sugar Creek to the Susquehanna River. Application received: September 29, 2004. Permit issued: January 4, 2005.

#### *Small Noncoal Permit—Final Bond Release*

**41000801. Arthur E. Zimmerman** (2740 Heshbon Road, Williamsport, PA 17701). Final bond release for a small noncoal mining operation in Loyalsock Township, **Lycoming County**. Restoration of 1 acre completed. Application for final bond release received: December 17, 2005. Final bond release approved: January 20, 2005.

**17920801. Gerald Dimmick** (6282 Mahaffey-Grampian Highway, Mahaffey, PA 15757). Final bond release for a small noncoal mining operation in Bloom Township, **Clearfield County**. Restoration of 5 acres completed. Application for final bond release received: October 29, 2004. Final bond release approved: January 20, 2005.

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

**58042811. Gregory S. Grover** (R. R. 3 Box 231, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Wellmans Creek. Application received December 13, 2004. Permit issued January 18, 2005.

**58042810. Gregory S. Grover** (R. R. 3 Box 231, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres,

receiving stream: Wellmans Creek. Application received December 13, 2004. Permit issued January 18, 2005.

**58040851. Marty Evans** (R. R. 1, Box 1091, Hop Bottom PA 18824), commencement, operation and restoration of a bluestone quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Meshoppen Creek. Application received August 11, 2004. Permit issued January 21, 2005.

**54040801. Michael Kost** (222 Brier City Road, Pottsville, PA 17901), commencement, operation and restoration of a quarry operation in Norwegian Township, **Schuylkill County** affecting 1.0 acre, receiving stream: Tributary to West Branch of the Schuylkill River. Application received November 12, 2004. Permit issued January 21, 2005.

**5074SM2A1C3. Valley Quarries, Inc.**, (P. O. Box J, Chambersburg, PA 17201), correction to an existing quarry operation in Greene and Guilford Townships, **Franklin County** affecting 134.87 acres, receiving stream: none. Application received March 1, 2004. Correction issued January 21, 2005.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 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.**

##### *Blasting Permits Actions*

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

**33054001. D & M Contracting** (R. D. 3, Box 374, New Alexandria, PA 15670). Blasting activity permit for a housing development in Washington Township, **Jefferson County** for 60 days. Application received: January 14, 2005. Application issued: January 18, 2005.

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

**08044003. Great Lakes Geophysical, Inc.** (P. O. Box 127, Williamsburg, MI 49690) for exploration, located in Wells Township, **Bradford County**, with an extended duration of 43 days. Permit originally issued: December 20, 2004. Revised expiration date: February 5, 2005.

**14054001. Stone Valley Construction** (P. O. Box 369, Pine Grove Mills, PA 16868) for construction blasting, located in Ferguson Township **Centre County** with an expected duration of 346 days. Permit issued: January 20, 2005.

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

**28054001. David H. Martin, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Crest Ford, Inc. in the Borough of Chambersburg, **Franklin County** with an expiration date of January 31, 2006. Permit issued January 19, 2005.

**21054001. Handwerk Site Contractors** (Old Farm Road, P. O. Box 326, Hummelstown, PA 17036) and Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting at Carlisle Crossings in South Middletown Township, **Cumberland County** with an expiration date of January 31, 2006. Permit issued January 19, 2005.

**21054101. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Silver Creek Development in Hampden Township, **Cumberland County** with an expiration date of January 30, 2006. Permit issued January 21, 2005.

**21054102. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Carlisle Crossings in South Middletown Township, **Cumberland County** with an expiration date of January 18, 2006. Permit issued January 21, 2005.

**23054101. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Somerset Project in Newton Township, **Delaware County** with an expiration date of January 13, 2006. Permit issued January 21, 2005.

**35054101. Austin Powder Co.** (25800 Science Park Road, Cleveland, OH 44122), construction blasting for Glen Maura in Moosic Borough, **Lackawanna County** with an expiration date of January 31, 2006. Permit issued January 21, 2005.

**35054102. Austin Powder Co.** (25800 Science Park Road, Cleveland, OH 44122), construction blasting in Moosic Borough, **Lackawanna County** with an expiration date of January 31, 2006. Permit issued January 21, 2005.

**36054101. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Lancaster Bible Church in Rapho Township, **Lancaster County** with an expiration date of May 30, 2005. Permit issued January 21, 2005.

**36054102. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Manheim Township, **Lancaster County** with an expiration date of April 30, 2005. Permit issued January 21, 2005.

**36054103. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Levi Nolt in West Earl Township, **Lancaster County** with an expiration date of March 30, 2005. Permit issued January 21, 2005.

**36054104. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Buck Hill Farms in Warwick Township, **Lancaster County** with an expiration date of February 28, 2006. Permit issued January 21, 2005.

**38054102. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Sheetz in North Cornwall Township, **Lebanon County** with an expiration date of December 31, 2005. Permit issued January 21, 2005.

**39054101. Austin Powder Co.** (25800 Science Park Road, Cleveland, OH 44122), construction blasting for Boulder Industrial Park in Upper Macungie Township, **Lehigh County** with an expiration date of January 31, 2006. Permit issued January 21, 2005.

**46054101. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Metro Job in New Hanover Township, **Montgomery County** with an expiration date of December 31, 2005. Permit issued January 21, 2005.

**46054102. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Reserve at Macoby Run in Upper

Hanover Township, **Montgomery County** with an expiration date of January 10, 2006. Permit issued January 21, 2005.

**46054103. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Maplewood Estates in Franconia Township, **Montgomery County** with an expiration date of February 28, 2006. Permit issued January 21, 2005.

**64054101. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Clinton Township Wastewater Treatment Plant in Clinton Township, **Wayne County** with an expiration date of December 31, 2005. Permit issued January 21, 2005.

**67054102. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for West Manchester Sewer in West Manchester Township, **York County** with an expiration date of January 13, 2006. Permit issued January 21, 2005.

**46044042. Labrador Construction Co., Inc.** (P. O. Box 1379, Marshalls Creek, PA 18335) and Austin Powder (559 Nor-Bath Boulevard, Northampton, PA 18067), blasting at Spring Ridge in New Hanover Township, **Montgomery County** with an expiration date of June 30, 2005. Permit issued January 24, 2005.

**28054002. Fayetteville Contractors, Inc.** (P. O. Box FCI, Fayetteville, PA 17222), construction blasting for Saddle Ridge Estates in Guilford Township, **Franklin County** with an expiration date of January 5, 2006. Permit issued January 24, 2005.

**28054003. National Earth Services** (245 Butler Avenue, Lancaster, PA 17601), and DC Guelich Explosives Co. (P. O. Box 245, Thomasville, PA 17364), blasting at Mt. View Reclamation in Montgomery and Antrim Townships, **Franklin County** with an expiration date of January 31, 2006. Permit issued January 24, 2005.

**06054001. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon PA 19510), construction blasting at The Harvest in Ontelaunee Township, **Berks County** with an expiration date of January 6, 2006. Permit issued January 24, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service,

(800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-962. Abington School District**, 970 Highland Avenue, Abington, PA 19001, Abington Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the demolition and construction of the Roslyn Elementary School:

1. To construct and maintain three outfall structures with tide flex check valves along the tributary No. 1 to Sandy Run (TSF).
2. To grade and place fill in the portions of the 100-year floodplain of tributary No. 1 to Sandy Run associated with parking lots and athletic fields.

The site is located at the intersection of Susquehanna Road (SR 2017) and Johnston Avenue (Amber, PA USGS Quadrangle N: 0.2 inches; W: 2.1 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-719. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, East Fallowfield and West Marlborough Township, **Chester County**, ACOE Philadelphia District.

To rehabilitate and maintain an existing composite steel girder-wooden deck bridge by rehabilitating the burr-arch truss, replacing timber superstructure and abutments with new steel beam floors, concrete reinforced substructures and reinforced concrete wingwalls. The proposed structure, which spans approximately 74.4 feet over the Buck Run (TSF, MF), is approximately 17.5 feet wide with a 3.94 feet underclearance. The work will involve the following:

1. To construct a temporary cofferdam within the stream to accommodate dewatering activities.

2. To perform grading activities within the stream and floodway to facilitate pier removal activities, new concrete wingwalls, abutments, retaining walls and roadway approach widening and finish grading.

3. To construct a temporary road crossing pursuant to the provisions of General Permit No. 8 to accommodate construction activities.

4. To place approximately 250 cubic yards of riprap scour protection at designated positions along the bridge abutment footings.

The project proposes to temporarily affect a total of approximately 100 linear feet of stream and permanently affect approximately 84 linear feet of stream. The site spans from the centerline of the Buck Run with East Fallowfield Township on the north side and West Marlborough Township on the south. It is situated approximately 65 feet north of the intersection of Covered Bridge Road and Frog Hallow Roads in Chester County (Coatesville, PA Quadrangle starting at N: 9.86 inches; W: 10.16 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E23-444. Mobil Pipeline Company**, P. O. Box 2220, Houston, TX 77252-2220, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities associated with the Mobil Pipe Line Company Delaware River Crossing Replacement Project:

1. To replace a section of 12-inch diameter pipeline, carrying refined petroleum products beneath the Delaware River (WWF, MF), by method of directional boring. This pipeline will replace an existing 10 and 12-inch diameter pipeline, which will be cleaned, filled with grout, and abandoned in place.

2. To operate and maintain an 8-inch diameter pipeline carrying jet fuel beneath the Delaware River (WWF, MF).

3. To temporarily impact 0.37 acre of wetland (PEM) associated with directional drilling operations, equipment storage and laydown.

4. To construct and maintain a temporary road between two ponding ditches (WWF), tributaries to the Delaware River, to facilitate access to the site, and to provide a construction area for the new section of 12-inch line to tie into the existing system.

This authorization will replace License Numbers 222 and 227 granted by the Commissioners of Navigation for the River Delaware and its Navigable Tributaries on May 12 and September 8, 1941, respectively. The site is located just south of the Philadelphia International Airport (Bridgeport, NJ-PA, USGS Quadrangle N: 20.0 inches, W: 1.5 inches) in Tincum Township, Delaware County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E21-366: Tim and Darlene McCurdy**, 1449 Cockleys Meadow Drive, Boiling Springs, PA 17007 in Monroe Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a 26-foot by 27-foot addition to an existing garage within the floodway of the Yellow Breeches Creek (HQ-CWF), for the purpose of expanding storage space, located at 1449 Cockleys Meadow Road (Mechanicsburg, PA Quadrangle N: 4.3 inches; W: 13.0 inches) in Monroe Township, Cumberland County.

**E22-451: Yingst Homes, Incorporated**, 4712 Smith Street, Harrisburg, PA 17109 in West Hanover Township, **Dauphin County**.

To install and maintain: 1) a twin 35'4" span by 11'5" rise dual arch bridge to cross an UNT to Beaver Creek (WWF), locally known as Little Beaver Creek, and adjacent wetlands, 2) two crossings of UNTs to Little Beaver Creek and associated wetlands, 3) two road crossing of wetlands, 4) three utility line crossing of wetland/stream complexes, 5) one temporary wetland/stream crossing to facilitate the installation impact No. 1, and 6) eight 18-inch outfalls to watercourses, all for the purpose of constructing the 121 unit Meadows of Fort Stewart subdivision, located just east of Picketown Road south of the intersection of Picketown and Sandy Hollow Roads (Harrisburg East, PA Quadrangle N: 17.0 inches; W: 1.0 inch) in West Hanover Township, Dauphin County. The work will permanently impact 0.46 acre of wetland: 0.28 acre of palustrine emergent wetlands, 0.155 acre of palustrine forested wetland, and 0.025 acre of palustrine scrub/shrub wetland. The permittee is required to provide a minimum of 0.64 acre of replacement wetlands.

**E22-483: Highspire Borough**, 640 Eshelman Street, Highspire, PA 17034 in Highspire Borough, **Dauphin County**, ACOE Baltimore District

To construct and maintain approximately 910 linear feet of boardwalk through wetlands in the drainage basin of an UNT to the Susquehanna River (WWF) for the purpose of constructing a nature trail within the Reservoir Park Marsh (Steelton, PA Quadrangle N: 14.90 inches; W: 3.80 inches) in Highspire Borough, Dauphin County. The amount of permanent wetland impact is considered a de minimus impact of 0.004 acre and wetland mitigation is not required.

**E31-198: PennDOT Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Hopewell Township, **Huntingdon County**, ACOE Baltimore District

To construct and maintain a five-span concrete bridge with a total length of 392 feet across the Raystown Branch Juniata River (WWF) and associated improvements and then to remove the existing structure to improve the traffic condition of SR 3003, Section 001, Segment 30, Offset 1673 located in Raystown Lake (Saxton, PA Quadrangle N: 20 inches; W: 13.1 inches) in Hopewell Township, Huntingdon County.

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

**E18-381. Department of Conservation and Natural Resources**, 15187 Renovo Road, Renovo, PA 17764. Honey Run Trail Bridge, in Leidy Township, **Clinton County**, ACOE Baltimore District (Keating, PA Quadrangle N: 17.56 inches; W: 6.00 inches).

To construct and maintain a 13.5-foot clear span wooden bridge, called Honey Run Bridge, on existing abutments and an underclearance of 4.5 feet for a public

hiking trail, called Alice's trail, to cross Honey Run located 1.1 mile up Alice's trail from a parking lot at the Bush Dam. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-382. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. State Route 0120, Section A01 in Renovo Borough, **Centre County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 14.75 inches; W: 14.81 inches).

To remove the existing structure and to construct and maintain: 1) a prestressed concrete spread box beam bridge having a 50-foot clear normal span and a minimum underclearance of 12.69 feet with concrete wingwalls protected by R-8 riprap for 5 feet upstream on the right and left banks in Paddy Run; 2) three temporary 72-inch diameter pipes and the associated clean earthen temporary fill in Paddy Run for a public roadway immediately upstream of the bridge. The project proposes to temporarily impact 145 linear feet and permanently impact 85 linear feet of Paddy Run that is classified as an Exceptional Value stream. The project will not impact any wetlands.

**E47-079. Valley Township Municipal Authority**, P. O. Box 307, Danville, PA 17821. Valley Township Sewer Extension, in Valley Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 21.4 inches; W: 16.4 inches).

To operate and maintain 17 stream crossings in Mahoning Creek, UNTs to Mahoning Creek and UNTs to Mauses Creek; additionally, the project temporarily impacts 4 wetlands. This project is located along SR 642 between SR 54 and Interstate 80.

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

**E11-304. Johnstown Redevelopment Authority**, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901-1892. Rehabilitation of bridge in the City of Johnstown, **Cambria County**, Pittsburgh ACOE District. (Johnstown, PA Quadrangle N: 15.8 inches; W: 7.4 inches and Latitude: 40° 20' 13"—Longitude: 78° 55' 41"). To rehabilitate and maintain a historic pedestrian bridge having two spans of 143 feet each and an underclearance of 30.3 feet across the Conemaugh River, classified as a WWF, for the purpose of connecting Iron Street Trail to Cambria City National Historic District. The rehabilitation includes replacement of the floor system, truss replacement and substructure repair.

**E32-467. West Wheatfield Township**, 6120 Route 22 Highway, New Florence, PA 15944-6821. Pipe replacement project in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District. (New Florence, PA Quadrangle N: 8.1 inches; W: 12.0 inches and Latitude: 40° 25' 11"—Longitude: 79° 05' 10"). To (work authorized as stated on permit) operate and maintain a 40-foot long, dual 48-inch diameter plastic pipes in East Branch Richards Run (CWF). The inverts of both pipes are depressed 1.0 foot. The pipe replacement project has been completed and was authorized by Emergency Permit EP3204202 issued on August 3, 2004. Including the R-7 rock outlet protection, the project impacted 55 linear feet of perennial stream. The project is located on Harry Boring Road approximately 1.1 miles south of SR 22.

**E63-565. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Bridge replacement in Fallowfield Township, **Washing-**

**ton County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 1.7 inches; W: 16.5 inches and Latitude: 40° 08' 04"—Longitude: 79° 59' 35"). To remove the existing structure and 1) to construct and maintain a precast concrete spread box beam bridge having a normal span of 29.5 feet and an underclearance of 7.58 feet across the channel of an unnamed tributary to Pigeon Creek (WWF) and 2) to construct and maintain four 18-inch diameter outfall structures on the left and right banks of said stream for the purpose of improving highway safety. The project is located on SR 2044, just west from the intersection of SR 2044 and Bentleyville Road (SR 2023) and will directly impact 100 linear feet of perennial stream, no vegetated wetlands will be impacted.

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

**E42-312. University of Pittsburgh at Bradford**, 300 Campus Drive, Bradford, PA 16701. Gravel Bar Removal and Bank Protection in Bradford Township, **McKean County**. ACOE Pittsburgh District (Bradford, PA Quadrangle N: 13.4 inches; W: 5.9 inches).

To remove approximately 40 feet of vegetated gravel bar and to install and maintain a rock channel deflector in Marilla Brook (CWF) located on the campus of the University of Pittsburgh at Bradford approximately 200 feet from the confluence of Marilla Brook and West Branch Tunungwant Creek.

#### DAM SAFETY

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

**D45-292. Brady's Lake Dam**. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To construct, operate and maintain Brady's Lake Dam across Trout Creek (HQ-CWF), for the purpose of replacing the existing breached dam which was removed because it did not meet current safety and engineering standards. (Thornhurst, PA Quadrangle N: 6.8 inches; W: 4.3 inches) in Coolbaugh Township, **Monroe County**.

