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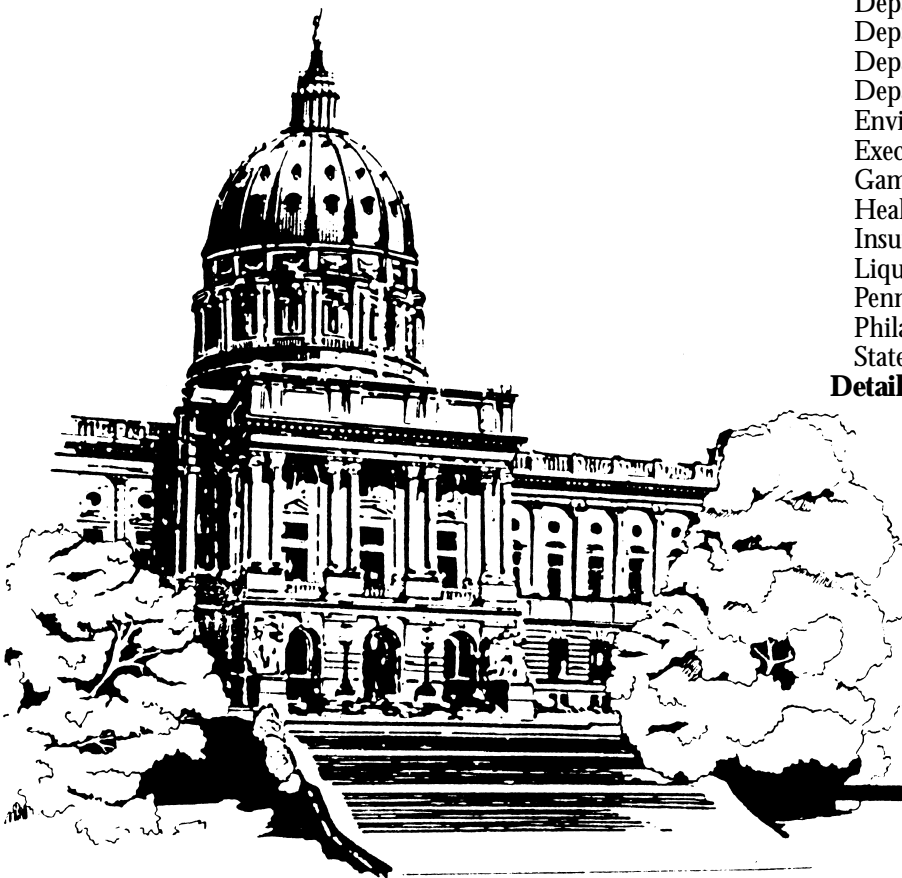
See Part II page 97 for the
Subject Index for
January—December 2005

Part I

Agencies in this issue:

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Transportation
Environmental Quality Board
Executive Board
Game Commission
Health Care Cost Containment Council
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Employees' Retirement Board

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 374, January 2006

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2006.

4 Pa. Code (Administration)

Statements of Policy

9 29

58 Pa. Code (Recreation)

Proposed Rules

131 12

139 12, 13

141 19, 20, 21, 22

143 23

147 23, 25, 26, 27

67 Pa. Code (Transportation)

Proposed Rules

105 12

231 Pa. Code (Rules of Civil Procedure)

Proposed Rules

1910 10

1915 10

1920 10

1930 10

THE GENERAL ASSEMBLY

Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2005 GENERAL ACTS ENACTED—ACT 080 through 081					
080	Dec 16	HB0163	PN3311	Immediately	Unemployment Compensation Law—compensation rates
081	Dec 16	HB1539	PN3176	Immediately	The Fiscal Code—reports to Secretary of Revenue and establishment of an appropriation to Emergency Energy Assistance Fund

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 06-1. Filed for public inspection January 6, 2006, 9:00 a.m.]

Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2005 GENERAL ACTS ENACTED—ACT 082 through 096					
082	Dec 22	SB0358	PN1141	60 days	Military and Veterans Code (51 Pa.C.S.)—limitations in educational assistance program
083	Dec 22	SB0869	PN1406	60 days	Military and Veterans Code (51 Pa.C.S.)—health insurance benefits extended for certain military personnel deployed while full-time students
084	Dec 22	HB1049	PN3153	60 days	Barbers' License Law—barber-teacher license application, examination and barber shop operation requirements
085	Dec 22	HB1686	PN3174	60 days	Crimes Code (18 Pa.C.S.)—paintball guns and paintball markers offenses, criminal mischief and sale and use of air rifles

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
086	Dec 22	HB1690	PN3218	60 days	Game Code (34 Pa.C.S.)—unlawful devices and methods and license requirements
087	Dec 22	HB1802	PN2566	Immediately	Capital Facilities Debt Enabling Act—omnibus amendments
088	Dec 22	HB2041	PN3327	Immediately	Medical Care Availability and Reduction of Error (MCARE) Act—omnibus amendments
089	Dec 22	SB0394	PN1400	Immediately	Municipal Police Pension Law—payments under existing pension plans for service increments to pensions of police officers
090	Dec 22	SB0539	PN0872	60 days	Game Code (34 Pa.C.S.)—private property trespass while hunting offense and penalties
091	Dec 22	SB0573	PN1382	Immediately	Fourth to Eighth Class County Assessment Law—valuation of persons and property
092	Dec 22	SB0596	PN0616	60 days	Conveyance—Commonwealth property in Borough of Ambridge, Beaver County
093	Dec 22	SB0618	PN1359	60 days	Equine Activity Immunity Act—enactment
094	Dec 22	SB0712	PN1410	180 days	Breach of Personal Information Notification Act—enactment
095	Dec 22	SB0736	PN1411	Immediately	Pennsylvania Construction Code—regulations and applicability on certain uncertified buildings
096	Dec 22	SB0895	PN1417	60 days	Crimes Code (18 Pa.C.S.)—police animals
2005 APPROPRIATION ACTS ENACTED—ACT 040A					
040	Dec 22	SB1034	PN1398	Immediately	General Appropriation Act of 2005—increasing State appropriation for payment of law enforcement officers' and emergency response personnel death benefits

*denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

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ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 06-2. Filed for public inspection January 6, 2006, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA 17101:

Tuesday, February 7, 2006	Dinner/Work Session	6:30 to 7:30 p.m.
Wednesday, February 8, 2006	Quarterly Commission Meeting	9 a.m.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 06-3. Filed for public inspection January 6, 2006, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915, 1920 AND 1930] Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 74

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, March 24, 2006 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

By the Domestic Relations Procedural Rules Committee
NANCY P. WALLITSCH,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

* * * * *

(b) *Treatment of Public Assistance, SSI Benefits and Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement.*

* * * * *

(2) Social Security Derivative Benefits.

(A) If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement[, death] or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the

schedule at the combined income of the obligee, obligor and child's benefits shall then be [reduced by the amount of the child's benefits before apportioning the remaining support obligation] apportioned between the parties pursuant to Rule 1910.16-4. Then, the amount of the child's benefit shall be deducted from the obligor's share of the basic support amount.

(B) For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined incomes of the obligee and the obligor, plus the child's benefits, shall then be reduced by the amount of the child's benefits before apportioning the remaining support obligation between the parties. The income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.

Example 1. If the obligor has net income of \$1,200 per month; the obligee has net monthly income of \$800; and the child receives Social Security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$568 per month. [From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$568 minus \$300 equals \$268). Then, apply] Apply the formula at Rule 1910.16-4 to apportion the [remaining] basic child support amount of [\$268] \$568 between the obligor and the obligee in proportion to their respective incomes. The obligor's \$1,200 net income per month is 60% of the total of the obligor's and the obligee's combined net monthly income. Thus, under the formula, the obligor's support obligation would be 60% of [\$268] \$568, or [\$161] \$341, per month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$341 - \$300 = \$41). The obligor's basic support obligation is \$41.

* * * * *

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

					OBLIGOR	OBLIGEE
					*	*
					*	*
					*	*
					*	*
9.	Less Child's Monthly Social Security Derivative	Death				
	Benefit, if any				(_____)	
					*	*
					*	*
					*	*
					*	*

- 12. a. Each Parent's **Preliminary** Monthly Share of the Basic Child Support Obligation (multiply line 10 and 11) _____
- b. Subtract Child's Social Security Derivative Disability or Retirement Benefit, if any, from the Obligation of the Obligor** _____
- c. Each Parent's Monthly Share of the Basic Child Support Obligation** _____

PART II. SUBSTANTIAL or SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE
(See subdivision (c) of this rule)

- 13. a. Percentage of Time **[Spent] Obligor Spends** with Children (divide number of overnights with obligor by 365 and multiply by 100) _____ %
 * * * * *
- d. Obligor's Preliminary Adjusted Share of the Basic Monthly Support Obligation** (multiply line 13c and line 10) _____
- e. Further adjustment, if necessary under Rule 1910.16-2(b)(2)(disability or retirement derivative benefits) and/or subdivision (c)(2) of this rule** _____
- f. Obligor's Adjusted Share of the Basic Child Support Amount.** _____

PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)
 * * * * *

- 15. **OBLIGOR'S TOTAL MONTHLY SUPPORT OBLIGATION** (add line 12c (or 13[**d or e**] f) (if applicable) and line 14f) _____

PART IV. SPOUSAL SUPPORT OR APL With Dependent Children
 * * * * *

- 20. **Less Obligor's Total Monthly Child Support Obligation Without Part II Substantial or Shared Custody Adjustment** (Obligor's line 12c plus line 14f) (_____)
 * * * * *

[Pa.B. Doc. No. 06-4. Filed for public inspection January 6, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 105]

Mechanical, Electrical and Electronic Speed-Timing Devices

The Department of Transportation hereby gives notice that the proposed rulemaking amending 67 Pa. Code Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices published at 35 Pa.B. 6773 (December 17, 2005) has been withdrawn.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-5. Filed for public inspection January 6, 2006, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 139]

Preliminary Provisions; Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend §§ 131.2 and 139.2 (relating to definitions).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, the definitions in § 139.2 define various terms for the purposes of Chapter 139 (relating to seasons and bag limits) only. Unfortunately, this means that some of the important terms defined in this section have no definition for the purposes of other chapters. To better serve the Commission and the public, the Commission is proposing to relocate the majority of the definitions in § 139.2 with cross-chapter application to § 131.2, which should allow these definitions to have broader application.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking,

the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 131.2 and 139.2 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 131.2 and 139.2 by relocating the majority of the definitions in § 139.2 to § 131.2 to permit cross chapter application of the subject definitions.

3. Persons Affected

Persons wishing to hunt and trap in this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-225. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Antlered deer—

(i) **In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having four or more points to one antler.**

(ii) **In all other wildlife management units, a deer having three or more points to one antler.**

(iii) **In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.**

***Antlered elk*—An elk having at least one spike visible above the hairline.**

Antlerless deer—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

Antlerless elk—An elk without antlers, or an elk with no spike visible above the hairline.

* * * * *

Client—A person who receives the services of a guide.

Closed season—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

* * * * *

Early small game hunting season—A designated period when the only resident small game which may be hunted and taken are woodchucks, squirrels and grouse.

* * * * *

Guide—A person who assists another person to hunt or take game by locating game, calling game or directing another to game.

* * * * *

Point—An antler projection at least 1 inch in length from base to tip. The main beam tip shall be counted a point regardless of length.

* * * * *

Protected deer—A deer not defined as an antlered deer or an antlerless deer.

* * * * *

Regular firearms deer season—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

Regular small game hunting season—The designated period of time when resident small game species may be hunted and taken.

* * * * *

Special firearms deer season—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

* * * * *

Antlered elk—An elk having at least one spike visible above the hairline.

Antlerless deer—A deer without antlerless, or a deer with antlers both of which are less than 3 inches in length.

Antlerless elk—An elk without antlers, or an elk with no spike visible above the hairline.

Client—Any person who receives the services of a guide.

Closed season—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.]

* * * * *

[**Early small game hunting season**—A designated period when only squirrels and grouse may be hunted and taken.]

* * * * *

[**Guide**—Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.

Point—An antler projection at least 1 inch in length from base to tip, the main beam tip shall be counted a point regardless of length.

Protected deer—A deer not defined as an antlered deer or an antlerless deer.

Regular firearms deer season—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

Regular small game hunting season—The designated period of time when resident small game species may be hunted and taken.]

* * * * *

[**Special firearms deer season**—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.]

[Pa.B. Doc. No. 06-6. Filed for public inspection January 6, 2006, 9:00 a.m.]

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[**Antlered deer**—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having four or more points to one antler.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

[58 PA. CODE CH. 139] Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2006-2007 hunting license year.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2006-2007 seasons and daily season and possession limits are similar to those set in 2005-2006, the 2006-2007 seasons and bag limits have been amended to conform to current scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth. Some notable proposed amendments for hunters next season will be expanded beaver trapping opportunities in wildlife management units (WMU) 2E, 5A, 5B, 5C and 5D, as well as expanded bear hunting opportunities in WMUs 2F, 2G, 3A, 4A, 4B and 4D. The expanded bear hunting opportunities are the result of the creation of a proposed trial bear archery season that will take place during the week prior to the traditional Statewide bear season. The Commission proposed this trial bear archery season in response to substantial requests from a portion of the bear hunting community for the same. However, it is important to note that the Commission has proposed this season with some reservation due to its concerns with the creation of new administrative challenges in implementing the new season as well as the creation of additional demands on the bear resource through increased harvest rates. Nonetheless, as the next license year is approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2006-2007 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . .” The amendment to § 139.4 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2006-2007 license year.

3. *Persons Affected*

Persons wishing to hunt and trap in this Commonwealth during the 2006-2007 license year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking may result in some additional cost and paperwork associated with the creation of the proposed bear archery season. This is due in part to the fact that any bears harvested will need to be checked by officers in the field on a case-by-case basis since it makes little economic sense to operate traditional check stations. Also, with the creation of any new season the Commission must draw on its resources to ensure necessary administrative and enforcement support.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2006, to June 30, 2007.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-216. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 139. SEASONS AND BAG LIMITS
§ 139.4. Seasons and bag limits for the license year.