**D30-055. Consol Pennsylvania Coal Company**, 1800 Washington Road, Pittsburgh, PA 15241. To construct, operate and maintain Bailey Mine Area No. 3 Slurry Dam and four associated saddle dams across a tributary to Enlow Fork (WWF), impacting 1.36 acres of wetlands (PEM) and 13,198 feet of perennial and intermittent stream channel and providing 4.20 acres of wetland mitigation, for the purpose of impounding mine waste slurry, (Wind Ridge, PA Quadrangle N: 15.2 inches; W: 1.0 inches) in Richhill Township **Greene County**.

**D30-060. Consol Pennsylvania Coal Company**, 1800 Washington Road, Pittsburgh, PA 15241. To construct, operate and maintain Bailey Mine Area 3 and 4 Sediment Pond Dam across a tributary to Enlow Fork (WWF), for the purpose of erosion and sediment control for one upstream coal refuse slurry impoundment and one upstream course coal refuse.

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## SPECIAL NOTICES

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### Catagorical Exclusion

*Northwest Regional Office, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Location: Sigsbee Pumping Station, Erie City Water Works, Erie, PA 16506*

*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 Erie City Water Works proposes to replace a 600 HP pump P604 with a new 300 HP pump located at Sigsbee Pumping Station and the associated piping, valves, pump controllers and electrical. A new 750Kw generator will be installed. Also, the gas chlorination system will be replaced with a liquid Sodium Hypochlorite system. The Department of Environmental Protection's (Department) review of the project and information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 05-239. Filed for public inspection February 4, 2005, 9:00 a.m.]

### **Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring Technical Workgroup Meetings**

The Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring Technical Workgroup will meet on February 10, 2005, and February 23, 2005, at 9:30 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning these meetings should be directed to Greg Parrish at (717) 783-9479 or gparrish@state.pa.us. The agenda and meeting materials for the subcommittee meetings will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-9479 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-240. Filed for public inspection February 4, 2005, 9:00 a.m.]

### **Availability of Technical Guidance**

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

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

### *Ordering Paper Copies of Department Technical Guidance*

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

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

### *Changes to Technical Guidance Documents*

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

### *Draft Technical Guidance*

DEP ID: 383-2129-003. Title: Consumer Confidence Report Handbook. Description: This document was developed to provide guidance to community water suppliers that must comply with the consumer confidence reporting requirements specified at 25 Pa. Code § 109.416 (relating to CCR requirements), which took effect on August 10, 2002 (32 Pa.B. 3894). Under § 109.416, requirements for community water systems were put in place to require these systems to prepare and provide to their customers an annual consumer confidence report (CCR) on the quality of the water delivered by the public water system. These requirements incorporate the provisions of the Federal CCR Rule that were mandated by the 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) and represent the cornerstone of the public right-to-know provisions in the SDWA. This guidance was developed 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). Written Comments: Interested persons may submit written comments on draft technical guidance document No. 383-2129-003 by March 7, 2005. 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 Deb Rotz, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467 or by e-mail at [drotz@state.pa.us](mailto:drotz@state.pa.us). Questions regarding the draft technical guidance document should be directed to Deb Rotz at (717) 772-2190 or [drotz@state.pa.us](mailto:drotz@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-241. Filed for public inspection February 4, 2005, 9:00 a.m.]

### **State Water Plan Water Resources Regional Committee Meetings Schedule for 2005**

The following is a list of 2005 meetings of the six Water Resources Regional Committees (Committees) associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Depart-

ment's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). Locations of future meetings, if not indicated in the following list, will be available on the Department's website as well as published in advance in the *Pennsylvania Bulletin*.

The six Committees listed in this notice were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. The Committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The 2005 meeting dates of the six Committees are as follows:

*Delaware Water Resources Regional Committee*

Meetings of the Delaware Water Resources Regional Committee in 2005 will be held at 9:30 a.m. at various locations throughout the Delaware River Basin. The meeting dates are as follows:

February 11, 2005 PA DEP Southeast Regional Office  
2 East Main Street, Norristown,  
PA 19401

May 12, 2005

August 12, 2005

November 10, 2005

Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

*Great Lakes Water Resources Regional Committee*

Meetings of the Great Lakes Water Resources Regional Committee in 2005 will be held at 10 a.m. at various locations in the Great Lakes region. The meeting dates are as follows:

February 8, 2005 Erie County Conservation District  
1927 Wager Road, Erie, PA 16509

May 10, 2005

August 9, 2005

November 8, 2005

Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

*Lower Susquehanna Water Resources Regional Committee*

Meetings of the Lower Susquehanna Water Resources Regional Committee in 2005 will be held at 9:30 a.m. at the PA DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The meeting dates are as follows:

February 14, 2005

May 16, 2005

August 15, 2005

November 21, 2005

Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

*Ohio Water Resources Regional Committee*

Meetings of the Ohio Water Resources Regional Committee in 2005 will be held at 10 a.m. at various locations throughout the Ohio River Basin. The meeting dates are as follows:

February 15, 2005 Cranberry Township Municipal  
Building  
2525 Rochester Road, Suite 400  
Cranberry Township, PA 16066

May 9, 2005

August 8, 2005

November 7, 2005

Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

*Potomac Water Resources Regional Committee*

Meetings of the Potomac Water Resources Regional Committee in 2005 will be held at 10 a.m. at various locations throughout the Potomac River Basin. The meeting dates are as follows:

February 18, 2005 Franklin County Administrative  
Annex Building  
218 N. 2nd Street, Chambersburg,  
PA 17201

May 19, 2005

August 19, 2005

November 18, 2005

Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

*Upper/Middle Susquehanna Water Resources Regional Committee*

Meetings of the Upper/Middle Susquehanna Water Resources Regional Committee in 2005 will be held at 10 a.m. at various locations throughout the Upper/Middle Susquehanna River Basin. The meeting dates are as follows:

February 17, 2005 PA DEP Northeast Regional Office  
2 Public Square, Wilkes-Barre, PA

May 26, 2005

August 18, 2005

November 17, 2005

Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

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

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-242. Filed for public inspection February 4, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Evangelical Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Evangelical Community Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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. 05-243. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Application of Hamot Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.62(a) (relating to oral orders).

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. 05-244. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.6(2)(c) (relating to identification of personnel).

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. 05-245. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest 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: 9.2.A.2(c), 9.2.A.2(d), 9.2.B7 and 9.2.B8.

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. 05-246. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories.

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests on 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests on less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be

licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5) and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard-copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel, and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry

and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

022912

ACL LABORATORIES-LP  
8901 WEST LINCOLN AVE  
WEST ALLIS, WI 53227  
414-328-7945

000671

ALLEG CNTY CORONERS DIV OF LABS-L  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000016

ANGELINE KIRBY MEM HEALTH CENTER-L  
71 NORTH FRANKLIN STREET  
WILKES BARRE, PA 18701  
570-823-5450

020506

CENTRAL PA ALLIANCE LABORATORY-LP  
1803 MT ROSE AVENUE  
SUITE C3-C4  
YORK, PA 17403  
717-851-1426

027845

CLINICAL REFERENCE LABORATORY-LP  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
913-492-3652

000561

EAST PENN MFG CO INC-LP  
DEKA RD KELLER TECH CENTER  
LYONS STATION, PA 19536  
610-682-6361

000332

ELLWOOD CITY HOSPITAL-LP  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
724-752-0081

000173

GEISINGER MEDICAL CENTER-L  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

025914

GENOVA DIAGNOSTICS-L  
63 ZILICOA STREET  
ASHEVILLE, NC 28801  
828-253-0621

020802

HAGERSTOWN MEDICAL LABORATORY-L  
11110 MEDICAL CAMPUS RD STE 230  
HAGERSTOWN, MD 21742  
301-790-8670

024655

HEALTH NETWORK LABORATORIES-LP  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

005618

LAB CORP OF AMERICA HOLDINGS-LP  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
800-282-7300

021885

LAB CORP OF AMERICA HOLDINGS-LP  
1447 YORK COURT  
BURLINGTON, NC 27215  
800-334-5161

001088

LABCORP OF AMERICA HOLDINGS-LP  
69 FIRST AVE PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715

LABONE INC-LP  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

009523

LABORATORY CORP OF AMERICA-L  
13900 PARK CENTER ROAD  
HERNDON, VA 20171  
703-742-3100

028006

LEAD LAB AT LASALLE UNIVERSITY-L  
LASALLE UNIVERSITY - SCHOOL OF NURSING  
1900 OLNEY AVENUE  
PHILADELPHIA, PA 19141-1199  
215-951-5036

000242

MAIN LINE CLIN LABS LANKENAU CP-L  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

009003

MAYO CLINIC DEPT LAB MED & PATH-LP  
200 FIRST STREET SW  
HILTON 514  
ROCHESTER, MN 55905  
507-284-3018

026302

MEDICAL ASSOCIATES PC-P  
935 HIGHLAND BLVD SUITE 4400  
BOZEMAN, MT 59715  
406-587-5123

005574

MEDTOX LABORATORIES INC-LP  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000203

MERCY FITZGERALD HOSPITAL-L  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000082

MERCY HOSPITAL OF PITTSBURGH-L  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000504  
NATIONAL MED SERVICES INC LAB-LP  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000807  
OMEGA MEDICAL LABORATORIES INC-L  
2001 STATE HILL ROAD SUITE 100  
WYOMISSING, PA 19610  
610-378-1900

023801  
PACIFIC TOXICOLOGY LABORATORIES-LP  
9348 DE SOTO AVENUE  
CHATSWORTH, CA 91311  
818-598-3110

022533  
PENNSYLVANIA DEPT OF HEALTH-LP  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

000022  
POCONO MEDICAL CENTER LAB-L  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000324  
PRIMARY CARE HLTH SERV INC LAB-L  
7227 HAMILTON AVE  
PITTSBURGH, PA 15208  
412-244-4728

000255  
PUBLIC HEALTH LAB CITY OF PHILA-L  
500 SOUTH BROAD STREET  
ROOM 359  
PHILADELPHIA, PA 19146  
215-685-6815

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC-LP  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

022174  
QUEST DIAGNOSTICS INCORPORATED-LP  
33608 ORTEGA HIGHWAY  
SAN JUAN CAPISTRANO, CA 92690-6130  
949-728-4000

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE-LP  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC-LP  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC-LP  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000150  
READING HOSPITAL & MED CTR-L  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

022376  
SPECIALTY LABORATORIES-L  
2211 MICHIGAN AVENUE  
SANTA MONICA, CA 90404  
310-828-6543

000151  
ST JOSEPH QUALITY MEDICAL LAB-L  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

025103  
TAMARAC MEDICAL-LP  
7000 SOUTH BROADWAY SUITE 2C  
LITTLETON, CO 80122  
303-794-1083

000104  
THE UNIONTOWN HOSPITAL LABORATORY-L  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH-L  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

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

[Pa.B. Doc. No. 05-247. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 9, 2005, from 10 a.m. to 2 p.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Jayme L. Trogus, Health Educator, Health Education and Information Program, Bureau of Chronic Disease and Injury Prevention at (717) 787-6214, or for speech and/or hearing impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-248. Filed for public inspection February 4, 2005, 9:00 a.m.]

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

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Manatawny Manor  
Old Schuylkill Road at Route 724  
Pottstown, PA 19464  
FAC ID 130802

Saint Mary Manor  
701 Lansdale Avenue  
Lansdale, PA 19446

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Pine Run Health Care Center  
777 Ferry Road  
Doylestown, PA 18901-2199

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

The Jewish Home of Eastern Pennsylvania  
1101 Vine Street  
Scranton, PA 18510

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 require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously 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. 05-249. Filed for public inspection February 4, 2005, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms, or any firms, corporations or partnerships in which such persons and firms have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
1. Zane Dow, Wallace Butler, Pete White, Wanda McCowin and Darryl Grant, individually and d/b/a Wal-Field Group (Fed. ER Tax I.D. No. 23-2994563)	02 Kline Plaza, Suite F or Suite K Harrisburg, PA 17104 or P. O. Box 5567 Harrisburg, PA 17110-0567	2/20/02
2. Largo Construction, Inc. (Fed. ER Tax I.D. No. 23-2706532) and Anthony Cimino	555 Street Road Bensalem, PA 19020	5/16/02
3. Hour Glazing Company, Inc. (Fed. ER Tax I.D. No. 23-2998706) and Vincent Bickhart, individually	940-G Pointview Avenue Ephrata, PA 17522 and 76 Westpointe Lane Ephrata, PA 17522	7/19/02
4. James S. Belmont, individually and d/b/a Hi-Tech Roofing	P. O. Box 47 Tunkhannock, PA 18657 and P. O. Box 824 Tunkhannock, PA 18657-0824 and c/o Riverstreet Gym, River and Warren Streets Tunkhannock, PA 18657	8/20/02
5. Jamifer Corporation, t/a Quality Fence, Mary Kathryn Dineen, individually (Fed. ER Tax I.D. No. 23-2705014) and James Dineen, individually	1620 Highway 315 Lafin, PA 18702 and 148 Noble Lane Plains Township, PA 18702 and 4 Land Creek Road Plains Township, PA 18702 and 950 Sathers Road Pittstown Township, PA 18640	10/10/02

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
6. Depiano General Contractors, Inc. and Depiano General Contractors and Joseph Depiano	2210 Westchester Pike Broomall, PA 19008 and P. O. Box 51 Broomall, PA 19008 and 31 West Eagle Road Havertown, PA 19083	12/6/02
7. Smith Glass and Metal Contractors, Inc. (Fed. ER Tax I.D. No. 23-2260997), and Walter Smith, individually	6292 Route 14 Highway Trout Run, PA 17771	6/23/03
8. Wrisley Construction -and- Luther Wrisley, individually	R. R. 3, Box 370 Troy, PA 16947	7/15/03
9. Arrow Steel Supply, Inc. (Fed. ER Tax I.D. No. 23-2834507), and Gary Greenburg, individually	1067 Main Street Swoyerville, PA 18704	7/22/03
10. Ceilings Unlimited, and Thomas Hanley, owner and individually and Thomas Hanley, II, owner and individually	627 Eyers Grove Road Bloomsburg, PA 17815	8/12/03
11. Buildings, Inc. (Fed. ER I.D. No. 23-2359870), and Steven Strange, individually, Elaine Strange, individually, Ruth Elaine Strange, individually and Wayne F. Strange, individually (Fed. ER I.D. No. 25-1347077)	R. D. 1, Box 226A Covington, PA 16917	8/29/03
12. Muncy Masonry, Inc. (Fed. ER I.D. No. 23-2494838), and David E. Phillips, individually (Fed. ER I.D. No. 23-1921254)	R. D. 3, Box 204 Muncy, PA 17756 and 110 West Water Street Muncy, PA 17756 and P. O. Box 122 Muncy, PA 17756	9/9/03
13. C.K. Mechanical Contractors, Inc. (Fed. ER I.D. No. 23-2750207), a/k/a C.K. Mechanical Services Co., a/k/a C.K. Mechanical Services, and Charles L. Knauff, individually	P. O. Box 3554 Williamsport, PA 17701 and 2715 McCoy Street Williamsport, PA 17701 and 2401 Reach Road Williamsport, PA 17701 and 2507 North Hills Drive Williamsport, PA 17701	9/9/03
14. HHI Rigging & Construction, Inc., (Fed. ER I.D. No. 25-1837445), John W. Hatfield and Thomas B. Hatfield, individually	c/o Lodovico and Associates 2211 Ardmore Boulevard Pittsburgh, PA 15221, and 12200 Carmine Drive North Huntingdon, PA 15642, and 11295 Brokers Lane North Huntingdon, PA 15642-9425	12/1/03
15. Architectural Woodworking, a/k/a Walters Construction, Jerry W. Walters, individually, Gregory A. Walters, individually	376 Sherman Avenue Nemacolin, PA 15351, and P. O. Box 50 Nemacolin, PA 15351	12/1/03
16. P & J Construction Company, Inc., a/k/a P & J Roofing, Joann Spampanato and Paul Spampanato, individually	467 Squankum Yellowbrook Rd. Farmingdale, NJ 07727	12/4/03
17. F & D Painting, Inc. (Fed. ER I.D. No. 23-2908323) and Richard A. James, Jr., individually (Fed. ER I.D. No. 25-1299024)	511 Ferndale Avenue Johnstown, PA 15905	12/30/03

## NOTICES

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
18. Funk's Masonry & Restoration, Inc., a/k/a Funk's Masonry, Funk's Masonry Restoration and Funk's Masonry & Restoration Specialists, and Mark T. Funk individually	2060 Route 819 Mt. Pleasant, PA 15666	12/30/03
19. Vercusky Painting, Michael Vercusky, and John Vercusky, individually	443 Winters Avenue West Hazelton, PA 18202, and 309 Winters Avenue West Hazelton, PA 18202	1/23/04
20. Current Electric, Inc. (Fed. ER I.D. No. 23-2848097), and Vincent J. Angelini, individually	4812 Drexelbrook Drive Drexel Hills, PA 19026	3/23/04
21. Total Construction, Inc. (Fed. ER I.D. No. 23-2586442), and Vincent J. Angelini, individually	4812 Drexelbrook Drive Drexel Hills, PA 19026	3/23/04
22. Carl L. Gordon Construction, Inc., Carl L. Gordon, individually and d/b/a Carl L. Gordon Construction individually	10773 Burkett Road, Greencastle, PA 17225, and 661 Pennsylvania Avenue, Hagerstown, MD 21740-3769, and 713 West Washington St., Hagerstown, MD 21741	4/27/04
23. Kenchiku Construction, Inc. (Fed. ER I.D. No. 25-1726070) and Chizuko Freed, individually	225 1/2 Poplar Street, Suite A Monroeville, PA 15146	5/4/04
24. Gary A Meyer (Fed. ER I.D. No. 23-2928656)	107 Sugar Camp Road Venetia, PA 15367	7/30/04
25. Lorick Enterprises, Inc., a/k/a Lorick Enterprises, Incorporated and Lori A. Tuite, a/k/a Lori A. Cornin-Tuite, individually	103 Fox Chase Court Cranberry Township, PA 16066	7/30/04
26. Alexander Painting, Inc. (Fed. ER I.D. No. 23-3020919) and Alexander Pamphillis, individually	937 Stefko Boulevard Bethlehem, PA 18016-1997	9/29/04
27. Critical Path, Inc. (Fed. ER I.D. No. 52-1932702) Barry Scott, individually	1804 Green Valley Road P. O. Box 550 Union Bridge, MD 21791	11/8/04
28. EF Systems, Inc., d/b/a Southpointe Telecommunications Technology and Donald L. Hodor, individually (Fed. ER I.D. No. 25-1580150)	125 Technology Dr. Suite 103 Southpoint Industrial Park Canonsburg, PA 15317	10/22/04
29. CSI Constructions Co., Inc. and Heddy M. Richards, individually (Fed. I.D. No. 23-2923587)	7249 Frankstown Ave. Pittsburgh, PA 15208	11/1/04
30. Anchor Fire Protection Co., Inc. a/k/a Anchor Fire Protection Co. and Theodore C. Wills a/k/a Theodore C. Wills, Jr., individually (Fed. I.D. No. 23-2074559)	R. D. 1, Reininger Rd. Perkiomenville, PA 18074 and 270 Renninger Road, Perkiomenville, PA 18074 and P. O. Box 49 Frederick, PA 19435	12/29/04

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 05-250. Filed for public inspection February 4, 2005, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Medical Assistance Program Fee Schedule Revisions; 2004 HCPCS Updates; Prior Authorization Requirements

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

### *Fee Schedule Revisions*

The Department is adding and end dating procedure codes as a result of implementing the 2004 updates made by the Centers for Medicare and Medicaid Services to the Healthcare Common Procedure Coding System (HCPCS). The 2004 HCPCS codes are effective for dates of service on and after February 7, 2005.

In addition to the HCPCS updates, the Department is adding procedure codes 35500, L8509 and P9017 with effective dates of service on and after February 7, 2005. Procedure codes 35500 and P9017 are being added due to significant Program Exception requests. Procedure code L8509 is being added due to the 2004 addition of procedure code L8511 which requires procedure code L8509 to be billed as a primary code.

Fees for the added procedure codes will be published in a MA Bulletin that will be issued to all providers.

### *Prior Authorization Requirements*

The following new HCPCS procedure codes are for items of durable medical equipment that cost more than \$100 and therefore are subject to prior authorization under section 443.6(b)(2) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(2)) concerning reimbursement for certain MA items and services:

E0140	NU	Walker, with trunk support, adjustable or fixed height, any type
E0248	NU	Transfer bench, heavy duty, for tub or toilet with or without commode opening
E0562	NU	Humidifier, heated, used with positive airway pressure device
E0637	NU	Combination sit to stand system, any size, with seat lift feature, with or without wheels
E0638	NU	Standing frame system, any size, with or without wheels
E0955	NU	Wheelchair accessory, headrest, cushioned, prefabricated, including fixed mounting hardware, each
E0957	NU	Wheelchair accessory, medial thigh support, prefabricated, including fixed mounting hardware, each
E0983	NU	Manual wheelchair accessory, power add-on to convert manual wheelchair to motorized wheelchair, joystick control
E0984	NU	Manual wheelchair accessory, power add-on to convert manual wheelchair to motorized wheelchair, tiller control
E0985	NU	Wheelchair accessory, seat lift mechanism
E1002	NU	Wheelchair accessory, power seating system, tilt only

E1003	NU	Wheelchair accessory, power seating system, recline only, without shear reduction
E1004	NU	Wheelchair accessory, power seating system, recline only, with mechanical shear reduction
E1005	NU	Wheelchair accessory, power seating system, recline only, with power shear reduction
E1006	NU	Wheelchair accessory, power seating system, combination tilt and recline, without shear reduction
E1007	NU	Wheelchair accessory, power seating system, combination tilt and recline, with mechanical shear reduction
E1008	NU	Wheelchair accessory, power seating system, combination tilt and recline, with power shear reduction
E1010	NU	Wheelchair accessory, addition to power seating system, power leg elevation system, including leg rest, each
E1028	NU	Wheelchair accessory, manual swingaway, retractable or removable mounting hardware for joystick, other control interface or positioning accessory
E1029	NU	Wheelchair accessory, ventilator tray, fixed
E1030	NU	Wheelchair accessory, ventilator tray, gimbaled
E2201	NU	Manual wheelchair accessory, nonstandard seat frame, width greater than or equal to 20 inches and less than 24 inches
E2202	NU	Manual wheelchair accessory, nonstandard seat frame width, 24-27 inches
E2203	NU	Manual wheelchair accessory, nonstandard seat frame depth, 20 to less than 22 inches
E2204	NU	Manual wheelchair accessory, nonstandard seat frame depth, 22 to 25 inches
E2310	NU	Power wheelchair accessory, electronic connection between wheelchair controller and one power seating system motor, including all related electronics, indicator feature, mechanical function selection switch and fixed mounting hardware
E2311	NU	Power wheelchair accessory, electronic connection between wheelchair controller and two or more power seating system motors, including all related electronics, indicator feature, mechanical function selection switch and fixed mounting hardware
E2320	NU	Power wheelchair accessory, hand or chin control interface, remote joystick or touchpad, proportional, including all related electronics and fixed mounting hardware
E2321	NU	Power wheelchair accessory, hand control interface, remote joystick, nonproportional, including all related electronics, mechanical stop switch and fixed mounting hardware

E2322	NU	Power wheelchair accessory, hand control interface, multiple mechanical switches, nonproportional, including all related electronics, mechanical stop switch and fixed mounting hardware	K0618	TLSO, sagittal-coronal control, modular segmented spinal system, two rigid plastic shells, posterior extends from the sacrococcygeal junction and terminates just inferior to the scapular spine, anterior extends from the symphysis pubis to the xiphoid, soft liner, restricts gross trunk motion in the sagittal and coronal planes, lateral strength is provided by overlapping plastic stabilizing closures, includes straps and closures, prefabricated, includes fitting and adjustment
E2325	NU	Power wheelchair accessory, sip and puff interface, nonproportional, including all related electronics, mechanical stop switch and manual swingaway mounting hardware		
E2326	NU	Power wheelchair accessory, breath tube kit for sip and puff interface		
E2327	NU	Power wheelchair accessory, head control interface, mechanical, proportional, including all related electronics, mechanical direction change switch and fixed mounting hardware	K0619	TLSO, sagittal-coronal control, modular segmented spinal system, three rigid plastic shells, posterior extends from the sacrococcygeal junction and terminates just inferior to the scapular spine, anterior extends from the symphysis pubis to the xiphoid, soft liner, restricts gross trunk motion in the sagittal and coronal planes, lateral strength is provided by overlapping plastic stabilizing closures, includes straps and closures, prefabricated, includes fitting and adjustment
E2328	NU	Power wheelchair accessory, head control or extremity control interface, electronic, proportional, including all related electronics and fixed mounting hardware		
E2329	NU	Power wheelchair accessory, head control interface, contact switch mechanism, nonproportional, including all related electronics, mechanical stop switch, mechanical direction change switch, head array and fixed mounting hardware	L0112	Cranial cervical orthosis, congenital torticollis type, with or without soft interface material, adjustable range of motion joint, custom fabricated
E2330	NU	Power wheelchair accessory, head control interface, proximity switch mechanism, nonproportional, including all related electronics, mechanical stop switch, mechanical direction change switch, head array and fixed mounting hardware	L0861	Addition to halo procedure, replacement liner/interface material
			L1831	Knee orthosis, locking knee joint(s), positional orthosis, prefabricated, includes fitting and adjustment
E2340	NU	Power wheelchair accessory, nonstandard seat frame width, 20-23 inches	L1907	AFO, supramalleolar with straps, with or without interface/pads, custom fabricated
E2341	NU	Power wheelchair accessory, nonstandard seat frame width, 24-27 inches	L1951	Ankle foot orthosis, spiral, (institute of rehabilitative medicine type), plastic or other material, prefabricated, includes fitting and adjustment
E2342	NU	Power wheelchair accessory, nonstandard seat frame depth, 20 or 21 inches	L1971	Ankle foot orthosis, plastic or other material with ankle joint, prefabricated, includes fitting and adjustment
E2343	NU	Power wheelchair accessory, nonstandard seat frame depth, 22-25 inches		
E2351	NU	Power wheelchair accessory, electronic interface to operate speech generating device using power wheelchair control interface	L5673	Addition to lower extremity, below knee/above knee, custom fabricated from existing mold or prefabricated, socket insert, silicone gel, elastomeric or equal, for use with locking mechanism
E2361	NU	Power wheelchair accessory, 22nf sealed lead acid battery, each, (such as, gel cell, absorbed glassmat)	L5679	Addition to lower extremity, below knee/above knee, custom fabricated from existing mold or prefabricated, socket insert, silicone gel, elastomeric or equal, not for use with locking mechanism
E2363	NU	Power wheelchair accessory, group 24 sealed lead acid battery, each (such as, gel cell, absorbed glassmat)		
E2366	NU	Power wheelchair accessory, battery charger, single mode, for use with only one battery type, sealed or nonsealed, each	L5681	Addition to lower extremity, below knee/above knee, custom fabricated socket insert for congenital or atypical traumatic amputee, silicone gel, elastomeric or equal, for use with or without locking mechanism, initial only (for other than initial, use code L5673 or L5679)
E2367	NU	Power wheelchair accessory, battery charger, dual mode, for use with either battery type, sealed or nonsealed, each		



L5683 Addition to lower extremity, below knee/above knee, custom fabricated socket insert for other than congenital or atypical traumatic amputee, silicone gel, elastomeric or equal, for use with or without locking mechanism, initial only (for other than initial, use code L5673 or L5679)

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

E2402 RR Negative pressure wound therapy electrical pump, stationary or portable  
 G0296 PET imaging, full and partial ring PET scanner only, for restaging of previously treated thyroid cancer of follicular cell origin following negative I-131 whole body scan

V2121 Lenticular lens, per lens, single  
 V2221 Lenticular lens, per lens, bifocal  
 V2321 Lenticular lens, per lens, trifocal  
 V2782 Lens, index 1.54 to 1.65 plastic or 1.60 to 1.79 glass, excludes polycarbonate, per lens  
 V2783 Lens, index greater than or equal to 1.66 plastic or greater than or equal to 1.80 glass, excludes polycarbonate, per lens  
 V2784 Lens, polycarbonate or equal, any index, per lens

The following new HCPCS procedure code is for a prosthesis and therefore subject to prior authorization under section 443.6(b)(1) of the code:

L8509 Tracheo-esophageal voice prosthesis, inserted by a licensed health care provider, any type

**Procedure Codes Being Added to the Fee Schedule as a Result of the 2004 Updates and Additions Which are Effective and Compensable for Dates of Service as of February 7, 2005**

<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>
20982 SG, 80	21685 SG, 80	22532 SG, 80	22533 SG, 80
22534 80	31632	31633	34805 80
35510 80	35512 80	35522 80	35525 80
35697 80	36555 SG, RT, LT, 50	36556 SG, LT, RT, 50	36557 SG, LT, RT, 50
36558 SG, RT, LT, 50	36560 SG, RT, LT, 50	36561 SG, RT, LT, 50	36563 SG, RT, LT, 50
36565 SG, RT, LT, 50	36566 SG, RT, LT, 50	36568 SG, RT, LT, 50	36569 SG, RT, LT, 50
36570 SG, RT, LT, 50	36571 SG, RT, LT, 50	36575 SG, RT, LT, 50	36576 SG, RT, LT, 50
36578 SG, RT, LT, 50	36580 SG, RT, LT, 50	36581 SG, RT, LT, 50	36582 SG, RT, LT, 50
36583 SG, RT, LT, 50	36584 SG, RT, LT, 50	36585 SG, RT, LT, 50	36589 SG, RT, LT, 50
36590 SG, RT, LT, 50	36595 SG, RT, LT, 50	36596 SG, RT, LT, 50	36597 SG, RT, LT, 50
36838 SG, RT, LT, 50	37765 SG, RT, LT, 50	37766 SG, RT, LT, 50	43237 SG
43238 SG	53500 SG	57425 SG, 80	59070 SG
59072 SG	59074 SG, 80	59076 SG, 80	61537 80
61540 80	61566 80	61567 80	61863 80
61864 80	61867 80	61868 80	63101 80
63102 80	63103 80	64449	64517 SG
64681 SG	65780 SG, 80	65782 SG, 80	67912 SG, RT, LT, 50
70557 26	70558 26	70559 26	75998 TC, 26
76082 TC, 26	76083 TC, 26	76514 LT, RT, TC, 26, 50	76937 TC, 26
76940 26	78804 TC, 26	79403 TC, 26	84156
84157	85055	85396	87269

<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>
87329	87660	88112 TC, 26	88361 TC, 26
89220	89225	89230	89235
90655	90698	90715	90734
95991	97755	A4216	A4217
A4366	A4416	A4417	A4418
A4419	A4420	A4423	A4424
A4425	A4426	A4427	A4428
A4429	A4430	A4434	A6407
A6441	A6442	A6443	A6444
A6445	A6446	A6447	A6448
A6449	A6450	A6451	A6452
A6453	A6454	A6455	A6456
A6550	A6551	A7046 NU	A7520
A7521	A7522	A7524	A7525
A7526	E0140 NU, RR	E0190 NU	E0240 NU
E0247 NU	E0248 NU	E0301 RR	E0302 RR
E0303 RR	E0304 RR	E0470 RR	E0471 RR
E0472 RR	E0561 NU, RR	E0562 NU, RR	E0637 NU, RR
E0638 NU, RR	E0675 RR	E0955 NU, RR	E0956 NU, RR
E0957 NU, RR	E0960 NU, RR	E0981 NU	E0982 NU
E0983 NU, RR	E0984 NU, RR	E0985 NU, RR	E1002 NU, RR
E1003 NU, RR	E1004 NU, RR	E1005 NU, RR	E1006 NU, RR
E1007 NU, RR	E1008 NU, RR	E1010 NU, RR, LT, RT, 50	E1028 NU, RR, LT, RT, 50
E1029 NU, RR	E1030 NU, RR	E1391 RR	E2201 NU, RR
E2202 NU, RR	E2203 NU, RR	E2204 NU, RR	E2310 NU, RR
E2311 NU, RR	E2320 NU, RR	E2321 NU, RR	E2322 NU, RR
E2323 NU, RR	E2324 NU, RR	E2325 NU, RR	E2326 NU, RR
E2327 NU, RR	E2328 NU, RR	E2329 NU, RR	E2330 NU, RR
E2340 NU, RR	E2341 NU, RR	E2342 NU, RR	E2343 NU, RR
E2351 NU, RR	E2360 NU, RR	E2361 NU, RR	E2362 NU, RR
E2363 NU, RR	E2364 NU, RR	E2365 NU, RR	E2366 NU, RR
E2367 NU, RR	E2402 RR	G0296 TC, 26	G0297 SG, 80
G0298 SG, 80	G0299 SG, 80	G0300 SG, 80	K0552
K0601	K0602	K0603	K0604
K0605	K0618	K0619	K0620
L0112	L0861	L1831 LT, RT, 50	L1907 LT, RT, 50
L1951 LT, RT, 50	L1971 LT, RT, 50	L3031 LT, RT, 50	L3917 LT, RT, 50
L5673 LT, RT, 50	L5679 LT, RT, 50	L5681 LT, RT, 50	L5683 LT, RT, 50
L8511	L8512	L8513	L8514
P9051 SG	P9052 SG	P9053 SG	P9054 SG
P9055 SG	P9056 SG	P9057 SG	P9058 SG

<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>
P9059 SG	P9060 SG	V2121	V2221
V2321	V2782	V2783	V2784

**Procedure Codes Being Added to the Fee Schedule as a Result of Additions Which are Effective and Compensable for Dates of Service as of February 7, 2005**

<i>PROCEDURE CODE and Modifiers</i>	<i>PROCEDURE CODE and Modifiers</i>
35500	L8509
P9017 SG	

**Procedure Codes Being End Dated From the Fee Schedule as a Result of the Updates and Which Will Not Be Compensable for Services Provided After February 6, 2005**

<i>Procedure Codes</i>							
A4621	A6421	E0142	E0145	E0146	E0165	E0975	E0976
E0979	E0991	E0993	E1066	E1069	G0236	K0016	K0022
K0025	K0026	K0027	K0028	K0029	K0030	K0031	K0032
K0033	K0035	K0036	K0048	K0049	K0054	K0055	K0057
K0058	K0062	K0063	K0079	K0080	K0082	K0083	K0084
K0085	K0086	K0087	K0088	K0089	K0100	K0103	K0107
K0112	K0113	K0268	K0531	K0532	K0533	K0534	K0541
K0542	K0543	K0544	K0549	K0550	L1885	L2102	L2104
L2122	L2124	Q9920	Q9921	Q9922	Q9923	Q9924	Q9925
Q9926	Q9927	Q9928	Q9929	Q9930	Q9931	Q9932	Q9933
Q9934	Q9935	Q9936	Q9937	Q9938	Q9939	Q9940	Q9643
Y9644	Y9963	Y9964	Y9965	Y9920	Y9921	Y9923	Y9927
Y9929	Y9931	Y9937	Z0245	Z0978	Z0979	Z4250	Z4255
Z4256	Z4257	Z4258	Z4259	Z4260	Z4261	Z4263	Z4267
Z4268	Z4271	Z4272	Z4279	Z4461	Z4465	Z6002	Z9000
Z9001	00544	36533	36534	36535	47134	61862	76085
76490	89360	90659					