(SEASONS AND BAG LIMITS TABLE)
2006-2007 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	6	12
Squirrels—(Combined species)	Oct. 14	Nov. 25	6	12
	and	Dec. 23		
	Dec. 11	and		
	Dec. 26	Feb. 3, 2007		
Ruffed Grouse—(Statewide)	Oct. 14	Nov. 25	2	4
	and	Dec. 23		
	Dec. 11	and		
	Dec. 26	Jan. 27, 2007		

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted “RESEARCH AREA—NO GROUSE HUNTING”				
Rabbits, Cottontail	Oct. 21 Dec. 11 Dec. 26	and and and Nov. 25 Dec. 23 Feb. 3, 2007	4	8
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B & 4D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D	Oct. 21	Nov. 25	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D 4A, 4B & 4D	Oct. 21 Dec. 11 Dec. 26	and and and Nov. 25 Dec. 23 Feb. 3, 2007	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 21	Nov. 25	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2007	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
Wildlife Management Units 1A & 1B (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 11		
Wildlife Management Units 2A & 2B (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 18		
Wildlife Management Units 2C, 2E, 4A, 4B & 4D	Oct. 28	Nov. 11		
Wildlife Management Units 2D, 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 28	Nov. 18		

PROPOSED RULEMAKING

Species	First Day Limit	Last Day	Daily Limit	Season Limit
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Units 5C & 5D (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 3		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 28, 2007	May 26, 2007	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 21, 2007	April 21, 2007	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the Federal Register on or about August 27 and September 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 29	Nov. 25 April 1, 2007	Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season		Unlimited

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
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FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2007	6	12
Quail	Sept. 1	Mar. 31, 2007	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2007	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2007	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2007	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2007	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlered & Antlerless—(Statewide) ¹ (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 30 and Dec. 26	Nov. 11 Jan. 12, 2007	One antlered and an antlerless deer with each required antlerless license.

DEER

Species	First Day	Last Day	Season Limit
Deer, Regular Antlered & Antlerless—(Statewide) ¹	Nov. 27	Dec. 9	One antlered, and an antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U. S. Armed Forces, or in the U. S. Coast Guard, with required antlerless license	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 26	Jan. 13, 2007	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 13, 2007	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 5C & 5D	Dec. 11 Dec. 26	and Jan. 27, 2007	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age—(Bows and Arrows only) ⁴ Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 15	Nov. 16	1	1
Bear, any age—(Statewide) ⁴	Nov. 20	Nov. 22	1	1
Bear, any age ⁴ Wildlife Management Units 3B, 3C, 3D, 4C & 4E	Nov. 27	Dec. 2	1	1
Bear, any age ⁴ Rockview Prison	Nov. 27	Dec. 2	1	1

ELK

Elk, Antlered & Antlerless ⁶ (With each required license)	Nov. 6	Nov. 11	1	1
Elk, Antlered & Antlerless ⁶ (With each required license)	Sept. 17, 2007	Sept. 22, 2007	1	1

FUR TAKING—TRAPPING

Minks and Muskrats—(Statewide)	Nov. 18	Jan. 6, 2007	Unlimited
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Species	First Day	Last Day	Daily Limit	Season Limit
Beaver—(Statewide)	Dec. 26	Mar. 31, 2007		
Wildlife Management Units 2E, 2F & 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 22	Feb. 17, 2007		Unlimited
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2007		Unlimited
Bobcat ³ Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 22	Feb. 17, 2007	1	1
FURTAKING—HUNTING				
Coyotes—(Statewide)	Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.			Unlimited
Coyotes—(During any archery deer season)	May be taken while lawfully hunting deer or with a furtaker's license.			
Coyotes—(During the regular firearms deer season and any bear season)	May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360° arc.			
Coyotes—(During the spring gobbler turkey season)	May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.			
Opossums, Skunks, Weasels ⁷ (Statewide)	No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide) ⁷	Oct. 21	Feb. 17, 2007		Unlimited
Bobcat ³ Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 21	Feb. 17, 2007	1	1

No open seasons on other wild birds or wild mammals.

¹ Only one antlered deer (buck) may be taken during the hunting license year.

² Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

³ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁴ Only one bear may be taken during the hunting license year.

⁵ Second spring gobbler may only be taken by persons who possess a valid special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees).

⁶ Only one elk may be taken during the hunting license year.

⁷ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

**[58 PA. CODE CH. 141]
Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to rescind §§ 141.25—141.27 (relating to early goose hunting season; early Canada goose hunting season on Middle Creek Wildlife Management Area; and early Canada goose hunting season on Pymatuning Wildlife Management Area) to eliminate redundant and unnecessary language.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 139.4 (relating to season and bag limits for the license year) states that “Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under the authority of the Migratory Bird Treaty Act (16 U.S.C. §§ 703—711) as published in the Federal Register. . . .” Since the early goose seasons, including hunting zone definitions, are presently published and adopted each year by the United States Secretary of the Interior in the manner previously described, §§ 141.25, 141.26 and 141.27 are currently redundant and unnecessary. Therefore, the Commission is proposing to eliminate §§ 141.25, 141.26 and 141.27.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” Sections 141.25, 141.26 and 141.27 are proposed to be rescinded under this authority.

2. Regulatory Requirements

The proposed rulemaking will rescind §§ 141.25, 141.26 and 141.27 to remove redundant and unnecessary language.

3. Persons Affected

Persons wishing to hunt migratory birds in this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-226. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.25. [**Early goose hunting season**] (Reserved).

[**(a) Early season and description.**

(1) Subject to approval of the United States Fish and Wildlife Service, there will be an early Canada goose hunting season starting on September 1 (except when Sunday, then September 2), and ending on September 25 (except when Sunday, then September 24) Statewide.

(2) Geese may not be taken in that portion of Crawford County which is in the area south of S.R. 198 from the Ohio line to the intersection of S.R. 18, to the intersection of U.S. Route 322/S.R. 18, to the intersection of S.R. 3013, south to the Crawford/Mercer County line.

(3) Bag limit. There is a daily bag limit of five and a possession limit of ten geese with the exception of the closed area in Crawford County and Middle Creek Wildlife Management Area.

(b) Shooting hours. Shooting hours for goose hunting during the early goose hunting season is 1/2 hour before sunrise to sunset.

(c) Unlawful acts. It is unlawful to hunt Canada geese during the early goose hunting season inside the boundaries of the closed areas.]

§ 141.26. [**Early Canada goose hunting season on Middle Creek Wildlife Management Area**] (Reserved).

[**During an early Canada goose season, the following apply:**

(1) Opening of controlled hunting area. In years when the United States Fish and Wildlife Service authorizes a regular fall Canada goose hunting season, and an early Canada goose hunting season, the Director may open the controlled hunting area at Middle Creek Wildlife Management Area for early Canada goose hunting.

(2) Registration for Middle Creek controlled goose hunting area, early season and description.

(i) Section 135.103 (relating to registration for controlled goose hunting areas) applies.

(ii) The restrictions as defined in § 135.104 (relating to restrictions on controlled goose hunting areas) apply.

(3) *Bag limits.* The bag limit in the controlled area of Middle Creek Wildlife Management Area is one goose.]

§ 141.27. [Early Canada goose hunting season on Pymatuning Wildlife Management Area] (Reserved).

[In lieu of fall season, the following apply:

(1) **Opening of controlled hunting areas.** In years when the United States Fish and Wildlife Service does not authorize a regular fall Canada goose hunting season, but does authorize an early Canada goose hunting season, the Director may open the controlled hunting area at Pymatuning Wildlife Management Area for Canada goose hunting. When the controlled hunting area is open during an early Canada goose hunting season, the closed areas in Crawford County, as defined in § 141.25(a)(2) (relating to early and late goose hunting seasons) do not apply.

(2) **Registration for Pymatuning controlled goose hunting area, early season and restrictions.**

(i) Section 135.103 (relating to registration for controlled goose hunting areas) applies, except that applications will be accepted through the second Saturday in August and a public drawing will be held at the registration center at 10:00 a.m. on the second Saturday in August.

(ii) The restrictions as defined in § 135.104 (relating to restrictions on controlled goose hunting areas) apply.

(3) *Bag limits.* The bag limit in the controlled area of Pymatuning Wildlife Management Area is one goose.]

[Pa.B. Doc. No. 06-8. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Artificial Lights

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.7 (relating to use of artificial lights) to extend the recreational spotlighting ban to all regular firearms seasons within each wildlife management unit (WMU).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recognizes that recreational spotlighting can have substantial negative impacts on landowner,

public and wildlife management concerns. In the past, by and through § 141.7, the Commission has consistently prohibited recreational spotlighting, but only during the 2-week concurrent antlered and antlerless deer rifle seasons. However, the language of this provision has been inflexible and unable to adapt to the Commission's recent use of the extended regular firearms seasons in certain WMUs. Since the justifications for the recreational spotlighting prohibition are equally applicable to the extended firearms deer seasons, the Commission is proposing to amend § 141.7 by extending the recreational spotlighting ban to all "regular firearms deer seasons" within each individual WMU. Section 139.2 (relating to definitions) defines "regular firearms deer season" as that "designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only." This expansion will have no effect on recreational spotlighting during the early archery, early muzzleloader or special firearms seasons of all WMUs. However, this expansion will impact recreational spotlighting during the late archery and (flintlock) muzzleloader seasons, but only in those WMUs where the regular firearms deer season extends into and runs concurrent with the late archery and (flintlock) muzzleloader seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, . . . the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat . . . wildlife in this Commonwealth." The amendment to § 141.7 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.7 to extend the recreational spotlighting ban to all regular firearms deer seasons within each individual management unit.

3. Persons Affected

Persons wishing to engage in recreational spotlighting within a WMU having an extended regular firearms deer season will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-220. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. GENERAL

§ 141.7. Use of artificial lights.

* * * * *

(b) For the purpose of enforcing section 2311 of the act (relating to restrictions on recreational spotlighting), the terms "antlered deer rifle season" and "antlerless deer rifle season" mean that period of time from 12:01 a.m. on the first day of the [**concurrent antlered and antlerless**] **regular firearms deer season** to 12 midnight on the last day including Sundays **within each individual wildlife management unit.**

[Pa.B. Doc. No. 06-9. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Cable Restraints

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.63 (relating to definitions).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently added § 141.66 (relating to cable restraints) to permit the lawful use of cable restraint devices to trap certain furbearers. The addition of this section requires the Commission to amend § 141.63 to provide a definition for "cable restraint." Unfortunately, due either to typographical error or plain misstatement, the new definition of "cable restraint" does not accurately describe its intended meaning. Therefore, the Commission is proposing to amend § 141.63 in an effort to correct this mistake and provide a more accurate definition of "cable restraint."

Section 322(c)(5) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps . . . and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or

wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.63 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.63 to provide a more accurate definition of "cable restraint" by making two minor language adjustments to the existing definition.

3. Persons Affected

Persons wishing to use cable restraint devices to trap certain furbearers will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-222. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter D. TRAPPING

§ 141.63. Definitions.

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361(a)(11) of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

Cable restraint—A galvanized stranded steel cable with a minimum diameter of 3/32 inches. The cable must be constructed of either 7 bundles comprised of 7 wires per bundle or [**19 bundles comprised of 7 wires**] **7 bundles comprised of 19 wires** per bundle and be equipped with a mechanical sliding metal release lock. The cable may not exceed 6 feet in length from the anchor point to the relaxing lock contacting the **fully closed** loop stop, must be equipped with at least one swivel device (which allows for 360° rotation) between the loop and the anchor and must have stops affixed to the cable to ensure that the circumference of the cable which makes up the loop may not be greater than 38 inches when fully open, or less than 8 inches when fully closed.

A cable restraint must include a breakaway device affixed to the lock or cable that is rated at 325 pounds or less. The cable must be maintained in good condition so that all components operate properly.

* * * * *

[Pa.B. Doc. No. 06-10. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Turkey

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.45 (relating to turkey).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, § 141.45 does not clearly define the types of devices that may lawfully be used to harvest wild turkey during the fall season, as it does for the spring gobbler season and for seasons of other game species. The absence of this type of language creates confusion for hunters and Commission staff respecting what implements may lawfully be used during the fall turkey season. In addition, the Commission has been receiving many requests to expand the permissible use of crossbows to the fall and spring turkey seasons. After consideration of the safety and wildlife management aspects involved, the Commission has determined that an expansion is presently justified. Therefore, to be consistent with other hunting seasons, eliminate confusion and also expand hunting opportunity, the Commission is proposing to amend § 141.45 to clearly define the types of implements that may lawfully be used to hunt turkey during the fall season and also expand the lawful use of crossbows during both the fall and spring turkey season.

Section 322(c)(5) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating . . . the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game

or wildlife in this Commonwealth." The amendment to § 141.45 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.45 to clearly define the types of devices that may lawfully be used to harvest wild turkey during the fall turkey season and also expand the lawful use of crossbows to both the fall and spring turkey seasons.

3. Persons Affected

Persons wishing to hunt wild turkey during the fall and spring turkey seasons will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-221. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

* * * * *

(5) Use anything other than rimfire, centerfire or muzzleloading rifles and handguns or shotguns, bows or crossbows.

(b) While hunting turkey during the spring gobbler season it is:

(1) Lawful to use bows, crossbows and shotguns with shot no larger than #4 lead, #4 Bismuth/tin or #2 steel and mouth or hand operated callers.

* * * * *

[Pa.B. Doc. No. 06-11. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Waterfowl and Dove Hunting

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.22 (relating to small game) to identify the inapplicability of

the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The original intent of § 141.22(a)(5) was to limit to five persons the number of small game hunters who cooperate by lining up across a field and moving forward to flush game before the gun. The regulation was later amended to allow six persons in the hunting party. The regulation was never intended to prevent more than six persons from hunting together from a blind or from stationary positions where the hunters are not flushing game. Therefore, the Commission is proposing to amend § 141.22(a)(5) to identify the inapplicability of the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

Section 322(c)(6) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting . . . in this Commonwealth, including regulations relating to . . . the ways, manner, methods and means of hunting . . . in this Commonwealth." The amendment to § 141.22 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.22 to identify the inapplicability of the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

3. *Persons Affected*

Persons wishing to hunt waterfowl or dove from a blind or other stationary position will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-219. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Unlawful acts.* It is unlawful to:

* * * * *

(4) Hunt in a party of more than six persons. **This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary positions.**

[Pa.B. Doc. No. 06-12. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CHS. 143 AND 147]

Hunting and Furtaker Licenses and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend §§ 143.202, 143.222, 147.674 and 147.701 to provide hunters with expanded application opportunities for elk licenses, special wild turkey licenses, bobcat permits and Deer Management Assistance Program (DMAP) harvest permits, § 143.224 (relating to unlawful acts) to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license and § 147.674 (relating to issuance of DMAP harvest permits) to eliminate the hunter application ineligibility provision.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Current regulations provide customers with (at most) only two methods to apply for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits: 1) electronic application over the Commission's website; and 2) paper application through the United States Postal Service. In an effort to improve customer service, the Commission is proposing to amend §§ 143.202, 143.222, 147.674 and 147.701 to provide customers with a third option, which will allow customers to apply for these various licenses and permits over-the-counter at any Commission office. The proposed amendments will also provide the Commission the increased flexibility to expand the sale of various licenses and permits through the anticipated automated point-of-sale issuance system, which should be available in the short-term future.