**Local Procedure Codes Being End Dated on the Fee Schedule and Replaced With New Procedure Codes as a Result of the 2004 HCPCS Updates**

<i>END DATE FEB. 6, 2005</i>	<i>USE FEB. 7, 2005</i>	<i>END DATE FEB. 6, 2005</i>	<i>USE FEB. 7, 2005</i>
Y9643	E1029	Y9643	E1030
Y9644	E1029	Y9644	E1030
Y9663	E0240	Y9664	E0240
Y9665	E0240	Y9920	E0637
Y9920	E0638	Y9921	E0637
Y9921	E0638	Y9923	E0637
Y9923	E0638	Y9927	E0955
Y9929	E0955	Y9931	E0960
Y9937	A7520	Y9937	A7520
Y9937	A7521	Y9937	A7522
Z0245	E0247	Z0245	E0248
Z0978	E0190	Z0979	E0190
Z4250	A7520	Z4250	A7521
Z4250	A7522	Z4255	A7521
Z4256	A7521	Z4257	A7521
Z4261	A7520	Z4261	A7521
Z4261	A7522	Z4263	A7520
Z4263	A7521	Z4263	A7522
Z4267	A6447	Z4268	A6445
Z4271	A6445	Z4272	A6445
Z4279	A6445	Z4280	A6442
Z4280	A6445	Z4281	A6443
Z4281	A6446	Z4282	A6443
Z4282	A6446	Z4283	A6444
Z4283	A6447	Z4269	A6446
Z4270	A6446	Z4462	A6449
Z4463	A6449	Z9800	A4217
Z4461	A6448	Z4465	A6450

<i>END DATE FEB. 6, 2005</i>	<i>USE FEB. 7, 2005</i>	<i>END DATE FEB. 6, 2005</i>	<i>USE FEB. 7, 2005</i>
Z6002	P9017	Z9001	E0190
Z4258	A7520	Z4259	A7520
Z4260	A7520	Z4260	A7521
Z4260	A7522	Z9000	A4216
Z9000	A4217		

### *Fiscal Impact*

The estimated cost for Fiscal Year 2004-2005 is \$0.555 million (\$0.256 million in State funds). The estimated cost for Fiscal Year 2005-2006 is \$2.220 million (\$1.004 million in State funds).

### *Public Comment*

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

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-409. (1) General Fund; (2) Implementing Year 2004-05 is \$256,000; (3) 1st Succeeding Year 2005-06 is \$1,004,000; 2nd Succeeding Year 2006-07 is \$1,007,000; 3rd Succeeding Year 2007-08 is \$1,010,000; 4th Succeeding Year 2008-09 is \$1,010,000; 5th Succeeding Year 2009-10 is \$1,010,000; 2003-04 Program—\$727,979,000; 2002-03 Program—\$666,832,000; 2001-02 Program—\$705,750,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. The cost outlined above have been included in the General Appropriation Act of 2004 (Act 7A).

[Pa.B. Doc. No. 05-251. Filed for public inspection February 4, 2005, 9:00 a.m.]

## **Nursing Facility Assessment Program**

The General Assembly amended the Public Welfare Code by enacting the act of September 30, 2003 (P. L. 169, No. 25) (Act 25) authorizing the Department of Public Welfare (Department) to implement assessments on non-Federal, nonpublic licensed nursing facilities beginning Fiscal Year (FY) 2003-2004 and ending no later than FY 2006-2007. See sections 801-A—815-A of Act 25 (62 P. S. §§ 801-A—815-A).

The purpose of the assessments is “to generate additional revenues for medical assistance recipients to have access to medically necessary nursing facility services.” See section 802-A of Act 25. To assure that the assessments achieve their intended purpose, the assessments “may be imposed only to the extent that the revenues generated therefrom will qualify as the State share of [medical assistance] program expenditures eligible for Federal financial participation.” See section 803-A of Act 25. The Department must seek a waiver, if necessary, from the Federal Centers for Medicare and Medicaid

Services (CMS) to make sure that the assessment revenues qualify for Federal matching funds. See section 812-A of Act 25.

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 for each FY that the assessments are implemented. See section 804-A of Act 25. The aggregate amount and rate of assessment must be approved by the Governor. 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.

Before implementing an assessment 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.

This notice announces the amount of the assessments and the rates of assessment that the Department is proposing to implement for FY 2003-2004 and FY 2004-2005.

### *Assessment Methodology, Rates and Amounts*

Since the enactment of Act 25 authorizing the assessment program, the Department has sought to design an assessment program that meets applicable Federal requirements. The CMS, after rejecting several initial proposals submitted by the Department, has approved the following assessment program which will generate revenues that qualify for Federal matching funds:

The assessment program will employ different levels of assessments and will limit the assessments to nonexempt nursing facilities. The following nursing facilities will be exempt from the assessment program:

- (1) Government owned and operated nursing facilities.
- (2) Veteran’s 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 in which an assessment is collected.

Nonexempt nursing facilities will be assessed on a quarterly basis based on the number of licensed beds in the facility and the number of non-Medicare resident days during each calendar quarter in which an assessment is implemented.

In the development of the assessment rates, the Department recognized that some nursing facilities, due to

their bed size or their contractual obligations with their residents, might not have the capacity to assume the burden of the assessment and still remain in business. To address this issue, the Department developed two assessment rates, a rate for smaller nursing facilities and Continuing Care Retirement Communities (CCRC) and a rate for all other nonexempt nursing facilities.

The assessment amount and rate for each nonexempt nursing facility will be as follows:

(1) Nonexempt nursing facilities participating within licensed CCRCs and nonexempt nursing facilities with 50 licensed beds or less will be assessed at \$1.50 per non-Medicare resident day.

(2) All other nonexempt nursing facilities will be assessed at \$15.91 per non-Medicare resident day.

The revenue generated by the assessment program, when combined with Federal matching funds, will enable the Department to maintain rates under the existing case-mix payment methodology (55 Pa. Code Chapter 1187 (relating to nursing facility services)) in FY 2003-2004 and FY 2004-2005 and provide additional supplemental payments to qualified Medical Assistance nursing facility providers.

#### *Aggregate Assessment Amounts and Fiscal Impact*

Due to delays in obtaining Federal approval, the assessment program is being implemented retroactively to FY 2003-2004. Therefore, both the FY 2003-2004 and FY 2004-2005 assessments will occur in FY 2004-2005. The following amount listed for FY 2004-2005 represents the combined total of the FY 2003-2004 estimated assessment revenue of \$280.065 million and the FY 2004-2005 estimated revenue of \$277.755 million.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to 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 must be submitted within 30 days of publication of the notice. See section 805-A of the Act 25. After considering the comments, the Secretary will publish a second notice announcing the final assessment rate for FY 2003-2004 and FY 2004-2005. The Department will not begin collecting assessment fees until after the publication of the final assessment rate 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-408. No fiscal impact; (8) recommends adoption. This public notice provides advance notice of the amount and rate of assessment for FY 2003-04 and FY 2004-05. Both assessments will occur during FY 2004-05 and are estimated to provide \$557,820,000 in total additional revenue to supplement the Medical Assistance—Long Term Care Appropriation.

[Pa.B. Doc. No. 05-252. Filed for public inspection February 4, 2005, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### **Citizens for Pennsylvania's Future (PennFuture) v. DEP and Eagle Rock Resort Company, Permittee; EHB Doc. No. 2005-016-L**

Citizens for Pennsylvania's Future (PennFuture) has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Eagle Rock Resort Company for a facility in Hazleton Township and Black Creek Township, Luzerne County and East Union Township and North Union Township, Schuylkill County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-253. Filed for public inspection February 4, 2005, 9:00 a.m.]

### **Hazleton City Authority—Water Department v. DEP and Eagle Rock Resort Company, Permittee; EHB Doc. No. 2005-014-L**

The Hazleton City Authority—Water Department has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Eagle Rock Resort Company for a facility in Hazleton Township and Black Creek Township, Luzerne County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-254. Filed for public inspection February 4, 2005, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Request to Extend Review Period— Mercury Emissions Petition

On October 19, 2004, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted on behalf of the Citizens for Pennsylvania's Future (PennFuture), et al., seeks protection of human health and the environment by the regulation of mercury emissions to the air. Specifically, the petition requests Department of Environmental Protection (Department) action to regulate the emission of mercury to the air from electric utilities in this Commonwealth.

Under 25 Pa. Code § 23.6 (relating to notice of acceptance and Department report), the Department is required to prepare a report evaluating the petition within 60 days from the date the petition was accepted by the Board. If the report cannot be completed within the 60-day time period, the Department must state at the next Board meeting how much additional time is necessary to complete the report.

At the January 18, 2005, Board meeting, the Department requested an additional 120 days to complete the report. An extension of the review period was requested to enable the Department to review Federal mercury

emission reduction regulations, which are expected to be published by March 15, 2005. The Department's request was approved by the Board, thereby extending the Department's review of the petition by 120 days from January 18, 2005. The Department's report will include a recommendation on whether the Board should approve the action requested in the petition. If the recommendation is to change a regulation, the report will also specify the anticipated date that the Board will consider a proposed rulemaking.

The petition is available to the public for review by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is accessible on Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us), DEP Keyword: EQB (October 19, 2004, meeting).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 05-255. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Environmental Quality Board Meeting Cancellation

The February 15, 2005, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, March 15, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA. An agenda and meeting materials for this meeting will be available on the Department of Environmental Protection's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727 or [nshepherd@state.pa.us](mailto:nshepherd@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 05-256. Filed for public inspection February 4, 2005, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 18th publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed in this agenda (as well as any considered subsequent to publication of this agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>AGING</b>			
PA Code Title VI Chapter 3 Fair Hearings and Appeals	June 2006, as proposed	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. It is being reviewed internally to improve Departmental procedures and efficiencies.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2005, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 15 Protective Services for Older Adults	December 2005, as proposed.	The law and regulations are under review in light of the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 23 Long Term Care Ombudsman Program	December 2007, as proposed.	The Department wishes to promulgate regulations for the Long Term Care Ombudsman program in order to bring it into conformity with national standards.	Robert Hussar (717) 783-6207
<b>AGRICULTURE</b>			
Domestic Animal 7 Pa. Code Chapter 2	June, 2005, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Paul Knepley, DVM (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	June, 2005, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	Paul Knepley, DVM (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 21	June, 2005, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	Paul Knepley, DVM (717) 772-2852
Maple Products 7 Pa. Code Chapter 83	December, 2005, as proposed.	This regulation is required by the Maple Products Act (3 Pa. C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides 7 Pa. Code Chapter 139	July, 2005, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Kent D. Shelhamer (717) 787-9089
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	September, 2005, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Fruit Tree Improvement Program 7 Pa. Code Chapter 120	November, 2006, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 772-5222
Pesticide Regulations 7 Pa. Code Chapter 128	January, 2005, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214
Certification of Virus-Tested Geraniums 7 Pa. Code Chapter 122	September, 2006, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services	Ruth Welliver (717) 772-5222
Chemsweep Regulations 7 Pa. Code Chapter 128b	April, 2005, as final.	This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides.	Phil Pitzer (717) 772-5206
Nutrient Management Certification Program 7 Pa. Code Chapter 130b	March, 2005, as proposed	This regulation will amend 7 Pa. Code Chapter 130b and is necessary to update and correct inconsistencies in the current regulations, redefine specialist categories; allow flexibility for the Department to modify competency areas and training focus; determine additional competency area needs and clarify continuing education requirements. The revision of this regulation will allow participants in the certification program to remain qualified to meet nutrient management planning requirements established in section 7(a) of the Nutrient Management Act of 1993 (Act 6).	Johan E. Berger (717) 772-4189
Fertilizer Regulations 7 Pa. Code Chapter 73	September, 2005, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September, 2005, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act.)	John Breitsman (717) 772-5215
Dog Law 7 Pa. Code Chapters 23, 25 and 27	May, 2005, as proposed	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23,25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Mary Y. Bender (717) 787-4833



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Clean and Green Regulations 7 Pa. Code Chapter 137b	November, 2005, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.	Sandra E. Robison (717) 783-3167
Seed Testing Labeling and Standards 7 Pa. Code Chapter 111	June, 2006, as proposed.	This regulation will supplant the current regulation and implement provisions of 3 Pa.C.S.A §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
General Provisions and Standards for Seed Certification 7 Pa. Code Chapter 113	June, 2006, as proposed.	This regulation will replace 7 Pa. Code Chapter 113 and 115 by combining them into one chapter—Chapter 113 and implement provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
Commercial Manure Hauler and Broker Certification Program 7 Pa. Code Chapter 130e.	March, 2005, as proposed.	This will establish regulations for the newly established Commercial Manure Hauler and Broker Certification Program. This regulation will establish certification requirements for those persons commercially hauling or applying manure on behalf of an agricultural operation.	Johan E. Berger (717) 772-4189
<b><i>BANKING</i></b>			
Annual Assessment Regulation	Mid-to-Late 2005	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz (717) 787-1471
<b><i>BOARD OF PARDONS</i></b>			
No regulations being developed or considered at this date.			
<b><i>COMMUNITY &amp; ECONOMIC DEVELOPMENT</i></b>			
Community Development Grant Program 12 Pa. Code Chapter 141 (final regulation with rulemaking omitted)	Spring 2005	The regulation will repeal Sections 141.301 through 141.309 relating to the Section 108 Loan Program, as these sections no longer effectively fulfill the goals for which they were intended.	Jill B. Busch (717) 720-7314
Building Energy Conservation Standards 12 Pa. Code Chapter 147 (final regulation with rulemaking omitted)	Spring 2005	The regulation will repeal this chapter, as the statute upon which this chapter is based has been repealed by the Pennsylvania Construction Code Act.	Jill B. Busch (717) 720-7314
Manufactured Housing Improvement Program	Spring 2005	As required by the Manufactured Housing Improvement Act (act of November 29, 2004, P. L. _____, No. 158)), the department will propose regulations governing the training and certification of new manufactured home installers; the training of those persons who inspect the installation of new manufactured homes in PA; and the enforcement of the regulations once promulgated.	Jill B. Busch (717) 720-7314
<b><i>COMMISSION ON CRIME AND DELINQUENCY</i></b>			
Office of Victims' Services, Victims Compensation Assistance Program—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 411	February 2005, as Final Form.	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by subsequent legislation, including Act 1998-111 and its relocation of the Crime Victims Act to Purdon's Statutes Title 18 P. S. §§ 11.101—11.5102; Act 85 of 2002 and Act 144 of 2002. This final form regulation will reflect all legislative changes since 1989, when existing regulations were most recently amended.	Lynn Shiner (717) 783-5153 ext. 3210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>CONSERVATION &amp; NATURAL RESOURCES</b>			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking March 2006.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin (717) 783-3227
<b>CORRECTIONS</b>			
Revisions to regulations governing the Department, 37 Pa. Code Chapters 91, 93 and 94	Winter, 2005 as final	The regulations will be revised to eliminate unnecessary regulations and to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	John S. Shaffer, Ph.D. (717) 975-4868
Revisions to regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Spring, 2005 as proposed	The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law.	Jill C. Fluck (717) 975-4860
<b>EDUCATION</b>			
Higher Education General Provisions 22 Pa. Code, Chapter 31	January 2005, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the timeframe during which new institutions must achieve accreditation, update provisions for library and learning resources, address policies for marketing credit cards on campuses and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787  or William Larkin (717) 787-5041

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Higher Education - Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 36, 40 & 42	July 2005, as proposed.	These regulations are necessary to establish procedures for the approval and operation of out-of-state institutions of higher education currently operating or seeking to operate programs in the Commonwealth. They are also necessary to establish procedures for the approval and operation of independent two-year college, college, seminary or university, or for status as a State System, State-related or State-aided institution for the purposes of awarding college credits and granting degrees. They are also necessary to establish procedures for Specialized associate degree programs at a licensed trade, business, correspondence or beauty culture school which is chartered or established by statute in this Commonwealth; additional programs at a chartered two-year college, college or university which lead to degrees and which have not had prior approval consistent with the articles of incorporation; upper division undergraduate programs at junior or community colleges; additional programs of a foreign corporation approved to operate at a specific site in this Commonwealth; and, vocational educational programs at institutions desiring approval for State/Federal money allotted for vocational education.	Jim Buckheit (717) 787-3787  or  William Larkin (717) 787-5041
Certification of Professional Personnel 22 Pa. Code, Chapter 49	February 2005, as proposed.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators.	Jim Buckheit (717) 787-3787  or  William Larkin (717) 787-5041
General Vocational Education Standards 22 Pa. Code, Chapter 339	July 2005, as proposed.	A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the Pennsylvania Code, section 4.32(a).	Jim Buckheit (717) 787-3787  or  Lee Burket (717) 787-5530
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A & B	Fall 2005, as proposed.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1—101, et. Seq. The revised standards will reflect the changes in Chapter 14 and IDEA.	John Tommasini (717) 783-6134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 and 63	The Board has informally discussed revision of the regulations, received public input and is reviewing that input with the Department to determine appropriate next steps.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. Seq.)	Mary Ramirez (717) 783-3755
Academic Standards and Assessment, 22 Pa. Code, Chapter 4	February 2005, as proposed	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma	Jim Buckheit (717) 787-3787  or Sarah Pearce (717) 787-4860
Regulations of the State Board of Private Licensed Schools 22 Pa. Code, Chapter 73	January 2005, as final.	These regulatory changes reduce the records requirements for schools, amend the definition of seminar to remove reference to entry level training, requires attendance at an orientation seminar prior to submission of an application for licensure, authorizes the Board to reject applications for licensure or program approval if the names of the school or the programs are misleading, mandates the maintenance of a surety bond throughout the period of licensure, requires payment of program application fees if more than one program is submitted with a new license application, and provides clarification of wording and policy.	Patricia Landis (717) 783-8228
Regulations of the State Board of Private Licensed Schools 22 Pa. Code, Chapter 73	Accepted by Board on November 4, 2004. April 2005, as proposed.	These regulatory changes increase the minimum surety for schools, eliminate "Demonstrated Competency" as an instructor qualification, clarifies that violations of the ethics statement are enforceable, clarify last date of attendance for refund purposes, and eliminate tiered fines, setting the fine for all violations at the statutory maximum of \$1000.	Patricia Landis (717) 783-8228
<b><i>EMERGENCY MANAGEMENT AGENCY</i></b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL HEARING BOARD</b>			
PA Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing submitted a rules package to the Office of General Counsel on October 14, 2004 and submitted an amended rules package on November 17, 2004.	The Environmental Hearing Board Rules Committee has recommended the following revisions to the Board's rules of practice and procedure: 1) 1021.2 (Definitions) - Amend the definition of "Department" from "Department of Environmental Resources" to "Department of Environmental Protection" to reflect the agency's current title, and to add "and other agencies, boards and commissions" to reflect the fact that decisions of certain entities other than the Department of Environmental Protection are statutorily appealable to the Environmental Hearing Board. 2) 1021.32(a) (Filing)—Amend to allow parties to file documents in the Board's Pittsburgh office. 3) 1021.34(b) (Service by a party)—Amend to require service on other parties by overnight delivery where filing with the Board is by overnight mail or personal service. 4) 1021.104 (Prehearing memorandum)—Amend to require that copies of exhibits be attached to the prehearing memorandum as well as "such other information as may be required in the Board's orders." 5) 1021.53 (Amendments)—Allow for the amendment of complaints and allow a more lenient standard for amending notices of appeal. 6) 1021.51(g)-(j) (Commencement, form and content)—Amend who receives notice of a notice of appeal and who is named as an automatic party. 7) 1021.91-95 (Motions)—Create a new and separate rule for summary judgment motions. 8) 1021.141 (Termination of proceedings)—Correct typographical errors. 9) 1021.101(a) (Prehearing procedure)—Eliminate the bifurcation of expert and non-expert discovery, and change certain prehearing deadlines.	Mary Anne Wesdock 412-565-5245
<b>ENVIRONMENTAL PROTECTION</b>			
Storage, Handling & Use of Explosives 25 Pa. Code, Chapter 211	January 2005 as Proposed-omitted Final Rulemaking	This final rulemaking will add provisions for the protection and security of explosives magazines including new definitions, requiring location information security checks, perimeter security and development of a security plan.	Mike Steiner (717) 783-9580
Radiation Protection Program Fees Radiation Protection Act 25 Pa. Code, Chapter 218	April 2005 as proposed	This proposal incorporates an automatic Consumer Price Index based adjustment to fees currently received from x-ray machine registrants, radioactive material licensees, accelerator licensees and x-ray service providers.	Ray Urciuolo (717) 783-9730
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 245	April 2005 as proposed	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997.	Ray Powers (717) 772-5809
Newtown Creek Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	April 2005 as proposed	This proposal identifies seven streams (Pine Run, Clearfield County; Indian Spring Run, Chester and Lancaster Counties; Lizard Creek, Carbon County; Indian Creek, Fayette County; Messenger Run, Warren County; Newtown Creek, Bucks County; and Stone Creek, Bedford County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth lakes.	Bonita Moore (717) 772-4462

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Concentrated Animal Feeding Operations (CAFO) and Other Livestock Agricultural Operations Clean Streams Law 25 Pa. Code, Chapters. 92.5a, 91 and 92	April 2005 as final	The CAFO regulations are being revised in response to the recently enacted Federal CAFO Final Rule, which established mandatory requirements for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. The new effluent guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper and effective manure and wastewater management, including compliance with the Effluent Limitation Guidelines.	Cedric Karper (717) 783-7577
Bond Adjustment and Bituminous Mine Subsidence Control and Standards 25 Pa. Code, Chapters 86 and 89	April 2005 as final	This rulemaking amends Section 86.152(a) to require DEP to request additional bonds if changes to mining or reclamation activities cause the cost of reclamation to increase. It also amends Chapter 89 provisions dealing with subsidence control plans, subsidence control performance standards, relief from responsibility for subsidence damage, water supply replacement performance standards, and procedures for resolving both subsidence claims and water supply damage claims.	Harold Miller (717) 787-3174
Noncoal Permits and Performance Standards Amendments 25 Pa. Code, Chapter 77	May 2005 as proposed	This rulemaking will amend Chapter 77 to clarify noncoal mine permit application requirements and performance standards. It will also correct grammatical errors and terminology.	Mick McCommons (717) 783-9888
Hazardous Waste Delisting 25 Pa. Code, Chapter 261a	June 2005 as final	MAX Environmental Technologies, Inc. (MAX) submitted a petition to the EQB that requests the delisting of hazardous waste (K061) Electric Arc Furnace Dust (EAFD) from steel production. EAFD is treated at MAX's Yukon, PA facility. The Department is proposing to exclude (delist) MAX's treated EAFD from the lists of hazardous wastes contained in 40 CFR Subpart D of Part 261. The lists are incorporated by reference in Pennsylvania's hazardous waste regulations.	Rick Shipman (717) 787-9495
Lake Redesignations Package Clean Streams Law 25 Pa. Code, Chapter 93	June 2005 as final.	This proposal identifies three lakes (Blue Marsh Reservoir, Berks County; Lake Luxembourg, Bucks County; Walker Lake, Snyder County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth lakes.	Robert Frey (717) 783-2959
Laboratory Accreditation Regulations Environmental Laboratory Accreditation Act 25 Pa. Code, Chapter 252	July 2005 as final	Authorized by Act 90 of 2002 (The Environmental Laboratory Accreditation Act), this proposal will establish standards for laboratories and set forth requirements laboratories must meet to be accredited.	Richard Sheibley (717) 705-2425
Air Quality Miscellaneous Amendments Air Pollution Control Act 25 Pa. Code, Chapter 127	July 2005 as proposed	This rulemaking will amend provisions related to temporary operating permit duration, public notice and fee provisions.	Terry Black (717) 787-2030
New Chapter 301 Operator Certification Regulations Water and Wastewater Systems Operators' Certification Act 25 Pa. Code	September 2005 as proposed	This proposal will implement the provisions of Act 11 of 2002, the Water and Wastewater Systems Operators' Certification Act which restructures the testing and training program for operators and enhances security provisions for all water and wastewater treatment systems in Pa.	Veronica Kasi (717) 772-4053

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Replacements and Bonding Incentives Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapters 87 & 88	September 2005 as proposed	The rulemaking will amend Chapters 87 and 88 relating to water rights and replacement to clarify regulatory language consistent with federal regulations. It will also delete the requirement that additional funds from the Remaining Financial Assurance Fund be used to complete reclamation of forfeited mine sites if the actual cost of reclamation exceeds the amount reserved in the fund.	Mick McCommons (717) 783-9888
Chapter 109—Safe Drinking Water Act 25 Pa. Code, Chapter 109	October 2005 as proposed	This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring/reporting requirements for lead, copper, inorganic chemicals, volatile synthetic organic chemicals, and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; monitoring/reporting requirements for disinfectants and disinfection byproducts; requirements regarding the practice of engineering, land surveying and geology; reporting requirements for failure to monitor; and comprehensive monitoring plan requirements.	Lisa Daniels (717) 772-2189
Chapter 85—Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85	November 2005 as proposed	A proposal is being developed to update Chapter 85 based on a recently completed bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.	Andrew Zemba (717) 772-5633
New Source Review Air Pollution Control Act 25 Pa. Code	Contingent on outcome of pending litigation and EPA action	The Department's existing new source review (NSR) regulations will be amended to clarify existing requirements and to develop an approvable "equivalency" demonstration as a revision to the State Implementation Plan	Terry Black (717) 787-2030
<b>Action by the State Conservation Commission</b>			
Nutrient Management 25 Pa. Code, Chapter 83	April 2005 as final	The State Conservation Commission proposes to revise the current nutrient management regulations affecting concentrated animal operations based on advances in the sciences of agronomics and manure management, as well as public concerns with livestock agriculture.	Doug Goodlander (717) 787-8821
<b>GENERAL SERVICES</b>			
Responsibility 4 Pa. Code, Chapter 60	Spring, 2005, as proposed	This chapter must be amended to conform with the legislative changes required by the Commonwealth Procurement Code and to provide for uniform Commonwealth agency debarment and suspension procedures.	Mary B. Seiverling (717) 772-2749
State Art Commission 4 Pa. Code, Chapter 65	Summer, 2005, as final omitted	The legislation creating the State Art Commission was sunsetted.	Mary B. Seiverling (717) 772-2749
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Winter, 2005, as proposed	The regulation should be amended to more accurately reflect present practice and to delete antiquated contract provisions.	Mary B. Seiverling (717) 772-2749
Contract Compliance 4 Pa. Code, Chapter 68	Spring, 2005, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services.	Mary B. Seiverling (717) 772-2749
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Spring, 2005, as proposed	Amendments are required because parking locations have been changed.	Mary B. Seiverling (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Summer, 2005, as proposed	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Mary B. Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Summer, 2005, as final omitted	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> .	Mary B. Seiverling (717) 772-2749
Metrology Calibration Fees 4 Pa. Code, Chapter 10 and 110	Winter, 2005, as proposed	New regulations are being promulgated with the Department of Agriculture to enable the Department of General Services to charge fees as required by Act No. 1996-155, 3 Pa.C.S. § 4178, for metrology laboratory calibration, type evaluation and other testing services performed by the Pennsylvania Standards Laboratory.	Mary B. Seiverling (717) 772-2749
Service of Process on General Services	Summer, 2005, as proposed	New regulation to require that legal process for suits against DGS be served on Chief Counsel's office.	Mary B. Seiverling (717) 772-2749
<b>HEALTH</b>			
Health Facility Licensure General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	May 2005, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. (717) 783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	July 2005, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac (717) 783-2500
Head Injury Program 28 Pa. Code § 4.1 et seq.	June 2005, as proposed	The amendments to existing regulations will address client enrollment and provider issues. Pursuant to 35 P. S. § 6934(e).	Crystal Fox (717) 783-2500
Controlled Substances, Drugs, Devices and Cosmetics 28 Pa. Code § 25.72	July 2005, as final	The amendments to existing regulations will add five substances to the list of Schedule I Controlled Substances to allow for enforcement and prosecution under the Controlled Substances, Drugs, Devices and Cosmetics Act of the illegal manufacturer, distribution, sale and use of these substances. Pursuant to 35 P. S. §§ 780-103 and 780-104.	Keith B. Fickel (717) 783-2500
Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq.	June 2005, as final-omitted	The amendments to existing regulations will bring the Commonwealth into compliance with the Child Nutrition and WIC Reauthorization Act of 2004 requirements and allow participants to use WIC vouchers at any WIC authorized store. The amendments will also prohibit authorization of stores that get more than 50% of their annual food revenue from the sale of WIC foods as set out in federal law. The amendments will also clarify the availability of minimum inventory during store reviews.	Jalene Kolb (717) 783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.15(a), and 25 Pa. Code § 965.4((9).	Summer/Fall 2005	<p>PENNVEST recommends the following revisions:</p> <p>(1). Delete Sections 963.12(a) (6) and the second sentence of Section 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq. While PENNVEST has always construed these costs to be encompassed with in the statutory definition of “eligible cost” (35 P. S. § 751.3), the agency chose as a matter of policy not to fund this planning process because the Pennsylvania Department of Environmental Protection already provided grant funds for 50% of these costs. PENNVEST is revising its policy because the agency is concerned that, in some instances, needed projects are unable to move forward in a timely manner due to a lack of funds to conduct this necessary planning. PENNVEST, therefore, is removing the impediment to funding imposed by the above regulatory provisions.</p> <p>(2). Delete 25 PA Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. While PENNVEST has historically allowed these costs for public facilities provided the profits were used to reduce system user costs it has not allowed financial assistance for such processes for private facilities. PENNVEST is revising its policy because it wants to support recycling and other innovative wastewater projects and the current policy has the potential to stifle such projects. In order to further these objectives, PENNVEST is removing the impediment to funding imposed by the above regulatory provision.</p> <p>(3). Amend 25 PA Code 963.13 (c) by revising the section to read as follows: “Terms of Loans. Advance funding loans will be for a term of five years. The term will be payment of interest only for 59 months and repayment scheduled for month 60. The scheduled repayment date, month 60, shall not exceed 1 year from completion of the advance funding project. If the recipient of an advance funding loan subsequently receives a construction loan from the Authority, the term of the outstanding advance funding loan shall be amended to carry both the interest only term and the repayment term of the construction loan, provided the interest only term shall not be extended beyond five years.”</p>	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(4). Amend 25 Pa. Code § 963.15(a) by revising the first sentence to read in its entirety: "The term of the loans shall normally be twenty years beginning on the date construction is completed or three years from of the date of loan closing, whichever occurs first." This amendment provides a level loan repayment and a defined term at loan closing (normally twenty years). Under the old policy the loan term was determined sometime in the future after construction closed out. Consequently, under the old policy a Borrower with a project that took two years to construct would have had only eighteen years to repay the loan. Under the new policy the repayment term would be twenty years plus two years of interest only payments to provide for construction.</p> <p>(5). Amend 25 Pa. Code § 965.4 (9) to place a period after the word "Board" and delete the remainder of the sentence. This amendment allows those costs associated with the acquisition of land under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to be financed by PENNVEST. This change is necessary to reflect a shift in policy by the Environmental Protection Agency and the desire of PENNVEST to take advantage of the policy shift to finance such costs.</p>	Jayne B. Blake (717) 783-6776
<b><i>INSURANCE</i></b>			
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1—37.84	Spring/Summer 2005, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replaced with new regulation consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	Summer/Fall 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Cancellations and Refusal to Renew Homeowners Insurance, 31 Pa. Code, Chapter 59, §§ 59.1—59.13	Spring 2005, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies, 31 Pa. Code, Chapter 61, §§ 61.1—61.14	Spring 2005, as proposed.	Modify regulation consistent with the statute (40 P. S. §§ 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	Spring/Summer 2005, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Motor Vehicle Financial Responsibility Law Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28	Spring 2005, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—9	Spring/Summer 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—91	Summer/Fall 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—57	Spring/Summer 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Annuity Disclosure, (NEW Chapter 83b)	Spring/Summer 2005, as proposed.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be used with the selling of annuities.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Variable Annuity & Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1—85.40	Summer/Fall 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Spring/Summer 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Life Insurance Illustrations (New Chapter 87a)	Summer/Fall 2005, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	Summer/Fall 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62	Spring/Summer 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101	Spring/Summer 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Medicare Supplement, 31 Pa. Code, Chapter 89, 89.770—89.790	Winter/Spring 2005, as final omitted.	This will update the Medicare Supplement regulation to meet Federal guidelines.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Cash Advances to Insurance Companies, 31 Pa. Code, Chapter 105, §§ 105.1—105.2	Summer 2005, as proposed.	Amend to apply to all types of insurers, reflect statutory amendments adopted in 1992 and 1995 and to eliminate outdated, unnecessary provisions relating to cash advancements to insurance companies pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Spring/Summer 2005, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Description of Reserves Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Spring/Summer 2005, as proposed	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Spring/Summer 2005, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers, 31 Pa. Code, Chapter 163 §§ 163.1—163.20	Spring 2005, as proposed	Amend to update provisions relating to trust agreements and letters of credit.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Property and Casualty Actuarial Opinion (NEW)	Summer/Fall 2005, as proposed.	New regulation to require property & casualty insurers to annually submit an Actuarial Opinion Summary of the Actuarial Report on loss and loss adjustment expense reserves, including information on the opining actuary's best estimate and/or range of reasonable estimates	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Medical Catastrophe Loss Fund, 31 Pa. Code, Chapter 242 §§ 242.1—242.18	Spring/Summer 2005, as proposed.	Amend the regulation to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Health Maintenance Organizations, 31 Pa. Code, Chapters 301, §§ 301.1—301.126	Spring/Summer 2005, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Premium Finance Companies (NEW chapter)	Spring/Summer 2005, as proposed.	New regulation addressing issues pertaining to Premium Finance Companies.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Viatical Regulations (NEW chapter)	Spring/Summer 2005, as proposed.	New regulation addressing issues pertaining to the Licensing of Viatical Brokers.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
<b>LABOR AND INDUSTRY</b>			
Underground Storage Facilities, Title 34, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Fall 2005.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	Edward Leister (717) 787-3323
Elevators and Lifting Devices, Title 34 Bureau of Occupational and Industrial Safety	Submit proposed rulemaking Summer 2005.	Will make minor revisions and corrects. Will also incorporate legislative changes required under Act 230 approved December 1, 2004.	Edward Leister (717) 787-3323