Section 2323 of the code (relating to tagging and reporting big game kills) requires that "[w]ithin ten days of the kill, the person shall report the killing of any big game in the manner or methods prescribed by the

commission regulations." The Commission currently prescribes the harvest reporting requirements for each of the various big game licenses except for the special wild turkey license. The Commission recognizes that harvest reports prove to be necessary and important tools for the accurate assessment of the impacts and effectiveness of the Commission's management of the wildlife resources of this Commonwealth. Since the justifications supporting the reporting harvest information for the other various big game licenses are equally applicable to the special wild turkey license, the Commission is proposing to amend § 143.224 to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license.

The Commission recently amended § 147.674 to prevent the issuance of DMAP permits to persons who fail to complete and submit harvest report and survey information from the prior season. After implementation of this provision, the Commission recognized that enforcement of the same is an untenable and overly burdensome administrative requirement. Therefore, the Commission is proposing to amend § 147.674 to eliminate the hunter application ineligibility provision.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2901(b) of the code (relating to authority to issue permits) provides "the [C]ommission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The [C]ommission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 143.202, 143.222, § 143.224, 147.674 and 147.701 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 143.202, 143.222, 147.674 and 147.701 to provide hunters with expanded application opportunities for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits, § 143.224 to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license and § 147.674 to eliminate the hunter application ineligibility provision for DMAP harvest permits.

3. Persons Affected

Persons wishing to make application for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits, harvest a wild turkey under a special wild turkey license and DMAP permittees who fail to complete and submit harvest report and survey information from the prior season will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed amendments to §§ 143.202, 143.222, § 143.224, 147.674 and 147.701 will likely result in some, albeit minor, additional administrative costs to the Commission in the form of additional administrative expenditure and paperwork. The proposed amendment to § 147.674 will eliminate some administrative costs to the Commission by eliminating certain internal permit eligibility processing steps.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-217. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.202. Application.

[(a) Applications for elk licenses shall be submitted to the Commission's Harrisburg Headquarters. The Executive Director will set periods for accepting applications.

(b) Applications for elk licenses shall be made using an electronic application on the Commission's Internet website, or a paper form made available by the Commission providing information as may be required by the Executive Director. A nonrefundable \$10 application fee shall accompany each application.

(c) For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or hunter ID number.]

Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number or hunter ID number on the application. A nonrefundable \$10 application fee shall accompany the application.

Subchapter L. SPECIAL WILD TURKEY LICENSES

§ 143.222. Application.

[(a) Applications for special wild turkey licenses shall be submitted to the Commission's Harrisburg Headquarters. The Executive Director will set periods for accepting applications.

(b) Applications for special wild turkey licenses shall be made using an electronic application on

the Commission's Internet website or a paper form made available by the Commission providing information as may be required by the Director.]

Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number or hunter ID number on the application.

§ 143.224. Unlawful acts.

It is unlawful [for a person to do the following] to:

* * * * *

(3) Fail to tag any wild turkey taken with a special wild turkey license in accordance with the act relating to tagging big game.

(4) Fail to complete and submit harvest report information in accordance with instructions provided on the report card.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.674. Issuance of DMAP harvest permits.

* * * * *

(b) Two [coupons] harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(c) [Coupon holders shall mail the completed coupons to the Commission along with a check or money order payable to the "Pennsylvania Game Commission."] Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the [coupon] harvest permit is \$6 for residents and \$26 for nonresidents.

* * * * *

[(e) Permits and refunds will not be issued to persons who failed to complete and submit harvest report and survey information from the prior season.]

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

* * * * *

(2) [The fee for an application for a permit to take a bobcat is \$5.] Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number or hunter ID number on the application. A nonrefundable \$5 application fee shall accompany the application.

(3) [Applications shall be submitted on a form supplied by the Commission or by using an electronic application on the Commission's Internet website and shall contain the required information as requested. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or hunter ID number. A \$5 application fee shall accompany the application and is nonrefundable. Applications shall be submitted to the Commission's Harrisburg Headquarters.]

[(4)] * * *

[(5)] (4) * * *

[(6)] (5) * * *

[(7)] (6) * * *

[(8)] (7) * * *

[(9)] (8) * * *

* * * * *

[(10)] (9) * * *

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[Pa.B. Doc. No. 06-13. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Depredation Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 147.745 (relating to exclusions) to allow the issuance of depredation permits for a limited take of State listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently adopted various classification changes to the State endangered/threatened status for several bird species. In most cases these changes were prompted by recent declines in population due to habitat loss or alteration, disturbance and competition at breeding sites. These classification changes are important because they will add further protection to imperiled populations of these species. Despite the importance of protecting the most imperiled species and promoting their recovery within this Commonwealth, it is also important to manage these species' impact on human property and

economic endeavors, even when a species is classified as endangered or threatened. Section 2121(b) of the code (relating to killing game or wildlife to protect property) epitomizes this need for balance by acknowledging that a person may kill an endangered or threatened species destroying agricultural crops if the person first gives the Commission the opportunity to trap and transfer the animal causing the damage. Unfortunately, trap and transfer efforts do not generally provide a permanent solution to the problem, nor do these efforts protect and conserve the endangered or threatened species.

Depredation permits are special permits issued to take certain wildlife to protect property and help prevent economic loss. As currently written, § 147.745 prohibits the issuance of a depredation permit for the taking of any endangered or threatened species, whether Federally or State listed. The Commission is proposing to amend § 147.745 to allow a depredation permit to be issued for a limited take of State listed endangered or threatened species if the taking is part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment to § 147.745 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.745 to allow the issuance of depredation permits for a limited take of State listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

3. *Persons Affected*

Persons wishing to obtain a depredation permit to take any State listed endangered or threatened species may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-224. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter U. DEPREDAATION

§ 147.745. Exclusions.

* * * * *

(b) A depredation permit will not be issued for the taking of any endangered or threatened species, as defined in 50 CFR Part 17 (relating to endangered and threatened wildlife and plants) [**and § 133.21 (relating to classification of birds)**]. A depredation permit may be issued for a limited taking of endangered or threatened species as defined in § 133.21 (relating to classification of birds) if the taking is intended to reinforce and support nonlethal control methods as part of an integrated damage management program. A depredation permit will be denied if the taking of a specific species as defined in § 133.21 would be detrimental to the population of that species as a whole, as determined by available biological data.

* * * * *

[Pa.B. Doc. No. 06-14. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Falconry Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend §§ 147.102 and 147.109 (relating to examination and fees; and restrictions on taking raptors).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission recently consulted with the Pennsylvania Falconry and Hawk Trust regarding the relaxation of current time limitations restricting falconry permit applicants. Currently, § 147.102 states that examinations for falconry permits will be provided only during the month of May each year. Also, § 147.109 states that applications for nonresident falconry permits may be submitted between January 1 and February 28 annually. To provide more opportunities to falconry permit applicants, the Commission is proposing to amend § 147.102 to expand the falconry permit examination period to January 1 through June 30 annually and § 147.109 to expand the nonresident application period to January 1 through August 15 annually.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife re-

sources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 147.102 and 147.109 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.102 to expand the falconry permit examination period to January 1 through June 30 annually and § 147.109 to expand the nonresident application period to January 1 through August 15 annually.

3. *Persons Affected*

Persons wishing to apply for a falconry permit in this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-223. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.102. Examination and fees.

(a) New falconers shall begin at the apprentice class and are required to pass a supervised examination with a grade of 80%. Falconry examinations will be provided or approved by the United States Fish and Wildlife Service. Examinations will be given **[in May] from January 1 to June 30** of each year at each regional headquarters building. The examination may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.

* * * * *

§ 147.109. Restrictions on taking raptors.

* * * * *

(b) Taking restrictions for nonresidents are as follows:

* * * * *

(4) Applications may only be submitted between January 1 and **[February 28] August 15** annually.

* * * * *

[Pa.B. Doc. No. 06-15. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Protected Specimen

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 147.142 (relating to possession of deer accidentally killed by a motor vehicle) to permit the lawful possession of furbearers accidentally killed on the highway by persons possessing a valid furtaking license.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The skins from the various furbearers found in the wilds of this Commonwealth are a valuable Pennsylvania resource. Each year many of these furbearers are accidentally struck and killed on this Commonwealth's highways by automobiles, which typically results in the unfortunate waste of many of the skins from these animals. Current regulations prohibit anyone, including licensed furtakers, from utilizing road-killed furbearers without first purchasing them from the Commission, because these animals were not lawfully taken or harvested with a firearm or trap. Unfortunately, it is not always economical for anyone to purchase a road-killed furbearer for utilization. In an effort to reduce the waste of this Commonwealth's valuable resources and provide additional opportunity to licensed furtakers, the Commission is proposing to amend § 147.142 to permit persons possessing a valid furtaking license to take possession and make use of furbearing animals accidentally killed on this Commonwealth's highways.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with this chapter." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.142 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.142 to permit the lawful possession of furbearers accidentally killed on the highway by persons possessing a valid furtaking license.

3. *Persons Affected*

Persons wishing to take possession of furbearers accidentally killed on the highway will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking may result in some additional costs to the Commission by creating increased, albeit minor, demand on regional dispatcher resources relating to receiving calls from persons taking possession of furbearers accidentally killed on the highway during the closed season for that furbearer.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-218. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter H. PROTECTED SPECIMEN

§ 147.142. Possession of [deer] wildlife accidentally killed by a motor vehicle.

* * * * *

(b) [**It is unlawful:**

(1) To possess a deer accidentally killed on the highway for more than 24 hours without applying for a permit number.

(2) To give the whole or an edible part of a deer to a person.

(3) To fail to comply with one or more conditions of the permit.

(4) For a nonresident to possess a deer accidentally killed on the highway.] Holders of a valid furtakers license may take possession of a furbearer accidentally killed on the highway. Persons taking possession of any furbearer under this section during the closed season for taking that furbearer shall within 24 hours contact any Commission regional office to make notification of the possession.

(c) It is unlawful:

(1) To possess a deer accidentally killed on the highway for more than 24 hours without applying for a permit number.

(2) To give the whole or an edible part of a deer to a person.

(3) To fail to comply with one or more conditions of the permit.

(4) For a nonresident to possess a deer accidentally killed on the highway.

(5) To possess a furbearer accidentally killed on the highway for more than 24 hours without notifying the Commission.

(d) This section is not applicable under circumstances when a person is charged with violating another statute or regulation involving deer or furbearers. This section may not be used nor will it be accepted as a defense in a legal proceeding involving these cases.

[Pa.B. Doc. No. 06-16. Filed for public inspection January 6, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective November 21, 2005.

The organization chart at 36 Pa.B. 30 (January 7, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-17. Filed for public inspection January 6, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Securities Commission

The Executive Board approved a reorganization of the Securities Commission effective November 21, 2005.

The organization chart at 36 Pa.B. 31 (January 7, 2006) is published at the request of the Joint Committee on

Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-18. Filed for public inspection January 6, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Employees' Retirement System

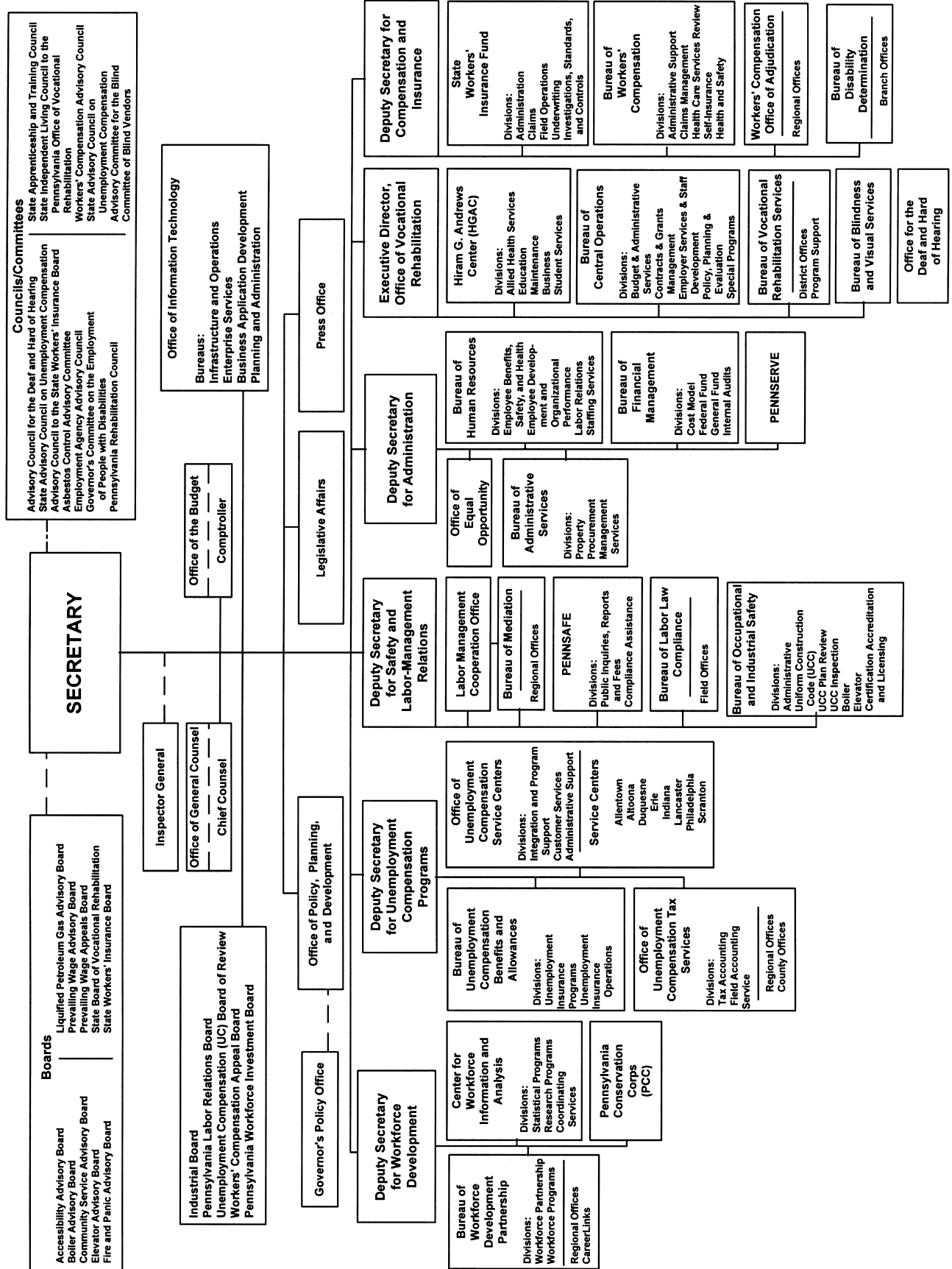
The Executive Board approved a reorganization of the State Employees' Retirement System effective November 21, 2005.

The organization chart at 36 Pa.B. 32 (January 7, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

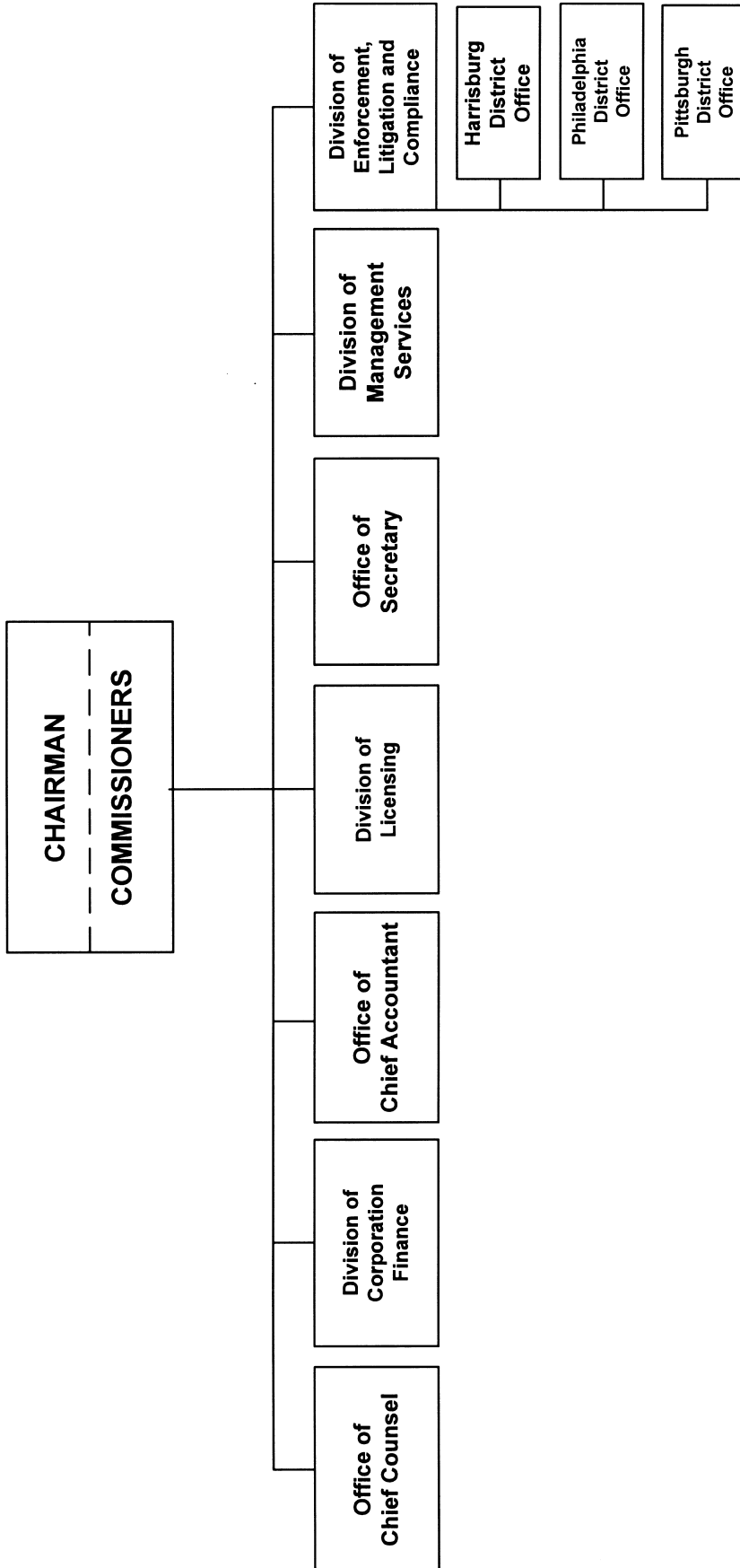
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-19. Filed for public inspection January 6, 2006, 9:00 a.m.]

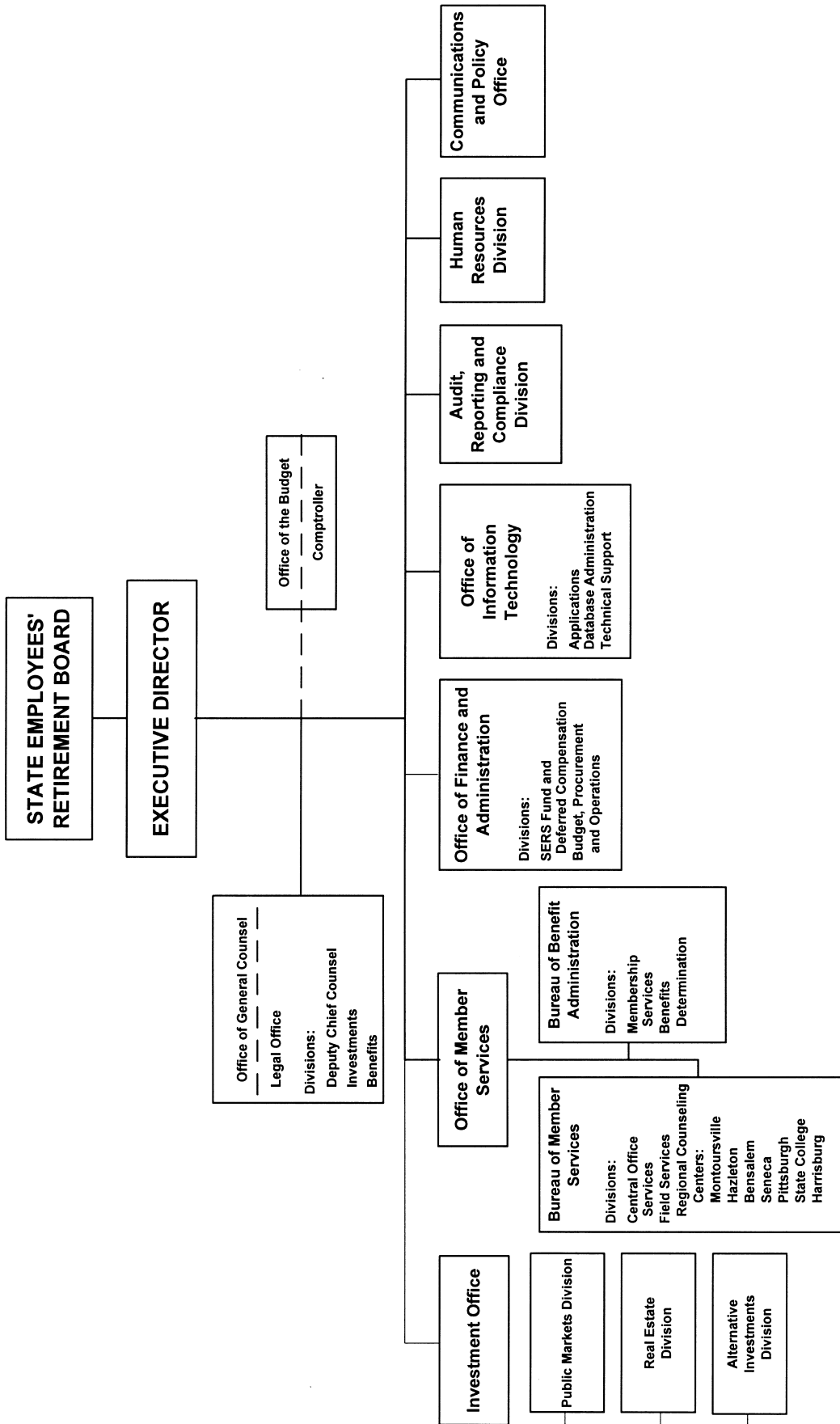
DEPARTMENT OF LABOR AND INDUSTRY



SECURITIES COMMISSION



STATE EMPLOYEES' RETIREMENT SYSTEM



NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby issues a temporary order designating West Nile Encephalitis (WNE), Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Lymphocytic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as “dangerous transmissible diseases.” These designations are made under the authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to WNE, CWD and SVC published at 35 Pa.B. 372 (January 15, 2005) that made the same dangerous transmissible disease designations. This temporary order is also the successor to a previous temporary order issued with respect to LCMV, published at 35 Pa.B. 4319 (August 6, 2005). This temporary order is also the successor to a previous temporary order issued with respect to the neurologic form of EHV-1 published at 35 Pa.B. 2902 (May 14, 2005). Each of these previous temporary orders will expire as of January 1, 2006.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a “dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation.

1. *WNE*

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash

and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection, although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a “dangerous transmissible disease” will facilitate the Department’s surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

2. *CWD*

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. The designation of CWD as a “dangerous transmissible disease” will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

3. *SVC*

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

4. *LCMV*

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies in order to protect human health.

5. *Neurologic Form of EHV-1*

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild incoordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur via coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

Order

The Department hereby designates WNE, CWD, SVC, LCMV and EHV-1 "dangerous transmissible diseases" under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2006, and shall remain in effect until no later than January 1, 2007. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2007; (2) allow this temporary order to expire on January 1, 2007; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Paul Knepley, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-20. Filed for public inspection January 6, 2006, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending December 27, 2005.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-19-05	Application of Relational Investors, LLC, San Diego, CA, to solicit and act as proxy for more than 10% of the outstanding shares of common stock of Sovereign Bancorp, Inc., Philadelphia, PA, under the provisions of section 112 of the Banking Code of 1965	San Diego, CA	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-05	Fulton Bank Lancaster Lancaster County Purchase of assets/assumption of liabilities of one branch of Susquehanna Bank PA, Lititz	Lancaster	Effective

Located at:

2305 Susquehanna Trail North
York
York County

The subject branch was immediately consolidated into an existing branch of Fulton Bank located at 3183 Susquehanna Trail, York, York County.

12-19-05	Affinity Bank of Pennsylvania Wyomissing Berks County	Wyomissing	Effective
Purchase of assets/assumption of liabilities of one branch of Susquehanna Patriot Bank, Marlton, NJ			
Located at:			
3101 Shillington Road Sinking Spring Berks County			
12-20-05	Maryland Permanent Bank & Trust Co., Owings Mills, MD, and Northwest Merger Subsidiary II, Inc., Warren, PA Surviving Institution—Maryland Permanent Bank & Trust Co., Owings Mills, MD	Owings Mills, MD	Filed
12-20-05	Northwest Savings Bank, Warren, PA, and Maryland Permanent Bank & Trust Co., Owings Mills, MD Surviving Institution—Northwest Savings Bank, Warren PA	Warren, PA	Filed
12-21-05	First Commonwealth Bank, Indiana, and First Commonwealth Trust Company, Indiana; First Commonwealth Systems Corporation; and First Commonwealth Professional Resources, Inc. Surviving Institution—First Commonwealth Bank, Indiana	Indiana	Approved
All of the merger proponents are wholly-owned subsidiaries of First Commonwealth Financial Corporation, Indiana, a bank holding company.			

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-22-05	Northwest Savings Bank Warren Warren County	36 West Main Street Rochester Monroe County, NY	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-21-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2015 Cottman Avenue Philadelphia Philadelphia County <i>From:</i> 7935 Bustleton Avenue Philadelphia Philadelphia County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-21-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Application to discontinue four branch offices at the following locations: 3890 Bigelow Boulevard Pittsburgh Allegheny County 1122 Seventh Avenue Beaver Falls Beaver County	Filed

NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		392 Franklin Avenue Aliquippa Beaver County	
		419 North 7th Street Altoona Blair County	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-20-05	Corry Jamestown Credit Union Corry Erie County	Corry	Approved

Represents conversion from an occupational-based credit union to a community charter; said conversion will be completed by filing Articles of Amendment with the Department of State which will amend Article 8 of the Articles of Incorporation by extending 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 area which constitutes the Corry Area School District.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-20-05	Tri-County Area Federal Credit Union, Pottstown, and KCC Credit Union, Boyertown Surviving Institution—Tri-County Area Federal Credit Union, Pottstown	Pottstown	Approved

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-21. Filed for public inspection January 6, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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.

PA0243914, Industrial Waste, SIC 3273, **Delaware Valley Concrete Company, Inc.**, 248 East County Line Road, Hatboro, PA 19040. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: The discharge of stormwater from a Ready-Mix Concrete Batch Plant property. This property is located at Conshohocken Road, Conshohocken, PA 19428.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department—Queen Lane is located on Schuylkill River. This discharge is not expected to impact the water supply.

The proposed effluent limits for Outfall 001 is based on stormwater discharge.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Annual	Maximum Daily	
Total Suspended Solids (Issuance through Year 2) (Year 3 through Expiration)			Monitor 50	Monitor 100	100
pH (Issuance through Year 2) (Year 3 through Expiration)			Monitor and Report within 6.0 and 9.0 Standard Units		
Oil and Grease			Monitor	Monitor	

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

1. Implement Stormwater BMPs.
2. Adopt Remedial Measures.
3. Small Stream Discharge.
4. Proper Disposal of Solids.
5. Applicable BMPs.
6. Definition 10-year, 24-hour rainfall event.

PA0244121, Sewage, **Michael and Cindy Tryniszewski**, 131 Shea Lane, Glenmoore, PA 19343. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Activity: This application is for a NPDES permit to discharge treated sewage from a single residence sewage treatment plant. The applicant has also submitted an application (WQG010007) for construction and operation of the treatment plant. This facility will replace a failing onlot septic system.