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Uniform Construction Code (UCC) regulations. Act 45 of 1999. Title 34, Chaps. 401—405. Bureau of Occupational and Industrial Safety	Submit final-omitted regulations in Summer 2005.	Will make revisions to UCC required under legislation enacted in 2004: Acts 13, 92 and 158.	Jon Balson (717) 787-3323
Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety.	Submit final-omitted regulation in Winter 2005.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister (717) 787-3323
Boiler requirements, Title 34. Bureau of Occupational and Industrial Safety.	Submit final-form regulation in Winter 2005.	The regulations will update requirements for boilers and unfired pressure vessels in accordance with the Boiler and Unfired Pressure Vessel Law.	Edward Leister (717) 787-3323
Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Fall 2005.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister (717) 787-3323
Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services	Submit proposed rulemaking in Summer 2005.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	Mark Frankel (717) 787-3667
Office of Vocational and Rehabilitation, Title 34.	Submit Proposed Rulemaking Winter 2005	Regulations will govern the registration process and implement the Sign Language Interpreter and Transliterator Registration Act which was enacted in 2004. (Act 57 of 2004).	Catherine N. Wojciechowski (717) 787-4186
Prevailing Wage Appeals Board (PWAB), Title 34, Chap 213.	Submit proposed rulemaking in Spring 2005.	PWAB will amend its regulations to reduce paperwork requirements and improve/streamline procedures.	Richard C. Lengler (717) 783-9288
Flammable and Combustible Liquids, Title 37, Chap. 13. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Fall 2005.	Amendment to Flammable and Combustible Liquids regulation setting standards for unattended self-service gasoline dispensing. National Fire Protection Association standards will be incorporated.	Doug McAdam (717) 787-4713
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services	Submit proposed rulemaking in Spring 2005.	Update Unemployment Compensation tax and select benefit regulations.	Scott Miedrich (717) 787-2097
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Spring 2005.	Update requirements and procedures for filing benefit and claim applications.	Jeri Morris (717) 787-3667
Bureau of Workers' Compensation Title 34, Chapter 121	Submit proposed rulemaking in Spring 2005.	Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology.	Nathaniel Holmes (717) 772-0621
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Submit proposed rulemaking in Spring 2005.	Update processes governing medical care and costs under the Workers' Compensation Act.	Eileen Wunsch (717) 772-1912
Bureau of Workers' Compensation, Title 34, Chapter 123	Submit proposed rulemaking Spring 2005.	Update procedures for qualifications of vocational experts to reflect passage of Act 88 (if needed).	Eileen Wunsch (717) 772-1912

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans Home 43 Pa. Code Section 7.1 et. seq.	October 2005, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Dennis T. Guise (717) 861-8503
<b>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</b>			
Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 203	February 2005, as proposed	The Commission intends to update regulations promulgated pursuant to 53 Pa. C.S. § 2164(1), (8), and (14) (relating to Part III, Subpart C, of the Local Government Code).	Syndi L. Guido (717) 772-0905
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
See Public School Employees' Retirement System.			
<b>PROBATION AND PAROLE</b>			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5 (13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	The proposed regulation will be published in the Pa. Bulletin in the fall of 2004.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of proposed regulations by Fall 2004 for publication in the PA Bulletin.	Chester Cope (717) 772-4185
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
22 Pa. Code Chapter 215	Publication anticipated within 2-3 months	This proposal is being made to amend 22 Pa. Code, Chapter 215 and would delete the transitional provisions for electing to participate in an optional alternate retirement plan contained in § 215.36. The provision is no longer needed, and may conflict with current Retirement Code provisions.	Frank Ryder (717) 720-4733
<b>PUBLIC WELFARE</b>			
Personal Care Homes 55 Pa. Code Chapters 2600, 2620	May 2005, as final-form	This regulation strengthens health and safety requirements for personal care homes.	Ruth O'Brien (717) 783-2800
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	April 2005, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	September 2005, as proposed	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800
Subsidized Child Care Eligibility 55 Pa. Code Chapter 3040 & 3041	May 2005, as final-form	This regulation clarifies and revises the eligibility requirements for child care subsidy.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Criminal History 55 Pa. Code Chapters 125, 133, 141	September 2005, as proposed	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Support Rights 55 Pa. Code Chapter 187	September 2005, as proposed	This regulation will require Medical Assistance applicants recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	July 2005, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 187	July 2005, as proposed	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Increases in Payment for Burial and/or Cremation 55 Pa. Code Chapter 285	September 2005, as final-form	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800

## NOTICES

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance for Workers with Disabilities 55 Pa. Code Chapter 140	June 2005, as proposed	This regulation provides Medicaid benefits to Workers with Disabilities (MAWD) who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, disability advocacy organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140	June 2005, as final-form	This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183	September 2005, as proposed	This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	May 2005, as proposed	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Time Out Benefits 55 Pa. Code Chapter 281	September 2005, as final-form	The Department plans to readopt the existing regulation to allow continuation of the Time Out program which benefits cash assistance recipients by allowing them to "stop the clock" for purposes of applying the 60-month limitation for the receipt of benefits under the Temporary Assistance to Needy Families (TANF) program.	Ruth O'Brien (717) 783-2800
Changes in Nursing Care Eligibility—Long Term Care (LTC) 55 Pa. Code Chapters 178 and 181	May 2005, as proposed	This regulation will change the eligibility requirements for applicants and recipients in long-term care facilities. Recipients of Medicaid program benefits will be required to contribute more toward the cost of long-term care services. Applicants for Medicaid Program benefits will be required to use more of their own resources to pay for their care before being authorized eligible for the Medicaid Program.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	December 2005, as final-omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services 55 Pa. Code Chapter 1239	March 2006, as proposed	This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OMNIBUS MA 55 Pa. Code Chapters 1101, 1121, 1149	December 2005, as final-omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	June 2005, as final-omitted	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 1157, 1165	July 2005, as proposed	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee on 3/28/02. The Department received comments from 6 agencies. Revised regulations are under review by the Department.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	December 2005, as final-omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150	September 2005, as final-omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2006, as proposed	This regulation codifies the policy as set forth in the Statement of Policy published at 27 Pa. B. 6238 (November 29, 1997). This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221	March 2005, as proposed	This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	September 2005, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	March 2005, as final-omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	March 2005, as final-omitted	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Preadmission Requirements for Nursing Facility Services 55 Pa. Code Chapter 1187	May 2005, as proposed	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Penile Prosthesis 55 Pa. Code Chapters 1141, 1163,	March 2005, as proposed	This regulation revises the current § 1141.59(8) non-compensable services and § 1163.59(a)(4) noncompensable services, items and outliers days.	Ruth O'Brien (717) 783-2800
Extension of County Transition Payments and Double Disproportionate Share 55 Pa. Code Chapter 1187	July 2005, as final-omitted	This regulation will extend the county nursing facility transition rates for the period July 1, 2003, through June 30, 2008, and will increase the disproportionate share incentive payments to qualified nursing facilities for the period July 1, 2003 through June 30, 2007. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code § 1187.111(c). This regulation will be reviewed by the Medical Assistance Advisory Committee. These changes are made in accordance with the Intergovernmental Transfer Agreements.	Ruth O'Brien (717) 783-2800
MA Day of Care 55 Pa. Code Chapter 1187	July 2005, as final-form	The regulation will revise the definition of an <i>MA day of care</i> to include days of care for which an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in a nursing facility and days of care for which the resident and an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in the nursing facility. In addition, the regulation will further expand the definition of an <i>MA day of care</i> to include days of care for which the Department makes payment for MA residents receiving hospice services in a nursing facility.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Metropolitan Statistical Area (MSA) 55 Pa. Code Chapter 1187	July 2005, as final-form	The proposed regulation changes the manner in which the Department establishes the peer groups used to set net operating prices under the case-mix payment system. The Department is proposing to change the payment system to specify that it will use the historical MSA group classification issued by the Federal Office of Management and Budget (OMB) in OMB Bulletin No. 99-04 to classify nursing facilities into peer groups. The Federal OMB revised its definitions of MSA and recommended that the definitions not be used for the development or implementation of any Federal, state or local nonstatistical policies without full consideration of the effects that the changes will have on the programs. If the Department adopts the Federal MSA changes, it has been determined that nursing facilities (except hospital-based and special rehabilitation nursing facilities) participating in the MA Program would experience, in the aggregate, a negative impact in their reimbursement rate under the case-mix payment system.	Ruth O'Brien (717) 783-2800
Home Health Regulation 55 Pa. Code Chapter 1249	June 2005, as final-form	The proposed regulation: 1. removes the State requirement that clients be homebound to receive home health agency services. Requiring a client to be homebound is in violation of "Olmstead Update No. 3" codified at 42 CFR 440.230(c) and 440.240(b); 2. moves service limitations from the regulations to the fee schedule which will permit program exceptions to the limitations when appropriate.	Ruth O'Brien (717) 783-2800
Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 41	October 2005, as final-form	This regulation implements 67 Pa.C.S. 1106 and establishes rules of procedure governing Medical Assistance Provider appeals.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	December 2005, as proposed	Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to ensure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language.	Ruth O'Brien (717) 783-2800
Licensure and Approval Appeal Procedures 55 Pa. Code Various Chapters	July 2005, as proposed	This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chs. 31—35) for all facilities and agencies certified by the Department.	Ruth O'Brien (717) 783-2800
Psychiatric Outpatient Clinics 55 Pa. Code Chapter 5200	February 2006, as proposed	This proposed regulation revises the current regulations pertaining to organization, staffing, and supervision for licensed psychiatric outpatient services.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Family-Based Mental Health Service Providers 55 Pa. Code Chapter 5260	February 2006, as proposed	This proposed regulation establishes requirements for the certification, criteria for services, delivery of services and payment of family-based mental health services for children and adolescents.	Ruth O'Brien (717) 783-2800
<b>REVENUE</b>			
Construction Contractors 61 Pa. Code, Article II	March 2005, as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities.	Douglas Berguson (717) 346-4633
Construction Contractors 61 Pa. Code §§ 31.11, 46.2, 46.3, 46.6 and 46.9	March 2005, as proposed.	Administrative Clean Up of Chapter 46 Construction Contractors and Amendment to § 31.11 to avoid duplication of regulations.	Douglas Berguson (717) 346-4633
Prebuilt Housing	July 2005, as final.	The regulation codifies legislative changes relating to prebuilt housing that were set forth in Act 23-2000 (72 P. S. §§ 7201(g)(8), (vv)—(zz), 7202(f) and 7204(60)).	Douglas Berguson (717) 346-4633
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	March 2005, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas Berguson (717) 346-4633
Small Games of Chance Amendments 61 Pa. Code, Part VII	June 2005, as final.	The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance.	Douglas Berguson (717) 346-4633
Support Offset and Other Personal Income Tax Provisions	April 2005, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson (717) 346-4633
<b>SECURITIES COMMISSION</b>			
Rule 144A exchange transactions 64 Pa. Code § 203.203	Final Rulemaking Feb 2005	The Commission plans to propose a regulation to exempt from registration certain transactions in Rule 144A securities with certain accredited investors.	Mary Peters (717) 783-4186
Investment adviser registration procedures 64 Pa. Code § 303.012	Final Rulemaking Feb 2005	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	Mary Peters (717) 783-4186
Investment adviser capital requirements 64 Pa. Code § 303.042	Proposed Rulemaking Feb 2005	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	Mary Peters (717) 783-4186
Investment adviser required records 64 Pa. Code § 304.012	Final Rulemaking Feb 2005	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	Mary Peters (717) 783-4186
Investment adviser required financial reports 64 Pa. Code § 304.022	Final Rulemaking Feb 2005	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	Mary Peters (717) 783-4186
Investment adviser custody or possession of funds or securities of clients 64 Pa. Code § 404.013	Final Rulemaking Feb 2005	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules	Mary Peters (717) 783-4186

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>STATE</b>			
State Board of Accountancy General Revisions 49 Pa. Code, Chapter 11. (16A-559)	Spring 2005, as Proposed.	The regulation would clarify certain issues related to the enforcement of the C.P.A. Law; make requirements consistent with the language of the C.P.A. Law; repeal outdated and unnecessary requirements; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.	Dorna Thorpe (717) 783-1404
State Architects Licensure Board Definition of Sole Proprietorship and Clarification of Renewal Fee for Firms 49 Pa. Code §§ 9.2 and 9.3 (16A-418)	Spring 2005, as Final.	This regulation is needed to clarify which types of firm practice are subject to the annual fee for registered architecture firms. Statutory Authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).	Dorna Thorpe (717) 783-3397
Schedule of Civil Penalties- 49 Pa. Code § 43b.21. (16-32)	Summer 2005, as Final	This regulation would amend the schedule of Act 48 civil penalties for violations of the Architects Licensure Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Athletic Commission Communicable Disease Testing 58 Pa. Code §§ 1.1 and 28.1 (16-34)	Spring 2005, as Final	This regulation would expand the Commission's current regulations that authorize the testing of boxers for HIV to permit testing for other communicable diseases, including Hepatitis C. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501.	Greg Sirb (717) 787-5720
State Board of Auctioneer Examiners Deletion of Reference to Examination Fees 49 Pa. Code § 1.41. (16A-647)	Spring 2005, as Final.	The regulation would delete references to examination fees. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a).	Tammy Radel (717) 783-3397
Correction to Fee Schedule 49 Pa. Code § 1.41 (number not yet assigned)	Spring 2005, as Final (Proposed Omitted).	This regulation would correct the fee schedule in which a line was inadvertently deleted when the schedule was last amended. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a).	
State Board of Barber Examiners Schedule of Civil Penalties 49 Pa. Code § 43b.4 (16-32)	Summer 2005, as Final	This regulation would amend the schedule of Act 48 civil penalties for violations of the Barbers' Licensing Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Linda Dinger (717) 787-2721
Examinations and Student Work 49 Pa. Code, Chapter 3 (number not yet assigned)	Spring 2005, as Proposed.	The regulation would update the existing regulations to conform to current board practice and statutory provisions pertaining to examinations and amends the regulations relating to student records and student hours to allow for part-time school attendance. Statutory Authority: Section 15-A.4(b) of the Barbers' License Law, 63 P. S. § 566.4(b).	
State Board of Certified Real Estate Appraisers General Revisions 49 Pa. Code, Chapter 36. (16A-7014)	Spring 2005, as Proposed.	The regulation represents a comprehensive revision of requirements relating to education and experience for initial certification; continuing education for renewal of certification; standards of practice; and supervision of appraisal assistants. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2); and Section 3 of the Assessors Certification Act, 63 P. S. § 458.3.	Michelle Smey (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic Chiropractic specialties 49 Pa. Code Ch. 5 (16A-4312)	Spring 2005, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deborah Smith (717) 783-7155
Patient records 49 Pa. Code § 5.51 (16A-4313)	Summer 2005, as Proposed.	The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	
Volunteer license- 49 Pa. Code § 5.20 (number not yet assigned)	Spring 2005, as Proposed.	This regulation is required by the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.	
Commissioner, BPOA Schedule of Civil Penalties 49 Pa. Code §§ 43b.4; 43b.8; 43b.9; 43b.10a and 43b.11a (16-32)	Summer 2005, as Final.	The regulation would amend the schedules of civil penalties for the State Board of Barber Examiners; State Real Estate Commission; State Board of Vehicle Manufacturers, Dealers and Salespersons; and State Architects Licensure Board that were previously codified as regulations under Act 48 of 1993. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Cynthia K. Montgomery (717) 783-7200
Bureau of Commissions, Elections & Legislation Fees for Notary Services (16-33)	Spring 2005, as Final.	This regulation would increase the fees that notaries are permitted to charge for their services. An increase has not occurred since February 1984. Statutory Authority: Sections 21 and 22.3 of the Notary Public Law, 57 P. S. §§ 167 and 168.3.	Nancy Chavez (717) 787-5280
Corporations Bureau UCC Revised Article 9 (16-35)	Summer 2005, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Christal Pike-Nase (717) 787-6802
State Board of Cosmetology Biennial Renewal Fee Increase- 49 Pa. Code § 7.2 (16A-4512)	Spring 2005, as Proposed.	The proposed regulation would increase the biennial renewal fees for licenses issued by the Board. Statutory Authority: Section 16 of the Beauty Culture Law, 63 P. S. § 522.	Linda Dinger (717) 787-2721
Accreditation of cosmetology schools 49 Pa. Code §§ 7.111 and 7.113a (16A-4511)	Spring 2005, as Proposed.	This regulation amends the Board's existing regulations to clarify the accreditation requirements for cosmetology schools. Statutory Authority: Sections 6 and 11 of the Beauty Culture Law, 63 P. S. §§ 512 and 517.	
State Board of Dentistry Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia 49 Pa. Code §§ 33.331—33.344. (16A-4614)	Spring 2005, as Final.	This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and the enactment of Act 135 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o) and Section 2 of Act 135 of 2002.	Lisa Burns (717) 783-7162
Biennial Renewal Fees 49 Pa. Code §§ 33.3 and 33.339 (16A-4615)	Spring 2005, as Final.	This regulation would increase the biennial renewal fees for dentists and for anesthesia permit holders. Statutory authority: Sections 4(b) and 11.2(6) of the Dental Law, 63 P. S. §§ 123(b) and 130c(a)(6).	
Expanded Function Dental Assistants' Curriculum Requirements 49 Pa. Code, Chapter 33 (16A-4616)	Summer 2005, as Proposed.	This regulation is intended to establish curriculum requirements for schools offering education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law, 63 P. S. § 122(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Local Anesthesia by Dental Hygienists 49 Pa. Code, Chapter 33 (16A-4617)  Volunteer license 49 Pa. Code § 33.110 (number not yet assigned)	Summer 2005, as Proposed.  Spring 2005, as Proposed.	This regulation will establish the requirements under which a dental hygienist may be permitted to administer local anesthesia under the direct supervision of a dentist. Statutory Authority: Section 3(d) of the Dental Law, 63 P. S. § 122(d).  This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
State Registration Board for Engineers, Land Surveyors and Geologists Biennial Renewal Fees and Examination Fees 49 Pa. Code § 37.17 (16A-478)	Spring 2005, as Proposed.	The regulation would increase biennial renewal fees for all license classes, delete examination fees as unnecessary, and make editorial and organizational changes to the other fees. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(d) and (e).	Shirley Klinger (717) 772-8528
State Board of Funeral Directors Professional Misconduct 49 Pa. Code §§ 13.201, 13.202. (16A-4814)  General Revisions 49 Pa. Code, Chap. 13 (number not yet assigned)  Continuing Education 49 Pa. Code, Ch. 13 (16A-489)  Limited License 49 Pa. Code §§ 13.1, 13.12 and 13.77 (16A-4810)  Forms Review 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)  Preneed Funeral Arrangements 49 Pa. Code, Chapter 13 (16A-4815)	Spring 2005, as Proposed.  Summer 2005, as Proposed.  Spring 2005, as Final.  Spring 2005, as Final.  Spring 2005, as Proposed.  Spring 2005, as Proposed.	The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).  These amendments would update the Board's regulations related to advertising, application procedures, facility requirements, qualifications for licensure and responsibilities of supervisors. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).  This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board adopt regulations to implement continuing education, as now required by Section 10(b) of the Funeral Director Law. Statutory Authority: 63 P. S. § 479.10(b).  This regulation is being promulgated to implement the provisions of Act 48 of 2000 that authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: Section 9(c) of the Funeral Director Law, 63 P. S. § 479.9(c).  This proposed regulation would clarify the criteria by which the Board will review form statements of funeral goods and services and preneed contracts and add grounds for the Board to disapprove forms. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).  This regulation would clarify and add additional requirements for funeral directors who enter into preneed funeral arrangement agreements. Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).	Michelle Smey (717) 783-3397
State Board of Landscape Architects General Revisions 49 Pa. Code, Chapter 15. (16A-618)	Spring 2005, as Proposed.	The regulation would entail general revisions of the Board's current regulations. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).	Shirley Klinger (717) 772-8528
State Board of Medicine Athletic Trainers 49 Pa. Code, Chap. 16 (16A-4915)	Spring 2005, as Proposed.	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	Joanne Troutman (717) 783-1400