The receiving stream, a UNT to Black Horse Creek, is in the State Water Plan watershed 3H and has designated uses as follows: HQ, TS, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for Aqua America, located on East Branch Brandywine Creek, approximately 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 500 gpd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Maximum Daily</i>	
BOD ₅			10		20
Suspended Solids			10		20
Total Residual Chlorine			Monitor and Report		Monitor and Report
Fecal Coliform			200/100 ml GeoMean		
Dissolved Oxygen			minimum of 5.0 mg/l at all times		
pH			within limits of 6.0 to 9.0 Standard Units at all times		

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

1. AMR Submission.
2. Phase Out When Sewers Available.
3. Adopt Remedial Measures.
4. No Stormwater.
5. Obtain Property Rights.
6. Change in Ownership.
7. Sludge Disposal.

No. PA0036447, Industrial Waste, Naval Surface Warfare Center—Carderock Division, Philadelphia Naval Business Center. This application is for renewal of an NPDES permit to discharge noncontact cooling water, potable water from fire pump testing and stormwater from the Philadelphia Naval Shipyard in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Delaware Estuary—Zone 4.

The receiving stream is classified for the following use: WWF.

The proposed effluent limits for Outfall 001 (MP 101 and MP 301), based on an average flow of 36 mgd of noncontact cooling water, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Temperature			110°F
pH	within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfall 005 (MP 105) noncontact cooling water, based on a maximum flow of 0.139 mgd (two to three times per year), are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Temperature			110°F
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Dissolved Solids (issuance through year 2) (year 3 through Expiration)	Monitor and Report		
	500		

The proposed effluent limits for Outfall 005 (MP 205), potable water from fire pump testing based on 39,000 gallons per 30-minute test, twice per month, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Temperature	Monitor and Report		110°F
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine (issuance through year 2) (year 3 through expiration)	Monitor and Report		Monitor and Report
	0.5		1.0

The EPA waiver is in effect.

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

PA No. 0009911A1, Industrial Waste, SIC code 2020, **Papettis Acquisition, Inc.**, R. R. 1, Box 176, Klingerstown, PA 17941. This proposed facility is located in Upper Mahantango Township, **Schuylkill County**.

Description of Proposed Activity: Internal amendment of an existing NPDES permit.

The receiving stream, Pine Creek, is in watershed 6C and is classified for: CWF, water supply, aquatic life and recreation. The nearest downstream public water supply intake for Dauphin Consolidated Water Company located on the Schuylkill River.

The following effluent monitoring requirements are proposed for the Chesapeake Bay Nutrient Monitoring Program:

<i>Parameter</i>	<i>Mass Units (lbs)</i>		<i>Monthly Average (mg/l)</i>
	<i>Monthly</i>	<i>Annual</i>	
Ammonia-N	Report		Report
Kjeldahl-N	Report		Report
Nitrate-Nitrite as N	Report		Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report

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

Application No. PA 0247847, Sewage, **Rodger Petrone**, 4076 Market Street, Camp Hill, PA 17011. This facility is located in Carroll Township, **York County**.

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

The receiving stream, Yellow Breeches Creek, is in Watershed 7-E, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Yellow Breeches Creek, approximately 12.6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

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

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

The EPA waiver is in effect.

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

PA0253006, Industrial Waste, SIC, 3841, **Cook Vascular, Inc.**, 1186 Montgomery Lane, Vandergrift, PA 15690. This application is for issuance of an NPDES permit to discharge treated groundwater from remediation activities in Parks Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Kiskiminetas River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Buffalo Township Municipal Authority located at Freeport, 8.05 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.0216 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				
Trichloroethene			0.006		0.012
cis 1, 2 Dichloroethene				Monitor and Report	Monitor and Report
Acetone				Monitor and Report	Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0253138, Industrial Waste, SIC, 2819, **Almatis, Inc.**, 501 West Park Road, Leetsdale, PA 15056-1018. This application is for issuance of an NPDES permit to discharge stormwater and noncontact cooling water, from Almatis, Inc. in Leetsdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing downstream potable water supply is Nova Chemicals Beaver Valley Plant, located in Monaca, 15 miles below the discharge point.

Internal Outfall 101: new discharge, design flow of varied mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)	110				
Manganese	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 001: existing discharge, design flow of varied mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)	110				
Manganese	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

This discharge shall consist solely of uncontaminated stormwater and those sources previously monitored at Internal Monitoring Point 101.

PAS146102-A1, Industrial Waste, SIC, 2653, **International Paper**, 10 Wilson Road, Eighty Four, PA 15330. This application is for amendment of an NPDES permit to discharge treated stormwater leachate and untreated cooling water stormwater from International Paper Eighty Four Container in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Little Chartiers Creek, classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, located on the Ohio River, approximately 50 miles below the discharge point.

Outfall 002: new discharge, design flow of varied mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids	Monitor and Report				
COD	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0094994, Sewage, **Kennywood Park Corporation**, 4800 Kennywood Boulevard, West Mifflin, PA 15122-2399. This application is for renewal of an NPDES permit to discharge treated sewage from Idlewild Park Sewage Treatment Plant in Ligonier Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Loyalhanna Creek, which are classified as a TSF 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 Latrobe Municipal Authority.

Outfall 001: existing discharge, design flow of 0.04 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4605422, Sewerage, **Borough of Ambler**, 122 E. Butler Avenue, Ambler, PA 19002. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Action/Activity: Installation of diesel engine centrifugal pumps to supplement WWTP pumping capacity during high flow events.

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

WQM Permit No. 3605414, Sewerage, **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for an upgrade to the Gap Wastewater Treatment Plant.

WQM Permit No. 6705413, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Application to install a sludge dewatering system.

WQM Permit No. 3105403, Sewerage, **Motel 22 d/b/a All Seasons Inn**, P. O. Box 520650, Flushing, NY 11355. This proposed facility is located in Brady Township, **Huntingdon County**.

Description of Proposed Action/Activity: Reopening of Motel 22—refurbishment of existing wastewater treatment plant to support motel operations.

WQM Permit No. 2105404, Sewerage, **Middlesex Township Municipal Authority**, 350 North Middlesex Road, Carlisle, PA 17013-8422. This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of sewer extension to serve Keystone Arms subdivision.

WQM Permit No. 3605415, Sewerage, **King's River Haven Mobile Home Park and Campsite**, 2379 River Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of wastewater treatment facility to serve existing mobile home park and campground.

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

WQM Permit No. 3205201, Industrial Waste, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This proposed facility is located in White Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a material storage and rail load out facility.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
Waiver	Borough of McAdoo 23 N. Hancock Street McAdoo, PA 18237	Schuylkill	McAdoo Borough	Catawissa Creek CWF	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505089	Michael Sleiman Sleiman Residential Development 9 Vernon Lane Malvern, PA 19355	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF)
PAI011505090	Mark J. Farley Farley Residential Subdivision 600 A Newtown Road Villanova, PA 19085	Chester	East Whiteland Township	Valley Creek (EV) and Ridley Creek (HQ-TSF)

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030605005	Wilson School District 2601 Grandview Boulevard West Lawn, PA 19609	Berks	Spring Township	Wyomissing Creek HQ/CWF
PAI033105001	Bruce E. Cox 1618 Ridge Road Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	UNT Warriors Mark Run HQ-CWF

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

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

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4005506 , Public Water Supply
Applicant Sand Springs Water Company, Inc.
Township or Borough Butler Township
County Luzerne

Responsible Official	Richard H. Krasley, Vice-President Sand Springs Water Company, Inc. 4511 Falmer Drive Bethlehem, PA 18202
Type of Facility	PWS
Consulting Engineer	William J. Schumacher, Jr., P. E. Schumacher Engineering, Inc. 55 North Conahan Drive Hazleton, PA 18201
Application Received Date	November 15, 2005
Description of Action	The applicant requests approval to construct a new finished water storage tank, Stone Ridge booster station, and add a finished water source/interconnect with CAN-DO water system.
Permit No. 4005507 , Public Water Supply	
Applicant	Aqua Pennsylvania, Inc. 700 West Spoul Road Springfield, PA
Township or Borough	Hazle Township
County	Luzerne
Responsible Official	Thomas J. Roberts, Vice President
Type of Facility	PWS
Consulting Engineer	William A. LaDieu, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA
Application Received Date	December 2, 2005
Description of Action	The installation of pressure green sand filters for iron and manganese removal and the installation of a large diameter pipe for chlorine contact.
Permit No. 5405504 , Public Water Supply	
Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township or Borough	East Union Township

County Schuylkill
 Responsible Official Karl Kyriss, President
 Type of Facility PWS
 Consulting Engineer Peter J. Lusardi, P. E.
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112

Application Received Date December 2, 2005

Description of Action The construction of a new well, and structure housing the chemical feed equipment for the Oneida Water System.

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

Permit No. 0605509, Public Water Supply.
 Applicant **Superior Water Company, Inc.**
 Municipality Washington Township
 County **Berks**
 Responsible Official Robert A Braglio, Manager
 2960 Skippack Pike
 P. O. Box 127
 Worcester, PA 19490

Type of Facility Public Water Supply
 Consulting Engineer Stanley J. Endlich, P. E.
 EDM Consultants Inc
 1101 South Broad Street
 P. O. Box 127
 Lansdale, PA 19446

Application Received Date 5/31/2005

Description of Action Addition of West Tract Water System which consists of 4 wells to supply 786 residences, 19 offices, 32 retail and 13 commercial units.

Permit No. 0105510, Public Water Supply.
 Applicant **Adams County Facility Center**
 Municipality Straban Township
 County **Adams**
 Responsible Official George M. Groft, Sr., Director
 Department of Building & Maintenance
 111-117 Baltimore Street
 Room 3
 Gettysburg, PA 17325

Type of Facility Public Water Supply
 Consulting Engineer Janet R. McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore St.
 Gettysburg, PA 17325

Application Received Date 12/1/2005

Description of Action Installation of an orthophosphate feed system for lead and copper corrosion control treatment.

Permit No. 0605524, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 Municipality Amity Township
 County **Berks**
 Responsible Official Paul A. Zielinski, Director Water Quality
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Public Water Supply
 Consulting Engineer James C. Elliot, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100

Application Received Date 12/7/2005

Description of Action Addition of arsenic treatment for Well Nos. DG-3 and DG-4 at existing well site.

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

Permit No. 4105502—Construction, Public Water Supply.
 Applicant **Williamsport Municipal Water Authority**
 Township or Borough Williamsport
 County **Lycoming**
 Responsible Official LaRue S. VanZile
 Director of Engineering
 Williamsport Municipal Water Authority
 253 West Fourth Street
 Williamsport, PA 17701

Type of Facility Public Water Supply—Construction
 Consulting Engineer John R. Amend, P. E.
 Malcolm Pirnie, Inc.
 40 Centre Drive
 Orchard Park, NY 14127

Application Received Date December 15, 2005

Description of Action Lycoming Creek wellfield improvements and raw water transmission main piping project.

Permit No. 5305503—Construction Public Water Supply.
 Applicant **Roulette Township Water Company**
 Township or Borough Roulette Township
 County **Potter**
 Responsible Official William Grandin, Chairperson
 Roulette Township Water Company
 P. O. Box 253
 Roulette, PA 16746

Type of Facility Public Water Supply—Construction

Consulting Engineer James P. Hunter, P. E.
Northwest Engineering, Inc.
P. O. Box Q
Tidioute, PA 16351

Application Received Date 12/21/2005

Description of Action Potable water improvements project.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3396420, Minor Amendment.

Applicant **Nestle Waters North America, Inc.**
405 Nestle Way
Breinigsville, PA

Township or Borough Hegins Township
Schuylkill County

Responsible Official Bruce Lauerman,
Natural Resources Manager

Type of Facility Bulk Water Loading

Consulting Engineer Edward E. Davis, P. E.

Application Received Date December 5, 2005

Description of Action The upgrade of an existing, permitted facility (Frontier Spring No. 5) by the replacement of the building, storage tanks and truck loading area.

WATER ALLOCATIONS

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

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

WA 01-1023, Water Allocations. Mason Dixon Country Club Inc., Adams County. The applicant is requesting the right to withdraw an average of 300,000 gpd from Marsh Creek in Freedom Township, Adams County. Consulting Engineer: Thomas S Ladue, Dewberry-Goodkind Inc. Date Application Received: 11/8/2005.

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

WA-49-59B, Water Allocations. Municipal Authority of the City of Sunbury, Northumberland County. Application for the renewal of existing water allocation permit WA-59-A, to withdraw a daily average of 5 million gallons per day from either the Susquehanna River or from Little Shamokin Creek or to make the withdrawal from any combination of amounts from the two sources.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101463. BFI Transfer Systems of PA LLC, 2904 S. Christopher Columbus Blvd., Philadelphia, PA 19148, Philadelphia City, Philadelphia County. The application was received for the reissuance to modify the operating entity at TRC Transfer Station. The application was received by the Southeast Regional Office on December 14, 2005.

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

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

Permit No. 101649. Phoenix Resources, Inc., 38, 248 Main St., Blossburg, PA 16912-1100, located in Duncan Township, **Tioga County.** The permit renewal application was deemed complete by the Williamsport Regional Office on December 19, 2005.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in

this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

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

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

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

PLAN APPROVALS

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

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

48-399-055: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) for a Plant-wide Applicability Limit (PAL Permit) for the Nazareth Plants 1—3 in Lower Nazareth Township, **Northampton County**.

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

36-03160A: G/S/M Industrial, Inc. (P. O. Box 607, Ephrata, PA 17522) for construction of a new coating booth at the facility in East Hempfield, **Lancaster County**.

36-05144: Lancaster Leaf Tobacco Co. of PA, Inc. (198 West Liberty Street, P. O. Box 897, Lancaster, PA 17608-0897) to use Nos. 4—6 fuel oils in boilers in their plant in the City of Lancaster, **Lancaster County**.

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

62-017N: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) for modification of plan approval 62-017G for No. 4 boiler, North Crude Heater, Enclosed Flare, Delayed Coker Heater, and Hydrogen

Reformer at their refinery in the City of Warren, **Warren County**. The facility is a Title V facility.

42-172A: Hexion Specialty Chemicals, Inc. (Hutchins Road, Mt. Jewett, PA 16740) for modification of plan approvals 42-302-021A and 42-399-017A to reflect conditions that are no longer applicable in Sergeant Township, **McKean County**. The facility is a Natural Minor.

43-270D: CCL Container (One Llodio Drive, Hermitage, PA 16148-9015) for construction of a new aluminum container manufacturing line (No. 109) rated at 180 cans per minute controlled by an existing 45,000 thermal oxidizer in Hermitage City, **Mercer County**. This is a Title V facility.

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

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

46-0029A: Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038) for installation of a cyclone and baghouse and modification to annual production rates at the Springhouse asphalt plant in Montgomery Township, **Montgomery County**. This installation of the control device may result in the emissions of 10.48 tons per year of total PM, 6.74 tons per year of PM10 emissions and 2.07 tons per year of PM2.5 emissions. The increase in annual asphalt production to 499,000 tons/yr using natural gas and 415,000 tons/yr using No. 2 fuel oil may result in the emissions of 24.90 tons/yr of NOx, 18.26 tons/yr of SOx, 6.99 tons/yr of VOC and 99.80 tons/yr of CO. 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.

PA-15-0027I: Johnson Matthey, Inc.—Catalytic Systems (456 Devon Park Drive, Wayne, PA 19087) for installation of two new diesel catalysts production lines to produce soot filters and oxidation catalysts that will be used to reduce pollutant emissions from diesel-fueled engines, at its facility in Tredyffrin Township, **Chester County**. This facility is a Title V facility. This new installation will result in an increase of NOx emissions of 28.48 tons per year from the facility. 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.

09-0188: Gamesa Wind PA, LLC (400 Maintenance Drive, Fairless Hills, PA 19030) for construction of a new wind generator manufacturing facility at USX Industrial Complex in Falls Township, **Bucks County**. This facility is a minor facility. This new construction will result in total HAP emissions of 17.52 ton per year and VOC emissions of 25.35 ton per year. The Plan Approval will contain recordkeeping requirements 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.

54-313-086: First Quality Nonwovens, Inc. (101 Green Mountain Road, Humboldt Industrial Park, Hazleton, PA 18202) for construction of a polypropylene extrusion process at their manufacturing facility in the Humboldt Industrial Park in East Union Township, **Schuylkill County**. This facility is not a Title V facility. The new process will result in particulate emissions of less than 1 ton per year and VOC emissions of 3.35 tons per year. The plan approval will include all appropriate restrictions, testing, monitoring, recordkeeping and reporting requirements designed to keep the process operating within all applicable air quality requirements.

40-317-026: General Mills Operations, Inc. (2 Chestnut Hill Drive, Hazleton, PA 18201) for construction of a par-bake oven at the General Mills Bakery and Foodservice Hazleton Plant, in Hazleton, **Luzerne County**. The VOCs generated by the new par-bake oven, in addition to the existing par-bake unit will be limited to a total annual emission rate of 49 tons, on a rolling sum basis. Other total annual emission limits for the two ovens are: Particulates—4.7 TPY; NO_x—6.1 TPY; SO_x—0.04 TPY; HAPs—2.0 TPY; and CO—1.2 TPY. The expected particulate emission rate from the oven will be less than 0.02 grain/dscf. The company will operate the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Synthetic Minor Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

36-03075A: City of Lancaster AWWTP (1220 New Danville Pike, Lancaster, PA 17603) for installation of a lime stabilization system at their wastewater treatment facility in Lancaster Township, **Lancaster County**. Process emissions will be controlled by a scrubber and biofilter. The plan approval will include stack testing, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-05003A: Rich Maid Cabinetry LLC (633 W. Lincoln Avenue, Myerstown, PA 17067) for modification of the existing cabinet finishing operations at the plant in Jackson Township, **Lebanon County**. The modifications include the addition of new and replacement spray booths. VOC and HAP emissions from the facility will largely be unchanged by the proposed modifications. Emissions of all pollutants will continue to be capped below the Title V permit thresholds. The plan approval and permit will include emission restrictions, monitoring, recordkeeping and reporting requirements to ensure compliance with the applicable air quality regulations.

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

19-303-004D: HRI, Inc. (1750 West College Avenue, State College, PA 16804-0155) for installation of replacement particulate matter control equipment (a knock out box and Astec model BH-60 fabric collector) and a replacement burner in their plant and approval to fire virgin Nos. 4—6 fuel oils in Hemlock Township, **Columbia County**.

HRI has submitted an application (No. 19-303-004D) to the Department of Environmental Protection (Department) for plan approval to modify an existing 250 ton per

hour Stansteel model RM-80 asphalt concrete plant (Source ID P110) by installing replacement PM control equipment (a knock out box and Astec model BH-60 fabric collector) and a replacement burner in the plant. The application also requests approval to fire virgin Nos. 4—6 fuel oil in Source ID P110 at their Bloomsburg asphalt plant in Hemlock Township, Columbia County. Source ID P110 is currently permitted to burn gas (natural and LP), virgin No. 2 fuel oil and recycled/reprocessed oil.

The Department's review of the information submitted by HRI, Inc. indicates that the proposal will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including Subpart I of the Federal Standards of Performance for New Stationary Sources 40 CFR Part 60, 60.90—60.93, the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the SO_x emission limitation of 25 Pa. Code § 123.21. Based on these findings, the Department intends to approve the application and issue plan approval for the modification of Source ID P110. Additionally, if the Department determines that the asphalt plant is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a State-only operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 shall be controlled by a an Astec model 10' by 8' knockout box (ID C110A) followed by a Astec model No. BH-60 fabric collector (ID C110B) operating in series.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 shall be equipped with a Hauck Eco-Star II model 100 burner with a maximum capacity of 105 mmBtu/hr.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 shall only be fired virgin Nos. 2 and 4—6 fuel oils or recycled/reprocessed oil. None of the oil used as fuel shall have a sulfur content of greater than 0.5% by weight.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the Astec model No. BH-60 fabric collector (ID C110B) associated with Source ID P110 shall not exceed 0.02 grain per dry standard cubic foot.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the recycled/reprocessed oil fired in Source ID P110 shall not contain contaminants equal to or in excess of the limitations specified as follows:

Arsenic	5 ppm
Cadmium	2 ppm
Chromium	10 ppm
Lead	100 ppm
Total halogens	1,000 ppm
PCBs	none detectable (detection limit none greater than 2 ppm)

Additionally, the flash point of the recycled/reprocessed oil shall not be less than 140°F.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO_x, expressed as NO₂ emissions from

Source ID P110 shall not exceed 0.07 pound per ton of product produced and 17.50 pounds per hour when firing virgin Nos. 2 and 4–6 or recycled/reprocessed fuel oils.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined NO_x, expressed as NO₂ emissions from Source ID P110 shall not exceed 18.90 tons in any 12-consecutive month period.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO from Source ID P110 shall not exceed 0.159 pound per ton of product produced and 39.75 pounds per hour when firing virgin No. 2 and 4–6 or recycled/reprocessed fuel oils.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined CO emissions from Source ID P110 shall not exceed 42.93 tons in any 12-consecutive month period.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the SO_x, expressed as SO₂ emissions from Source ID P110 shall not exceed 0.17 pound per ton of product produced and 42.50 pounds per hour when firing virgin No. 2 and 4–6 or recycled/reprocessed fuel oils.

11. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined SO_x, expressed as SO₂ emissions from Source ID P110 shall not exceed 45.90 tons in any 12-consecutive month period.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions (expressed as methane) from the Source ID P110 shall not exceed 0.066 pound per ton of product produced and 16.50 pounds per hour when firing virgin No. 2 and 4–6 or recycled/reprocessed fuel oils.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC emissions (expressed as methane) from Source ID P110 shall not exceed 17.82 tons in any 12-consecutive month period.

14. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined HAP emissions from Source ID P110 shall not exceed 2.08 tons in any 12-consecutive month period. In addition, the emission of xylene shall not exceed 0.73 ton in any 12-consecutive month period and the emission of ethylbenzene shall not exceed 0.59 ton in any 12-consecutive month period.

15. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 shall not be used to produce asbestos-containing asphalt material.

16. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 shall not be used to decontaminate or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

17. Within of 120 days of installation of the new burner, the permittee shall perform the following testing on Source ID P110:

a. Concurrent NO_x, CO, SO_x and VOC (expressed as methane) testing while recycled/reprocessed oil is being fired.

b. Concurrent NO_x, CO, SO_x and VOC (expressed as methane) testing while virgin No. 6 fuel oil is being fired.

c. PM testing while either virgin No. 6 or recycled/reprocessed fuel oils are being fired.

Testing shall be performed while the plant is being operated at maximum production rate using testing methods and procedures approved by the Department.

18. (a) At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(b) The Department shall be given at least 14 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval. The Department is under no obligation to accept the results of the testing without being given proper notification.

(c) Within 60 days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

19. The Astec model No. BH-60 fabric collector (ID C110B) shall be equipped with instrumentation to continuously monitor the pressure drop across ID C110B and shall monitor the pressure drop on a continuous basis.

20. The permittee shall record the pressure drop across control device ID C110B at least once per day. These records shall be retained on site for a minimum of 5 years and be presented to the Department upon request.

21. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressor that supplies compressed air to fabric collector shall be equipped with an air dryer/oil trap.

22. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for ID C110B associated with Source ID P110 in order to replace any bag immediately in need of replacement.

23. The permittee has requested an elective restriction to limit the production of asphalt in Source ID P110 to 540,000 tons in any 12-consecutive month period.

24. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, a sample of each shipment of recycled/reprocessed oil delivered to the asphalt concrete plan using a sampling technique capable of collecting a representative sample of the entire load shall be retained on site for a minimum of 5 years for random selection and analysis from the Department. These samples are to be sealed and identified as to the date of delivery, delivery invoice number, and the like

25. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall test each shipment of recycled/reprocessed oil received for halides using EPA Reference Method 9077, or an alternate reference test method if so decided by the Department. The results from these analyses will not, however, be accepted as a determination of compliance with the total halides limitation specified herein should they differ from the results of analyses when using Method 9076. Additionally, the permittee shall have a complete analysis of all contaminants of concern using reference test methods specified by the Department, for a minimum of 1 out of every 15 shipments of recycled/reprocessed oil received.

26. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the following analytical techniques and methods shall be employed to determine compliance with the recycled/reprocessed oil contaminant limitations and minimum flash point specified here in, unless the Department specifies the use of alternate analytical techniques and methods.

<i>Contaminant/ Property</i>	<i>Analytical Method</i>
Arsenic	EPA Method 200.8 and/or EPA 200.7
Cadmium	EPA Method 200.8 and/or EPA 200.7
Chromium	EPA Method 200.8 and/or EPA 200.7
Lead	EPA Method 200.8 and/or EPA 200.7
Total halides	EPA 9076
Sulfur	ASTM D4294-90
PCBs	EPA 3580 for extraction and EPA 608 for analysis
Flash point	ASTM D93-97

27. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not accept for use in Source ID P110 any shipment of recycled/reprocessed oil for which the arsenic, cadmium, chromium, lead, total halides or PCB contents or flash point are unknown or which fails to meet any limitation specified herein or for which the sulfur content is unknown or which fails to meet the limitation specified.

28. The permittee shall maintain complete and accurate records of the following:

a. The total quantity of asphalt concrete produced by Source ID P110 each month and the corresponding rolling 12-consecutive month total.

b. The quantity and type of each fuel used to fire Source ID P110 each month.

c. The delivery date, quantity delivered, identity of supplier and delivery invoice number of each shipment of recycled/reprocessed oil delivered to the plant, as well as a certified fuel analysis report for each shipment which identifies the arsenic, cadmium, chromium, lead, total halide, PCB and sulfur content in parts per million and the flash point in degrees Fahrenheit.

d. The results of all analyses required by the Department, as well as the results of any other analyses performed on recycled/reprocessed oil delivered to the plant, the identity of the specific shipment of recycled/reprocessed oil represented by each such analysis or set of analyses, the name of the individuals and/or company who performed each such analysis or set of analyses and the identity of the analytical techniques and methods used to perform each such analysis or set of analyses.

29. The permittee shall submit an annual report to the Department listing the delivery date, quantity delivered, source of origin and delivery invoice number of each shipment of recycled/reprocessed oil delivered to the site during the previous calendar year, as well as identifying the arsenic, cadmium, chromium, lead, total halides, PCB and sulfur contents and the flash points of each load. This report shall further identify the specific sources of all analytical data provided and describe why this analytical data actually represents the contaminant concentrations and flash point of the recycled/reprocessed oil delivered to the site. The report for each calendar year shall be due no later than March 1 of the following year.

30. Source ID P110 is subject to Subpart I of the federal Standards of Performance for New Stationary Sources, 40 CFR 60.90–60.93. The permittee shall comply with all applicable requirements of 40 CFR 60.90–60.93. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department and the Environmental Protection Agency.

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

53-0009A: Morgan Advanced Materials and Technology, Inc. (441 Hall Avenue, St. Marys, PA 15857) for construction of three electric heat treat ovens (Source ID 107) and installation of three thermal oxidizers (ID C107) in Eulalia Township, **Potter County**.

The company has submitted an application to the Department of Environmental Protection (Department) for plan approval to construct a three electric heat treat ovens (Source ID 107) and the installation of three thermal oxidizers (ID C107) to control the VOC emissions from each oven at their Coudersport facility in Eulalia Township, Potter County.

The Department's review of the information submitted by Morgan Advanced Materials & Technology, Inc. indicates that the ovens and the thermal oxidizers will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1, PM emission limitation of 25 Pa. Code § 123.11, the SO_x emission limitation of 25 Pa. Code § 123.22, the visible emission limitation of 25 Pa. Code § 123.41, and the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the heat-treat ovens with the installation of independent thermal oxidizers. Additionally, if the Department determines that each oven with thermal oxidizer is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State Only operating permit 53-00009 by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of each thermal oxidizer of ID C107 associated with Source ID 107 in excess of the limitations listed below:

(a) VOC—0.52 ton in any 12-consecutive month period.

(b) SO_x, expressed as SO₂—2.5 tons in any 12-consecutive month period.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip each thermal oxidizer of ID C107 with instrumentation to monitor the outlet temperature of each thermal oxidizer of ID C107 and shall monitor the outlet temperature on a continuous basis.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas as fuel for each thermal oxidizer of ID C107.

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the outlet temperature of each thermal oxidizer of ID C107 shall be maintained at no less than 1,400°F at all times during the operation of each respective heat treat oven of Source ID 107.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC destruction efficiency of each thermal oxidizer of ID C107 shall not be less than 95%.