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure of Medical Doctors 49 Pa. Code §§ 17.1(b), 17.2(c) and 17.5(c)(2) (16A-4917)	Summer 2005, as Final.	This regulation would delete the requirements that graduates of foreign medical schools demonstrate 32 months and 4000 hours of instruction and 72 weeks of clinical instruction. It would also amend the regulation pertaining to licensure by endorsement to prove the Board greater discretion in assessing the qualifications of physicians who have extensive practice experience. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
Disciplinary Procedures 49 Pa. Code, Chapter 16, Subchapter E. (16A-4918)	Spring 2005, as Final.	This regulation would amend the Board's disciplinary procedures regulations to codify existing practices and to assure that in light of the passage of the Mcare Act, the procedures suggested by the Health Care Services Malpractice Act survive. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.	
Acupuncture Registration 49 Pa. Code, Chapter 18, §§ 18.11—18.19 (16A-4919)	Spring 2005, as Proposed.	This proposed regulation will amend the Board's existing regulations so that they comport with the Act 49 amendments to the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.	
Physician Assistants 49 Pa. Code, Chapter 18, Subchapter D (16A-4916)	Spring 2005, as Proposed.	This regulation amends the Board's regulations pertaining to physician assistants. Statutory Authority: Section 13 of the Medical Practice Act of 1985, 63 P. S. § 422.1.	
Subpoenas 49 Pa. Code § 16.95a (16A-4920)	Spring 2005, as Statement of Policy	This statement of policy outlines the circumstances under which a medical doctor may comply with a subpoena for medical records and not be subject to discipline for violating patient confidentiality. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
Respiratory Therapists' Continuing Education 49 Pa. Code, Chapter 18, Subchapter F. (16A-4921)	Summer 2004, as Proposed.	This regulation is needed to carry out the legislative mandate of Act 55 of 2004 which required certified respiratory care practitioners to complete 20 credits of continuing education each biennium as a condition of certificate renewal. Statutory Authority: Section 1 of Act 55 of 2004 and section 36.1(f) of the Medical Practice Act of 1985, 63 P. S. § 422.36a(f).	
Volunteer License 49 Pa. Code § 16.18 (number not yet assigned)	Spring 2005, as Proposed.	This regulation is required to amend the current regulations regarding volunteer licenses to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
State Board of Nursing CRNP Program Approval 49 Pa. Code §§ 21.260—278, 286—289. (16A-5119)	Spring 2005, as Final.	This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7142
CNRP Prescriptive Authority Fees 49 Pa. Code § 21.253. (16A-5116)	Spring 2005, as Final.	This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2.	
Programs in Transition 49 Pa. Code § 21.51 (16A-5118)	Summer 2005, as Final.	This regulation sets requirements for hospital-based registered nurse diploma education programs to transition to degree-granting status under the authority of a college or university which is pursuing, but has not yet attained, regional accreditation. Statutory Authority: Section 2.1(k) and Section 6 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 216.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensed Dietitian Nutritionist Regulations 49 Pa. Code §§ 21.701—21.717 (16A-5120)	Spring 2005, as Proposed.	Act 99 of 2002 amended the Professional Nursing Law to include the licensure of dietitian-nutritionists. These regulations implement those amendments. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
Temporary Practice Permits 49 Pa. Code §§21.7 and 21.149 (16A-5121)	Spring 2005, as Final.	The regulation provides for temporary practice permits for graduate professional nurses and graduate practical nurses and for currently-licensed professional nurses and practical nurses practicing in other jurisdictions who apply for licensure in this Commonwealth. Statutory Authority: Sections 2.1(k) and 4.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 214.1; and sections 3.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 653.1 and 667.6.	
LPN/IV Therapy 49 Pa. Code § 21.145 (16A-5122)	Summer 2005, as Proposed.	This regulation addresses the LPN's role in working with peripherally inserted catheters (PIC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
RN and LPN Program Examination Pass Rates 49 Pa. Code, Chapter 21 (number not yet assigned)	Summer 2005, as Proposed.	This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
State Board of Nursing (cont'd) Volunteer License 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)	Spring 2005, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7142
State Board of Examiners of Nursing Home Administrators Requirements for Admission to Examination 49 Pa. Code § 39.5. (16A-627)	Summer 2005, as Proposed.	This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).	Christina Stuckey (717) 783-7155
State Board of Occupational Therapy Education and Licensure Oral Orders 49 Pa. Code § 42.25 (16A-675)	Spring 2005, as Final (with Proposed Omitted)	The regulation would amend the Board's regulations to conform to a change made by Act 30 of 2004 which now permits an occupational therapist to implement therapy for a specific medical condition based on a referral from a licensed optometrist. Statutory Authority: Sections 5(b) and 14 of the Occupational Therapy Practice Act, 63 P. S. §§ 1505(b) and 1514.	Lisa Burns (717) 783-1389
State Board of Optometry General Revisions 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528)	Spring 2005, as Final.	The Board is making general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory Authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).	Deborah Smith (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer License 49 Pa. Code § 23.26 (number not yet assigned)	Spring 2005, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	
State Board of Osteopathic Medicine Continuing Medical Education 49 Pa. Code, Chap. 16 (16A-5313)	Spring 2005, as Final.	This regulation would implement the act of March 20, 2002 (Act 13). Act 13 requires the Board to promulgate regulations requiring osteopathic physicians to complete CME in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	Gina Bitner (717) 783-4858
Athletic Trainers 49 Pa. Code, Chap. 16 (16A-5314)	Spring 2005, as Proposed.	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	
Deletion of Exam Fees 49 Pa. Code §§ 25.223 and 25.231 (16A-5315)	Spring 2005, as Proposed.	This regulation deletes references to examination fees from the Board's regulations because the national examiners set the fees rather than the Board. Statutory Authority: Section 13.1 of the Osteopathic Medical Practice Act, 63 P. S. § 271.13a.	
Subpoenas 49 Pa. Code § 25.292 (16A-5316)	Spring 2005, as Statement of Policy	This statement of policy outlines the circumstances under which an osteopathic physician may comply with a subpoena for medical records and will not be subject to discipline for violating patient confidentiality. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	
Volunteer License 49 Pa. Code, Chapter 25, Subchapter L, §§25.601—25.607. (number not yet assigned)	Spring 2005, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
State Board of Pharmacy Technology and Automation 49 Pa. Code, Chapter 27. (16A-5410)	Spring 2005, as Final.	The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).	Melanie Zimmerman (717) 783-7156
Drug Therapy and Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code, Chapter 27 (16A-5412)	Spring 2005, as Final.	Section 2 of Act 102 of 2002 requires the Board to adopt regulations establishing the parameters of written agreements or protocols for drug therapy management in institutional settings and to establish education and training standards and practice guidelines under which pharmacists may be authorized to administer injectable medications, biologicals, and immunizations to persons who are more than eighteen years of age. Statutory Authority: Sections 9.1 and 9.2 of the Pharmacy Act, 63 P. S. §§ 390-9.1 and 390-9.2.	
Deletion of Examination Fees 49 Pa. Code §27.91 (16A-5413)	Spring 2005, as Final.	This proposed amendment deletes references to the examination fees from the board's schedule of fees to avoid the necessity of amending the regulations whenever the test administrator changes the fees. Statutory Authority: Sections 4(j) and 6(k)(1) of the Pharmacy Act, 63 P. S. §§ 390-4(j), and 390-6(k)(1).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Biennial Renewal Fees 49 Pa. Code §27.91 (16A-5414)	Spring 2005, as Proposed.	This proposed regulation increases the biennial renewal fees for assistant pharmacists, registered pharmacists, and pharmacy permits. Statutory Authority: Sections 3(i), 6(k)(9) and 8.2 of the Pharmacy Act, 63 P. S. §§ 390-3(i); 390-6(k)(9); and 390-8.2.	
Supplies and Equipment 49 Pa. Code, Chapter 27 (16A-5415)	Summer 2005, as Proposed.	The regulation would amend existing regulations pertaining to supplies and equipment to eliminate a specific list of supplies and allow pharmacies to keep on hand supplies specific to the pharmacy's area of practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	
General Revisions 49 Pa. Code, Chapter 27 (16A-5416)	Summer 2005, as Proposed.	The proposed regulation would update the regulations of the Board to delete outdated portions and amend sections to recognize current pharmacy practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	
State Board of Podiatry Professional Liability Insurance 49 Pa. Code, Chapter 29, §§ 29.52—29.54 (16A-447)	Spring 2005, as Final.	This regulation would amend the current regulations to eliminate references to the Health Care Services Act and replaces them with references to the Medical Care Availability and Reduction of Error (Mcare) Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Gina Bittner (717) 783-4858
Sexual Misconduct 49 Pa. Code, Chapter 29 (16A-448)	Spring 2005, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Sections 15 and 16(3) of the Podiatry Practice Act, 63 P. S. §§ 42.15 and 42.16(3).	
Registration and Practice of Acupuncture 49 Pa. Code, Chapter 29 (16A-449)	Spring 2005, as Proposed.	This regulation is required to establish the registration fees and regulate the practice of acupuncturists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803	
Volunteer License 49 Pa. Code § 29.55 (number not yet assigned)	Spring 2005, as Proposed.	This regulation is required to amend the Board's regulations to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	
State Board of Psychology Education Requirements 49 Pa. Code § 41.31 (16A-6313)	Spring 2005, as Final.	This regulation would require all doctoral degree programs in psychology and fields related to psychology within North American and the U.S. territories to either be accredited by the APA/CPA or designated by ASPPB. Statutory Authority: Sections 3.2(1) and 6(a)(2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and 1206(a)(2).	Christina Stuckey (717) 783-7155
Qualifications 49 Pa. Code, Chapter 41 (16A-6315)	Summer 2005, as Proposed.	This regulation amends education, experience and examination requirements as well as creates new and amends existing supervisor requirements. Statutory Authority: Sections 3.2(1) and (2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and (2).	
Biennial Renewal Fees 49 Pa. Code § 41.12 (16A-6316)	Spring 2005, as Proposed.	This regulation would increase the biennial renewal fee for licensed psychologists. Statutory Authority: Section 3.3(a) of the Professional Psychologists Practice Act, 63 P. S. § 1203.3(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Real Estate Commission Reciprocal License 49 Pa. Code, Chapter 35. (16A-5610)	Spring 2005, as Final.	This regulation implements Act 58 of 2003, which adds provisions to the Real Estate Licensing and Registration Act related to reciprocal licenses. Act 58 became effective on February 28, 2004. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	Deborah Sopko
Schedule of Civil Penalties 49 Pa. Code § 43b.8 (16-32)	Summer 2005, as Final.	This regulation would amend the existing Act 48 Schedule of Civil Penalties formerly promulgated by the Real Estate Commission in 1998. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Continuing Education 49 Pa. Code, Chapter 47 (16A-693)	Spring 2005, as Proposed.	This regulation would require that licensees complete continuing education as a condition of license renewal. Statutory Authority: Sections 18(a) 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1918(a) and 1906(2).	Cindy Warner (717) 783-1389
Dual Licensing of Substance Abuse Services 49 Pa. Code § 49.17 (16A-697)	Spring 2005, as Statement of Policy.	This Statement of Policy establishes the Board's position on the dual licensing of providers of Substance Abuse Services by the Board and the Department of Health. Statutory Authority: Section 2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1902.	
Sexual Misconduct 49 Pa. Code §§ 50.20—50.25 (16A-691)	Spring 2005, as Final.	This regulation defines the professional relationship and prohibits sexual intimacies between a client/patient and the social worker, clinical social worker, marriage and family therapist or professional counselor. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	
Supervised Clinical Experience 49 Pa. Code, §§ 47.12c, 48.13 and 49.13. (16A-698)	Spring 2005, as Proposed.	This regulation permits supervised clinical experience to include group supervisory sessions within educational, institutional and agency settings without the requirement that the supervisor supervise no more than six individuals at the same time. Statutory Authority: Sections 6(2) and 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1906(2) and 1907.	
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Technical Amendments 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)	Summer 2005, as Prop	This regulation clarifies the definition of "accredited school" and deletes the requirement that supervisors of clinical social work applicants for licensure hold a license to practice social work in this Commonwealth so long as they are currently licensed to practice social work in any jurisdiction. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.	
Child Abuse Reporting Requirements 49 Pa. Code, Chapter 48 and 49 (16A-6910)	Spring 2005, as Proposed.	This regulation would extend the mandatory reporting requirements of the Child Protective Services Law (CPSL) to marriage and family therapists and professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2) and Section 6383 of the CPSL, 23 Pa.C.S. § 6383.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Code of Ethics 49 Pa. Code, Chapter 47, 48 and 49 (16A-6911)	Summer 2005, as Proposed.	The regulation would establish a code of ethics and standards of professional conduct for social workers, clinical social workers, marriage and family therapists and professional counselors licensed by the board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	
State Board of Examiners in Speech-Language and Hearing Continuing Education 49 Pa. Code, Chapter 45. (16A-6802)	Spring 2005, as Final.	This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).	Cindy Warner (717) 783-1389
Assistant Regulations 49 Pa. Code §§ 45.301—308. (16A-6801)	Spring 2005, as Proposed.	This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(8).	
State Board of Vehicle Manufacturers, Dealers and Salespersons Protest Procedures 49 Pa. Code, Chapter 19. (16A-608)	Spring 2005, as Proposed.	This regulation would establish procedures to be followed in franchise protest hearings. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Teresa Woodall (717) 783-1697
Act 48 of 1993 Civil Penalties 49 Pa. Code, Chapter 43b. (16-32)	Summer 2005, as Final.	This regulation would amend the schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Veterinary Medicine Certified Veterinary Technician Specialties 49 Pa. Code § 31.38. (16A-5716)	Spring 2005, as Proposed.	This regulation would provide that only an individual certified by a veterinary technology academy recognized by the National Association of Veterinary Technicians may hold himself or herself out as a specialist. Statutory Authority: Section 11 of the Veterinary Medicine Practice Act, 63 P. S. § 485.11.	J. Robert Kline (717) 783-7134
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
4 Pa. Code § 241.1. (definition of class of service multiplier)  4 Pa. Code § 243.8. Classes of service.  4 Pa. Code § 249.2(a) Administrative duties of the Board.	Summer 2005	Regulations have been superseded by statutory amendments	M. Catherine Nolan (717) 237-0392  Sean Sanderson (717) 237-0261
<b>STATE POLICE</b>			
Interception, maintenance, and destruction of Mobile Video Recordings 37 Pa. Code Chapter 50	June 2005, as proposed.	Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations. 18 Pa.C.S. §§ 5704(16), 5749	Syndi L. Guido (717) 772-0905
DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58	June 2005, as proposed	Act 185 of 2004 repealed Chapter 47 of Title 42 of the Pennsylvania Consolidated Statutes and amended Title 44 to add Chapter 23, DNA Data and Testing. The act requires the State Police to promulgate rules and regulations to carry out its provisions.	Syndi L. Guido (717) 772-0905