6. The permittee shall keep records of the following information for Source ID 107:

(a) The number of hours that each heat-treat oven of Source ID 107 is operated on a monthly basis.

(b) The supporting calculations on a monthly basis used to verify compliance with the VOC and SO_x emission limitations from each heat-treat oven of Source ID 107 in any 12-consecutive month period.

(c) The test reports and supporting calculations used to verify compliance with the VOC emission limitation of each heat-treat oven of Source ID P107 and the destruction efficiency requirement for each thermal oxidizer of ID C107.

(d) The outlet temperature of each thermal oxidizer of ID C107 before entry of product into each heat treat oven of Source ID 107 and once every 4 hours of operation thereafter.

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

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of particulate matter, from the exhaust of each of the thermal oxidizers of ID C107 associated with each heat treat oven of Source ID 107, in a manner that the concentration of PM in the effluent gas exceeds 0.01 grain per dry standard cubic foot.

8. The permittee shall perform a VOC stack test on each thermal oxidizer of ID C107 to verify compliance with the VOC emission limitation and 95% VOC destruction efficiency requirement of each thermal oxidizer of ID C107 associated with Source ID 107.

(a) The testing of the inlet and outlet of each thermal oxidizer of ID C107 shall be running simultaneously.

(b) Testing is to be done using EPA reference method test procedures acceptable to the Department and all testing is to be performed while the respective source is operating at its maximum production rate.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from each heat treat oven of Source ID 107 shall be controlled by an independent thermal oxidizer of ID C107. The permittee shall not operate any heat treat oven of Source ID 107 without the simultaneous operation of the respective thermal oxidizer of ID C107.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, this plan approval is issued for the construction of three electric heat treat ovens Sergeant Wilbur/Lindbergh Models #B1T1210886/#9346-ETK-20A (Oven A), #B1T1210886/#35-9346-ETK-18A (Oven B), and #PAR11071/#9346-ETK-20A (Oven C) herein Source ID 107. The air contaminant emissions from each heat treat oven of Source ID 107 shall be controlled by an independent natural gas-fired thermal oxidizer, Morgan AM&T In-house design with a rated heat input of 0.04 mmBtu/hr (each) herein ID C107.

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

55-399-007: Kerrico Corp. (R. R. 1, Box 131H, Selinsgrove, PA 17870) for modification of a cast polymer bathroom and kitchen countertop manufacturing operation by increasing VOC emissions above 10 tons per year in Penn Township, **Snyder County**.

The respective facility is a major (Title V) facility for which a Title V operating permit has not yet been issued.

The respective facility is not expected to emit more than 38.53 tons of VOCs per year, of which no more than 36.12 tons will be HAPs, primarily styrene but also some methyl methacrylate. The facility is also not expected to emit more than 5.0 tons of acetone per year.

The Department of Environmental Protection's (Department) review of the information submitted by Kerrico Corporation indicates that the facility should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart WWWW of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.5780—63.5935 (National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production). Based on this finding, the Department proposes to issue plan approval for the modification of the cast polymer bathroom and kitchen countertop manufacturing operation.

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

1. The two gelcoat spray booths shall be equipped with a complete set of overspray filters any time the booths are in use and, additionally, shall be equipped with instrumentation to continuously monitor the pressure differential across the filters.

2. Gelcoat applied in the facility shall be applied in the two gelcoat spray booths with HVLP or high volume low pressure spray technology (or an application technique determined by the Department to have an equivalent, or lower, air contaminant emission potential) only. The air pressure of each HVLP spray system shall be set such that the air pressure at the tip of the spray gun is between .1 psig and 10.0 psig.

3. Each HVLP spray gun used at the facility shall be tested at least once each calendar quarter using "test gauge air caps" or "air cap test kits" to determine the air pressure at the tip of the gun.

4. "Clear gelcoats" and "white/off-white gelcoats" (as those terms are defined in Subpart WWWW) are the only gelcoats that shall be used at this facility. The clear gelcoats shall contain no more than 44% (by weight) volatile HAPs and no more than 44% (by weight) VOCs. The white/off-white gelcoats shall contain no more than 30% (by weight) volatile HAPs and no more than 30% (by weight) VOCs.

5. The two batch mixing machines shall be equipped with covers having no visible gaps except that gaps up to one inch are permissible around mixer shafts and any required instrumentation. The covers shall be closed at any time mixing is occurring except when adding or removing materials.

6. "Marble or cultured resins" and "solid surface resins" (as those terms are defined by the Department) are the only resins that shall be used at this facility. The marble or cultured resins shall contain no more than 32% (by weight) volatile HAPs and no more than 32% (by weight) VOCs, as supplied by the resin supplier. The solid surface resins shall contain no more than 17% (by weight) volatile HAPs and no more than 17% (by weight) VOCs as mixed. To determine the as-mixed volatile HAP or VOC, content of a batch of solid surface resin, the weight of resin used in the batch shall be divided by the sum of the weight of the resin used and the weight of the filler (such as aluminum silicate) used in the batch. This value shall then be multiplied by the volatile HAPs or VOC, content of the as-supplied resin expressed as a percentage.

7. The mold release agents used at the facility shall not contain any volatile HAPs. Additionally, the vapor pressure of any mold release agent shall not exceed 6.0 millimeters of mercury at 20°C.

8. The only materials that shall be used at the facility to clean cured and uncured gelcoats and/or resins from gelcoat application equipment and resin mixing and pouring equipment shall be acetone and Superior Oil Company "Super Blue LF Resin Cleaner" (or an alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential). Additionally, the Super Blue LF Resin Cleaner shall not contain any volatile HAPs and shall contain no more than 6.3% VOCs (by weight).

9. Containers of gelcoat, resin, cleaning solvents/materials and any other VOC-containing material, volatile HAP-containing material or acetone-containing material used at this facility shall be kept closed except when in actual use. Spray lines and guns shall be cleaned either by flushing cleaning solvent/material through the spray line/gun into an appropriate container in a solid liquid stream or by soaking the lines/guns in a closed container of cleaning solvent/material. Under no circumstances shall cleaning solvent/material be flushed or sprayed directly into the atmosphere or flushed into a container in an atomized spray. Any solvent-wet cleaning cloths shall be kept in a closed container when not in actual use.

10. The total combined VOC emissions from the entire facility shall not exceed 38.53 tons in any 12-consecutive month period, the total combined volatile HAP emissions shall not exceed 36.12 tons in any 12-consecutive month period and the total combined acetone emissions shall not exceed 5.0 tons in any 12-consecutive month period.

11. The total combined VOC emissions resulting from the use of gelcoats in this facility shall not exceed 28.16 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed 28.16 tons in any 12-consecutive month period.

12. The total combined VOC emissions resulting from the use of resins in this facility shall not exceed 6.5 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed 6.5 tons in any 12-consecutive month period.

13. The total combined volatile HAP emissions resulting from the resins used in the two batch mixing machines shall not exceed 1.0 ton in any 12-consecutive month period.

14. The total combined VOC emissions resulting from the use of mold release agents and mold cleaners in this facility shall not exceed 3.49 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed 1.4 tons in any 12-consecutive month period.

15. The total combined VOC emissions resulting from the use of cleaning solvents/materials, other than mold cleaners, in this facility shall not exceed .32 ton in any 12-consecutive month period.

16. The permittee shall maintain the records as are necessary to determine compliance with all limitations and requirements contained in this notice.

17. The permittee shall submit a "Title V Operating Permit Application" package for this facility to the Department within 120 days of the issuance of this plan approval.

18-315-0001A: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) for installation of a selective catalytic reduction (SCR) system incorporating a 2.0 mm/Btu per hour natural gas/propane-fired flue gas reheat burner, on seven 11.56 mm/Btu per hour natural gas/propane-fired boilers (and possibly on an eighth such boiler which is yet to be constructed) associated with a paper machine (Paper Machine No. 1) at a paper towel and tissue manufacturing facility in Castanea Township, **Clinton County**.

The respective facility is a major (Title V) facility for which a Title V operating permit has not yet been issued.

The proposed SCR system is intended to ensure that the NOx emissions from the boilers will comply with the emission limits established in Plan Approval 18-315-001 (issued by the Department of Environmental Protection (Department) on August 20, 2004, under the Prevention of Significant Deterioration (PSD) provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, the New Source Review (NSR) provisions of 25 Pa. Code §§ 127.201—127.217 and the best available technology provision of 25 Pa. Code §§ 127.1 and 127.12. The respective NOx emission limits are 15 parts per million, dry volume basis at 3% oxygen, one hour average, 1.93 pounds per hour and 8.45 tons per 12-consecutive month period.

The Department's review of the information submitted by First Quality Tissue, LLC indicates that the proposed SCR system should be capable of ensuring compliance with the 15 ppm NOx emission limitation as well as with the revised hourly and 12 consecutive month period emission limitations of 1.69 pounds and 7.40 tons the Department proposes to establish for the boilers as a result of a proposed SCR system design which will, at any given time, accommodate only seven of the eight possible boilers to be associated with Paper Machine No. 1. The Department also proposes to similarly adjust the allowable hourly SOx emission limitation and allowable hourly and 12-consecutive month period CO, VOC and PM, including PM10 emission limitations for the boilers. These adjustments will result in decreases of 3.21, .22 and .27 ton per 12-consecutive month period in the allowable CO, VOC and PM/PM10 emissions from the boilers.

The use of a SCR system will result in the emission of a new air contaminant, ammonia. The ammonia emis-

sions are not expected to be greater than 10 ppm, dry volume basis at 15% oxygen. The Department has determined that this level of emission complies with the BAT provision of 25 Pa. Code §§ 127.1 and 127.12.

Based on the finding discussed, the Department proposes to issue plan approval for the installation of the SCR system on the boilers associated with Paper Machine No. 1.

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

1. Only seven of the eight boilers potentially associated with Paper Machine No. 1 shall be operated at any given time following the installation of the SCR system.

2. The burner incorporated in the SCR system shall be fired on natural gas or propane only.

3. The temperature of the boiler flue gas at the inlet to the catalyst incorporated in the SCR system shall be maintained between 400° and 500°F at any time any of the eight boilers are operating unless none of the eight boilers are being exhausted to the SCR system.

4. The SCR system shall be equipped with instrumentation to continuously monitor and record the temperature of the flue gas at the inlet of the catalyst as well as the ammonia injection rate and the boilers shall be equipped with instrumentation to continuously monitor and record their combined steam load. Records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

5. Following installation of the SCR system, the SCR system may be bypassed and the boilers exhausted directly to atmosphere only during periods of scheduled SCR system maintenance when the boilers are operating at low steam demand or during emergencies to prevent unsafe conditions. The NOx emission limitation, however, remains applicable at all times.

6. The ammonia emissions from the exhaust of the SCR system shall not exceed 10 ppm, dry volume basis at 15% oxygen.

7. Following the installation of the SCR system, the NOx emissions from the boilers, measured at the outlet of SCR system if the SCR system is in use and measured at the outlet of the boilers if the SCR system is not in use, shall not exceed 15 ppm, dry volume basis at 3% oxygen, one hour average, 1.69 pounds per hour, and 7.4 tons in any 12-consecutive month period, the CO emissions shall not exceed 100 ppm, dry volume basis at 3% oxygen, 6.48 pounds per hour and 28.37 tons in any 12 consecutive month period, the VOC emissions shall not exceed .45 pound per hour and 1.97 tons in any 12 consecutive month period, the SOx emissions shall not exceed .054 pound per hour and .24 ton in any 12-consecutive month period and the PM emissions (including PM10) shall not exceed .59 pound per hour and 2.58 tons in any 12-consecutive month period.

8. Within 120 days of completion of installation of the SCR system, the permittee shall perform NOx CO and VOC stack testing on the exhaust of the SCR system while the boilers are operating at their normal maximum rate of production as well as on the exhaust of the boilers when the SCR system is not being used and the boilers are operating at the maximum steam load considered by the permittee to be the "low steam load" at which the boilers will operate during scheduled SCR maintenance. A

test protocol shall be submitted to the Department at least 60 days prior to the performance of this testing.

The permittee shall additionally perform such other stack testing as may be required to calibrate the SCR system or which may be deemed necessary by the Department to determine compliance with any emission limitation contained herein or in Plan Approval 18-315-001.

9. Within 120 days of completion of installation of the SCR system, and at least annually thereafter, the permittee shall calibrate the system in accordance with procedures which have been approved by the Department to ensure that the NOx and ammonia emission rates will not exceed the NOx and ammonia limitations specified at any boiler steam load or ammonia injection rate. A protocol for performing this calibration shall be submitted to the Department at least 60 days in advance of each occurrence of calibration.

10. Comprehensive accurate records shall be maintained of the following during each period of scheduled SCR system maintenance during which the boilers are exhausted directly to atmosphere:

a. The date and time the maintenance was commenced.

b. The date and time the maintenance was completed.

c. The combined boiler steam load. This information is to be recorded at least once per hour for the duration of the maintenance period.

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

25-952F: Bush Industries, Inc. (2455 Robison Road, Erie, PA 16509) for modification of the sources for four of the six baghouse systems currently permitted at the facility in the City of Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(B), the Department of Environmental Protection (Department) intends to issue a plan approval to modify conditions in existing plan approvals 25-316-00003, PA 25-0952B and PA 25-0952C. Other conditions in referenced plan approvals will remain in effect. This Plan Approval will be incorporated into a State-only operating permit at a later date.

This plan approval will modify the sources for four of the six-baghouse systems currently permitted at the facility. Based on the information provided by the applicant and Department's own analysis the particulate emissions from the modification will be 33 tons/yr.

Conditions of the plan approval include the following:

A list of the current sources for each baghouse system is contained in the Plan Approval.

The facility shall incorporate weekly baghouse maintenance schedules as indicated in the plan approval application. A log of the performed maintenance as recommended by the manufacturer shall be kept. Records shall be maintained for a minimum of 5 years, and shall be made available to the Department upon request.

A magnehelic gauge or equivalent shall be permanently installed and maintained at a convenient location to indicate the pressure drop across each cyclone control devices, Systems 1 and 2. The gauge employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within ±2% of full scale reading.

The pressure drop across the collectors shall be recorded on a weekly basis. A log shall be maintained and kept on file for at least 5 years and made available to Departmental personnel on request.

Pressure drop, for specific systems across the baghouse collectors, shall fall within the following ranges:

System 1	1-5"
System 2	0.25—4.25"
System 3	1-5"
System 4	1-5"
System 5	1-5"
System 6	1-5"

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

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

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

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.