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	June 2005, as proposed	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school or employer. See 42 Pa. C.S. § 9799.1 Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them in light of Act 152 of 2004, which made substantive amendments to Megan's Law.	Syndi L. Guido (717) 772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
Emission Inspection 67 Pa. Code, Chapter 177	2005-2006	This regulation must be retained to stay in compliance with clean air goals. Due to various Vehicle Code amendments and other desired changes, amendments to the regulations are required in the areas of: inspection station signage, inspection sticker ordering procedures, the number of tests per hour, trigger provisions for program test types and frequency and definitions.	John Munafo (717) 787-2171
Temporary Registration Cards and Plates 67 Pa. Code, Chapter 43	2005-2006	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation as these items are now addressed in the required contracts.	Joe Centurione (717) 787-2171
School Buses and School Vehicles 67 Pa. Code, Chapter 171	September 2005	This regulation revision is needed to allow new and improved safety equipment and vehicle technology that is not included in the current regulation. Manufacturers are making new buses available with these safety improvements, but the current regulations do not include installation or use of this new safety equipment.	Chris Miller (717) 346-9479
Vehicle Equipment and Inspection 67 Pa. Code, Chapter 175	2005-2006	Several changes in law currently supercede some facets of this regulation. Due to various Vehicle Code amendments and other desired changes, amendments to the regulations are required in the areas of: hours or inspection station operation, the coordination of inspection and registration, street rod equipment requirements, refunds for unused stickers, definitions and the elimination of delayed language.	John Munafo (717) 787-2171
Driver's License Exam 67 Pa. Code, Chapter 75	April 2005	HB1912, Act 76 passed July 15, 2004, requires us to allow chiropractors to complete this physical. The regulation will be revised to allow chiropractors to complete the learner's permit physical.	Anne Titler (717) 783-4737
Special Mobile Equipment 67 Pa. Code, Chapter 13	2005	Act 211 of 2004, which takes affect January 29, 2005, changed the vehicle code definition of special mobile equipment. The regulation needs revised to align that definition change.	Joe Centurione (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Transfer, Exchange & Reclassification of Registration 67 Pa. Code, Chapter 51	June 2005	An amendment is needed to eliminate the transfer fee dollar amount reference, and replace with a reference to Section 1927 of the Vehicle Code. This will eliminate regulatory changes every time a fee increase occurs.	Phil VanBriggle (717) 787-2171
School Bus Drivers 67 Pa. Code, Chapter 71	September 2005	The regulation needs to be revised to allow Chiropractors to complete the school bus driver physical. HB1912, Act 76, passed July 15, 2004, requires this physical.	Chris Miller (717) 346-9479
Occupational Limited License 67 Pa. Code, Chapter 86	March 2005	Ordered by legislation to clarify investigative process for occupational limited license. SB8, Act 24, passed September 30, 2003, requires the Department to promulgate regulations to clarify how and when the Department will require additional information or conduct an investigation regarding a petition for an occupational limited license.	Anne Titler (717) 783-4737
Ignition Interlock 67 PA. Code, Chapter 88	March 2005	Ordered by legislation to clarify procedures and penalties associated with ignition interlock. SB8, Act 24, passed September 30, 2003, requires the Department to promulgate regulations to provide administrative direction for the ignition interlock program and to provide a mechanism for making a financial-hardship exemption available for the ignition interlock requirements.	Anne Titler (717) 783-4737
Messenger Services 67 Pa. Code, Chapter 255	2005-2006	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Joe Centurione (717) 787-2171
Child Passenger Protection 67 Pa. Code, Chapter 102	June 2005	Under Act 229, regulations are needed exempting the use of child passenger restraint systems when impractical for physical reasons, including but not limited to, medical reasons or size of the child.	D.J. Reed (717) 783-4577
201—Engineering & Traffic Studies 67 Pa. Code, Chapter 201	June 2005	Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices, therefore, the regulation will become part of a new Chapter 212. This chapter will be deleted.	Richard Sesny (717) 783-6080
Work Zone Traffic Control 67 Pa. Code, Chapter 203	June 2005	Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices, therefore, the regulation will become part of a new Chapter 212. This chapter will be deleted.	Richard Sesny (717) 783-6080
Additional Traffic Control Devices in Highway Work Zones - Statement of Policy 67 Pa. Code, Chapter 204	June 2005	Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices, therefore, the regulation will become part of a new Chapter 212. This chapter will be deleted.	Richard Sesny (717) 783-6080
Official Traffic Control Devices 67 Pa. Code, Chapter 211	June 2005	Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices, therefore, the regulation will become part of a new Chapter 212. This chapter will be deleted.	Richard Sesny (717) 783-6080
Posting of Private Parking Lots 67 Pa. Code, Chapter 217	June 2005	Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices, therefore, the regulation will become part of a new Chapter 212. This chapter will be deleted.	Richard Sesny (717) 783-6080



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Hazardous Material Transportation 67 Pa. Code, Chapter 403	June 2005	Some changes are required to accommodate changes in the Federal Hazardous Materials Transportation Regulations.	Dan Smyser (717) 787-7445
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code, Chapter 441	June 2005	Update to better reflect current requirements.	Dan Smyser (717) 787-7445
Pre-qualification of Bidders 67 Pa. Code, Chapter 457	June 2005	36 P. S. Section 670-404.1 "Prequalification of Bidders" mandates the Department to have regulations to establish and maintain a system for the qualification of competent and responsible bidders.	Joe Cribben (717) 787-3733
Alcohol Highway Safety Schools and Driving Under the Influence Program Coordinators 67 Pa. Code, Chapter 94	June 2005	This is a new regulation being promulgated to comply with 75 Pa.C.S. § 1549(b).	Dave Holt (717) 787-6853

[Pa.B. Doc. No. 05-257. Filed for public inspection February 4, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
14-490	Department of Public Welfare Special MA Eligibility Provisions 34 Pa.B. 6335 (November 27, 2004)	12/27/04	1/26/05

### Department of Public Welfare Regulation No. 14-490 (IRRC No. 2449)

#### Special MA Eligibility Provisions

January 26, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on December 27, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### 1. Section 140.621. Conditions of eligibility.—Clarity.

This section references eligibility requirements applicable to the Breast and Cervical Cancer Prevention and Treatment program (BCCPT) which are found in several chapters of the Department's existing regulations. Paragraph (1)(iii) references Chapter 149 relating to citizen-

ship and alienage. Community Legal Services, Inc. (CLS) commented that Chapter 149 relates to the former Aid to Families with Dependent Children program, not the Medical Assistance (MA) program. CLS suggests that the reference to Chapter 149 be replaced with a reference to Chapter 150 which pertains to the MA program. We agree and suggest that the Department make this change in the final-form regulation.

#### 2. Section 140.631. Income eligibility limitations.—Clarity.

This section references income limits "necessary to be eligible for screening by the CDC's [Centers for Disease Control and Prevention] NBCCEDP [National Breast and Cervical Cancer Early Detection Program]." Clarity would be improved by specifically identifying or including a cross-reference to where these income limits can be found and how an individual's income is determined.

#### 3. Section 140.681. Reporting of changes.—Clarity.

This section requires recipients to report "changes in circumstances that would affect eligibility for . . . BCCPT within 10 days from the date of the change." Clarity

would be improved by listing the specific eligibility factors for which changes must be reported.

#### 4. Definition of "treatment."—Clarity.

Throughout the regulation, the Department uses the phrase "need treatment" in defining "BCCPT" and describing the circumstances which qualify a woman for services under BCCPT. The Pennsylvania Health Law Project commented that the phrase "need treatment" is vague because it is unclear if this phrase includes medication treatments designed to prevent the recurrence of cancer.

We note that *Medical Assistance Bulletin 99-01-12*, effective January 1, 2002, defines "treatment for breast or cervical cancer" as:

Medical services, which are, or are reasonably expected to:

- a. ameliorate the direct effects of the breast or cervical cancer; or
- b. aid in the clinical characterization of the breast or cervical cancer, including test of cure but excluding screening for recurrence or new primary cancers; or
- c. prevent the recurrence of breast or cervical cancer.

Under this definition, medication treatments designed to prevent the recurrence of cancer would fall under paragraph c. To prevent confusion in the implementation of this regulation, the Department should include the definition of "treatment for breast or cervical cancer" in the final-form regulation.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-258. Filed for public inspection February 4, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Ron Dunn Agency under Act 143; Conemaugh Valley Mutual Insurance Company; Doc. No. AT05-01-037

A pre-review telephone conference initiated by this office is scheduled for February 14, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 2, 2005. A date for a review shall be determined, if necessary, at the prereview telephone conference.

No pre-review memoranda or other written submissions are required for the pre-review conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-259. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Lincoln Park Sunoco; Statement

#### Appeal of Lincoln Park Sunoco under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 02-0336(F); Doc. No. UT05-01-036

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

On or before February 15, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for their disagreement with the Underground Storage Tank Indemnification Fund's decision. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before February 24, 2005. Answers to petitions to intervene, if any, shall be filed on or before March 7, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-260. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Reporting and Disclosure of Criminal Convictions; No. 2005-02

The Insurance Department (Department) has consistently monitored alleged criminal misconduct involving its licensees. Most recently the Department has obtained access to J-net, a database which provides information as to individuals, including licensees, who have been charged with criminal activity. Licensees have a statutory responsibility to report criminal allegations or convictions to the Department, and those who fail to do so are clearly in violation of the laws of the Commonwealth.

Under section 678-A(b) of The Insurance Department Act of 1921 (act) (40 P. S. § 310.78(b)), within 30 days of being charged with criminal conduct (that is, upon the filing of a written criminal complaint or an arrest without a warrant), a producer is required to report the charges to the Department. The producer must also provide the Department with all of the following documents within 30 days of their availability:

- (1) A copy of the criminal complaint, information or indictment.
- (2) A copy of the order resulting from a pretrial hearing, if any.
- (3) A report of the final disposition of the charges.

A producer who fails to fully and timely comply with section 678-A(b) of the act may face civil penalties and/or a licensing action.

Further, producers must disclose criminal charges and convictions on their initial and renewal license applications, with a complete, detailed explanation thereof. Information must be truthful, complete and accurate. Any errors, misrepresentations or omissions may result in the

denial or rejection of an application, license denial and/or an administrative enforcement action which may include license revocation and imposition of monetary penalties. Also, incomplete, inaccurate or misleading information, statements or omissions may constitute criminal violations under State or Federal law.

Reporting and supporting documentation outlined in this notice, of criminal charges or convictions involving any type of arrest (including driving under the influence), must be sent in writing to Jack Yanosky, Director, Insurance Department, Bureau of Producer Services, 1209 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-261. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of William J. Kane, III; file no. 04-181-12687; Erie Insurance Exchange; doc. no. P05-01-035; March 23, 2005, 10 a.m.

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

Appeal of Virginia Baltzell; file no. 04-266-04453; Shelby Insurance Company; doc. no. PH05-01-034; April 26, 2005, 10 a.m.

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

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-262. Filed for public inspection February 4, 2005, 9:00 a.m.]

### Omnia M. Samra, M.D.; Prehearing

#### Appeal of Omnia M. Samra, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-01-017

On or before February 24, 2005 the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 17, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 2, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 15, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 22, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-263. Filed for public inspection February 4, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Berks County, Wine & Spirits Shoppe No. 0606, 798 South 4th Street, Hamburg, PA 19526.

*Lease Expiration Date:* November 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,800 net useable square feet of new or existing retail commercial space within the vicinity of Hamburg Borough.

*Proposals due:* February 25, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Jefferson County, Wine & Spirits Shoppe No. 3303, 445 Main Street, Brockway, PA 15824-1337.

*Lease Expiration Date:* November 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space located in Brockway within 1/2 mile of the intersections of U. S. Route 219 and State Route 28. Site must have access for rear tractor-trailer deliveries.

*Proposals due:* February 25, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Luzerne County, Wine & Spirits Shoppe No. 4022, Weis Market Shopping Center, South Mountain Blvd., R. D. 9, Mountaintop, PA 18707.

*Lease Expiration Date:* January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,400 to 4,000 net useable square feet of new or existing retail commercial space along State Route 309 in Wright Township or adjacent municipality.

*Proposals due:* March 4, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

The Liquor Control Board seeks the following new leases:

Beaver County, Wine & Spirits Shoppe No. 0402, Aliquippa.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space located inside of or adjacent to a supermarket. The location should be within a 3-mile radius of Route 60 and Green Garden Road, Aliquippa.

*Proposals due:* February 25, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph J. Molhoek, (412) 565-5130

Berks County, Wine & Spirits Shoppe No. 0607, Leesport Borough.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within the vicinity of Leesport Borough.

*Proposals due:* February 25, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 05-264. Filed for public inspection February 4, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 28, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-00121399, Dale W. Reese** (16 Keper Avenue, Lancaster, Lancaster County, PA 17603)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster, Perry and Dauphin, and from points in said counties, to points in Pennsylvania, and return.

**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-00120953, Folder 2, Marco Tralongo t/d/b/a Quality Limousine Service** (4806 Gardenville Road, Pittsburgh, Allegheny County, PA 15236)—persons, in limousine service, between points in the Counties of Allegheny, Butler, Westmoreland and Beaver, and from points in said counties, to points in Pennsylvania, and return.

**Application of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00119046, F. 1, Am-A (Corrected), Maybelline Limousine, Inc.** (626 Lackawanna Avenue, Scranton, Lackawanna County, PA 18503)—inter alia, a corporation of the Commonwealth of Pennsylvania—for a certificate of

public convenience to abandon/discontinue the right to transport, as a common carrier by motor vehicle, persons, in limousine service, between points in Pennsylvania.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-265. Filed for public inspection February 4, 2005, 9:00 a.m.]

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### Telecommunications

**A-311014F7012. Citizens Telephone Company of Kecksburg and Armstrong Telecommunications, Inc.** Joint petition of Citizens Telephone Company of Kecksburg and Armstrong Telecommunications, Inc. for approval of a local network interconnection and traffic exchange agreement under section 252(e) of the Telecommunications Act of 1996.

Citizens Telephone Company of Kecksburg and Armstrong Telecommunications, Inc., by its counsel, filed on January 25, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a local network interconnection and traffic exchange agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Citizens Telephone Company of Kecksburg and Armstrong Telecommunications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-266. Filed for public inspection February 4, 2005, 9:00 a.m.]

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### Telecommunications

**A-310183F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Communications Company, L. P.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Communications Company, L. P. for approval of a master interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Communications Company, L. P., by its counsel, filed on December 30, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a

Sprint and Sprint Communications Company, L. P. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-267. Filed for public inspection February 4, 2005, 9:00 a.m.]

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### Telecommunications

**A-310633F7000. Verizon Pennsylvania Inc. and Level 3 Communications, LLC.** Joint petition of Verizon Pennsylvania Inc. and Level 3 Communications, LLC for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Level 3 Communications, LLC, by its counsel, filed on January 14, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Level 3 Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-268. Filed for public inspection February 4, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Condensed State of Changes in Net Assets Audited

#### June 30, 2004 and 2003 Condensed State of Changes in Net Assets Audited

	<i>Year to Date June 30, 2004</i>	<i>Year to Date June 30, 2003</i>
Total Revenues	5,852,282	4,117,996
Total Operating Expenses	18,616,802	16,846,161
Operating Gain (Loss)	<12,764,520>	<12,728,165>
Net Nonoperating Revenues (Expenses)	7,817,242	371,257
(Loss) Gain Before Capital Grants	<4,947,278>	<12,356,908>

	<i>Year to Date June 30, 2004</i>	<i>Year to Date June 30, 2003</i>
Capital Grants	9,031,831	11,993,455
Change in Net Assets	4,084,553	<363,453>
Net Assets, Beginning of Year	23,741,065	24,104,517
Net Assets, End of Year	27,825,618	23,741,065

**June 30, 2004 and 2003 Condensed Statement of Net Assets Audited**

	<b>Assets</b>	
Total Current Assets	3,984,338.21	6,588,989.95
Total Noncurrent Assets	86,290,261.17	81,262,723.54
Total Assets	90,274,599.38	87,851,713.49
	<b>Liabilities and Net Assets</b>	
Total Current Liabilities	6,161,160.14	5,750,834.18
Total Noncurrent Liabilities	56,287,821.42	58,359,813.92
Total Liabilities	62,448,981.56	64,110,648.10
Total Net Assets	27,825,617.82	23,741,064.79
Total Liabilities and Net Assets	90,274,599.38	87,851,712.89

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

[Pa.B. Doc. No. 05-269. Filed for public inspection February 4, 2005, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Wilson O. Rigdon, III; Doc. No. 1700-56-03**

On November 19, 2004, the State Real Estate Commission (Commission) revoked the license to practice real estate issued to Wilson O. Rigdon, III, License No. RS-145515-A, of Bala Cynwyd, Montgomery County for: (1) failing to account for moneys deposited in an escrow account at the time of consummation or termination of the transaction; (2) failing to keep records of all funds deposited in the escrow account; (3) failing to preserve records relating to any real estate transaction for 3 years following consummation; (4) failing to produce the records for examination by the Commission's representative upon request; (5) failing to pay over a security deposit to a tenant at the end of the tenancy; (6) failing to provide information to the Commission as a result of a complaint; (7) engaging in conduct in a real estate transaction with demonstrated bad faith, dishonesty, untrustworthiness or incompetency; (8) failing to exercise reasonable professional skill and care; (9) failing to deal honestly and in good faith; and (10) failing to account in a timely manner for all money and property received from or on behalf on any consumer to a transaction.

JOSEPH H. MCGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 05-270. Filed for public inspection February 4, 2005, 9:00 a.m.]