54-00006: WPS Westwood Generation LLC (P. O. Box 312, US Route 309, Tremont, PA 17981) for a renewal Title V Operating Permit for a power generating facility in Frailey Township, **Schuylkill County**. The facility sources include: 1 fluidized bed boiler, 1 fire pump engine and 2 No. 2 fuel oil tanks, 1 culm materials handling system, one lime materials handling system, one ash materials handling system, 12 space heaters, 1 fuel screener, 2 wet cooling towers and unpaved facility haul roads. These sources have the potential to emit major quantities of regulated emissions above the Title V emission thresholds. The proposed renewal Title V Operating Permit contains all applicable requirements including Federal and State regulations. The facility is also subject to Phase II acid rain requirements under Title IV of the Clean Air Act. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

37-00013: CEMEX, Inc.—Wampum Cement Plant (2001 Portland Park, Wampum, PA 16157) for reissuance of Title V Operating Permit previously issued to the facility in Wampum Borough, **Lawrence County**. This facility is a major facility due to its emissions of PM10, SOx, NOx, CO and HAPs. This facility is exempted from the Compliance Assurance Monitoring requirements found in 40 CFR Part 64 because all of the pollutant specific control devices that would otherwise be subject to the rule are also regulated under 40 CFR Part 63, Subpart LLL.

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

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

22-05044: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17104-3331) for operation of a stone crushing plant and a concrete plant at the Hummelstown Quarry, in South Hanover Township, **Dauphin County**. This action is a renewal of the State-only Operating Permit issued in February, 2001.

28-03049: Thomas L. Geisel Funeral Home, Inc. (333 Falling Spring Road, Chambersburg, PA 17201) for operation of its human crematory in Guilford Township, **Franklin County**. The facility has the following annual potential air emissions: 3 tons NOx; 1 ton PM10; 0.4 ton SOx; and 0.2 ton CO. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

S05-015: Eastern Pennsylvania Psychiatric Institute (3300 Henry Avenue, Philadelphia, PA 19129) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two diesel fired emergency generators, two No. 4 oil fired boilers each at 750 Hp, and one natural gas fired boiler at 200 Hp.

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

11000104 and NPDES No. PA0248851. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface auger mine in Adams Township, **Cambria County**, affecting 133.8 acres. Receiving streams: Paint Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 9, 2005.

07000101 and NPDES No. PA0248843. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface mine in Logan Township, **Blair County**, affecting 31.0 acres. Receiving stream: Kittanning Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Altoona City Authority—Kittanning Point Reservoir. Application received December 15, 2005.

Permit No. 56960102 and NPDES No. PA 0213381. Hoffman Mining Inc., 118 Runway Road, P. O. Box 130, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface auger mine in Paint Township, **Somerset County**, affecting 196.0 acres. Receiving stream: Weaver Run to Paint Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 16, 2005.

56950108 and NPDES No. PA0213195. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 112.25 acres. Receiving streams: UNTs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 16, 2005.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (824) 797-1191.

33010101 and NPDES Permit No. PA0241865. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous surface strip operation in Winslow and Sandy Townships, **Jefferson and Clearfield Counties**, affecting 65.5 acres. Receiving stream: UNT to Sandy Lick Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received December 16, 2005.

33930101 and NPDES Permit No. PA0211486. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Gaskill and Henderson Townships, **Jefferson County** affecting 151.1 acres. Receiving stream: UNTs to East Branch Mahoning Creek, UNT of Laurel Run, classified for the following use: HQ-CWF. This first downstream potable water supply intake from the point of discharge is the Punxsutawney Public Water Supply. Application for reclamation only. Application received: December 21, 2005.

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

22851601T2. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite preparation plant operation from Harriman Coal Corporation in Wiconisco Township, **Dauphin County** affecting 13.0 acres. Receiving stream: none. Application received December 9, 2005.

54763013T2. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation from Harriman Coal Corporation in Hegins, Frailey and Porter Townships, **Schuylkill County** affecting 658.0 acres. Receiving stream: none. Application received December 9, 2005.

54713018T and R3. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation from Harriman Coal Corporation in Tremont Township, **Schuylkill County** affecting 600.0 acres. Receiving stream: none. Application received December 9, 2005.

54803019T2 and R3. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation from Harriman Coal Corporation in Hegins and Porter Townships, **Schuylkill County** affecting 1,313.0 acres. Receiving stream: none. Application received December 9, 2005.

54803004R4. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), renewal of an existing

anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County** affecting 214.0 acres. Receiving stream: none. Application received December 9, 2005.

54803203T2 and R3. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing coal refuse reprocessing operation from Harriman Coal Corporation in Hegins Township, **Schuylkill County** affecting 76.0 acres. Receiving stream: East Branch Rausch Creek. Application received December 9, 2005.

54820203T2 and R4. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite coal refuse reprocessing operation from Harriman Coal Corporation in Hegins and Porter Townships, **Schuylkill County** affecting 200.0 acres. Receiving stream: East Branch Rausch Creek. Application received December 9, 2005.

54850207T and R4. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite coal refuse reprocessing operation from Harriman Coal Corporation in Hegins Township, **Schuylkill County** affecting 39.1 acres. Receiving stream: East Branch Rausch Creek. Application received December 9, 2005.

54860109T. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation from Harriman Coal Corporation in Tremont Township, **Schuylkill County** affecting 35.0 acres. Receiving stream: none. Application received December 9, 2005.

54920103T and R2. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation from Harriman Coal Corporation in Tremont Township, **Schuylkill County** affecting 47.6 acres. Receiving stream: none. Application received December 9, 2005.

54970103T and R. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation from Harriman Coal Corporation in Porter Township, **Schuylkill County** affecting 213.0 acres. Receiving stream: none. Application received December 9, 2005.

54841304R3. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite underground mine operation in Hegins Township, **Schuylkill County** affecting 56.2 acres. Receiving stream: none. Application received December 19, 2005.

54000103R. Joe Kuperavage Coal Company (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 250.8 acres. Receiving stream: none. Application received December 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>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹			
pH ¹			greater than 6.0; less than 9.0

¹ The parameter is applicable at all times.

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

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

65950401 and NPDES Permit No. PA0201162. Derry International, LTD (P. O. Box 529, New Alexandria, PA 15670). NPDES renewal of a noncoal surface mine, located in Loyalhanna and Derry Townships, **Westmoreland County**, affecting 52 acres. Receiving stream: UNT to Loyalhanna Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the pint of discharge. Renewal application received: December 16, 2005.

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

8274SM5A1C8. D. M. Stoltzfus & Son, Inc., (P. O. Box 84, Talmage, PA 17580), depth correction for an existing quarry operation in Fulton Township, **Lancaster County** affecting 321.82 acres. Receiving stream: Octoraro Creek. Application received December 13, 2005.

38870301C5. Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105), incidental boundary correction for an existing quarry operation in North Londonderry Township, **Lebanon County** affecting 405.85 acres. Receiving stream: Quittapahilla Creek. Application received December 13, 2005.

28012805. Arthur J. Beidel (11468 Creek Road, Fannettsburg, PA 17221), Stage I and II bond release for a quarry operation in Metal Township, **Franklin County** affecting 2.0 acres, on property owned by HW Baker & Sons, Inc. Application received December 15, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E40-656. Thomas A. and Phyllis K. Regula, Box 449, R. D. 1, 508 Clinton Street, Dalton, PA 18414-0449, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure (having an areal coverage of approximately 1,337 square feet and to construct and maintain a dock/boathouse (having an areal coverage of approximately 2,888 square feet in Harveys Lake (HQ-CWF). The proposed structure will extend approximately 50 feet from the shoreline, and will have an overall width of approximately 64 feet. The project is located at Pole No. 255 along SR 0415 (Lakeside Drive). (Harveys Lake, PA Quadrangle N: 19.6 inches; W: 5.4 inches).

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

E02-1509. Pittsburgh Water and Sewer Authority, 441 Smithfield Street, Pittsburgh, PA 15222. To construct a new sewer line in Bellevue Borough and the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 20.2 inches; W: 6.6 inches and Latitude: 40° 29' 10"—Longitude: 80° 02' 51"). The applicant proposes to construct and maintain a new 48-inch diameter sewer line along and across the channel of Jack's Run (WWF) and an 84-inch diameter sewer line along, under the bed and across the

channel of Jack's Run (WWF) for the purpose of upgrading the existing sewer system. The project is located at the intersection of Belgium Street and Farragut Street in Bellevue Borough and the City of Pittsburgh, and will impact 750 Linear Feet of stream channel.

E02-1519. Franklin Park Borough, 2344 West Ingomar Road, Pittsburgh, PA 15237. To construct two foot bridges in Franklin Park Borough, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 15.2 inches; W: 14.0 inches and Latitude: 40° 35' 01"—Longitude: 80° 06' 03"). The applicant proposes to construct and maintain two foot bridges; one having a span of 25.0 feet with an underclearance of 6.85 feet across the channel of Bear Run (TSF) located approximately 300.0 feet downstream from I-79 and one having a span of 23.0 feet with an underclearance of 4.5 feet across said stream located approximately 1,000 feet downstream from I-79. To place and maintain fill in 0.14 acre of PEM/PSS wetlands and to relocate and maintain the channel of a UNT to Bear Run (TSF) for the purpose of improving Blueberry Hill Park located just south from the intersection of the intersection of Route 79 and Route 279. The project will impact 0.14 acres of wetlands and 450 feet of stream channel.

E02-1520. Michael Joseph Development Corporation, 105 Brandford Road, Suite 310, Wexford, PA 15090. To place fill in wetlands in Harrison Township, **Allegheny County**, Pittsburgh ACOE District. (Freeport, PA Quadrangle N: 3.93 inches; W: 12.37 inches and Latitude: 40° 38' 48"—Longitude: 79° 42' 51"). The applicant proposes to place fill in 0.46 acre of PEM wetlands and to place fill in 700 linear feet of a UNT to Little Bull Creek (WWF) for the purpose of constructing the proposed Walmart Super Center. The project is located on the west side of Freeport Road (Route 28), approximately 800 feet northwest from the intersection of Freeport Road (Route 28) and Old Freeport Road and will impact approximately 700 linear feet of stream channel and 0.46 acre of wetlands. A 410 foot long stream enclosure with a drainage area of less than 100 acres will also be constructed.

E02-1521 Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. To replace, upgrade and widen the existing roadway in Pine and Marshall Townships, **Allegheny County**, Pittsburgh ACOE District. (Mars, PA Quadrangle N: 5.6 inches; W: 10.0 inches and Latitude: 40° 39' 19"—Longitude: 80° 04' 27"). The applicant proposes to construct and maintain a 74 LF extension to an existing 145 LF long, 54 inch diameter culvert with a drainage area of 250 acres; relocate and maintain 30 feet of an adjacent UNT with a drainage area of 7 acres; and fill in adjacent de minimis areas of PEM wetlands equal to 0.02 acre. The applicant also proposes to extend an existing 115 LF long, 54 inch diameter culvert 13 LF in an adjacent drainage area of 54 acres (Mars, PA Quadrangle N: 5.6 inches; W: 10.1 inches). This project is associated with the widening and improvements to the Turnpike (I-76) in the Warrendale Toll Plaza area. Total project impacts are 87 LF of additional culvert, 30 feet of stream relocation, and 0.02 acre of de minimis wetland in an along UNTs to Brush Creek (WWF).

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

E10-411. Nasser Elyaderani, 7 Kevin Drive, Sewickley, PA 15143. Cranberry Center Commercial Property Development, in Cranberry Township, **Butler**

County, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40° 40' 53.16"; W: 80° 08' 20.37").

To place and maintain 30 cubic yards of fill within the floodway of Brush Creek (WWF) and to fill 0.014 acre of PEM wetlands for the purpose of developing 2.8 acres of property into a commercial development at the northeast corner of the intersection of Freedom and Powell Roads.

E37-169. Department of Transportation, District 11-0, 45 Thomas Run Road Bridgeville, PA 15107. SR 1012, Section L02, Segment 0140, Offset 1810 Across Slippery Rock Creek, in Slippery Rock Township, **Lawrence County**, ACOE Pittsburgh District (Portersville, PA Quadrangle N: 21.2 inches; W: 8.2 inches).

To remove the existing structure and to construct and maintain a simple span steel multi-girder bridge having a clear span of 135 feet and an underclearance of 23.8 feet on a 90° skew across Slippery Rock Creek on SR 1012, Section L02, Segment 0140, Offset 1810 approximately 2.5 miles south of Harlansburg. The project also includes the placement of R-7 riprap in the remnants of an adjacent millrace. According to 25 Pa. Code Chapter 93, Slippery Rock Creek is a CWF-TSF.

Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.

E42-09-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Sergeant Township, **McKean County**, Pittsburgh ACOE District.

The applicant proposes to construct an acid mine drainage (AMD) treatment system that will treat discharges from an abandoned deep mine complex. These discharges are impacting Gumboot Run for a distance of 1.6 miles. The discharges also increase the acidity load to the next receiving stream, East Branch Clarion River and the East Branch Lake. The project will fill 1.5 acres of AMD-impacted PEM wetland. Facilities to be constructed include settling ponds and limestone beds. Mitigation will include the restoration of 1.6 miles of riverine habitat in Gumboot Run and beneficial impacts to 3.0 miles of the East Branch Clarion River and the East Branch Dam. (Crosby Quadrangle N: 6.75 inches, W: 16.5 inches).

Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, (570) 826-2371.

EA5411-001: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office. Mary D. East Project in Schuylkill Township, Schuylkill County, ACOE Philadelphia District, Delano, PA. Quadrangle N: 1.15 inches; W: 7.30 inches to N: 1.50 inches; W: 7.00 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine discharge treatment.

This project will expand an existing 1.77-acre wetland to treat mine drainage. This wetland does not meet the Category 1 criteria. A 0.69-acre portion of the wetland will be filled in and replaced by 0.91 acre on the opposite side resulting in a net increase of 0.22 acre. Also two 12" PVC pipes will be installed to cross under Swift Creek allowing mine discharge into two 0.08 acre settling ponds before entering the wetland. A temporary stream crossing will be constructed during the project. Outlet control for this wetland through use of a 24" pipe and an emergency spillway will also be installed.

Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E4614-001. Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Ardsley Drainage Channel Flood Protection Project, Township of Upper Dublin, **Montgomery County**, ACOE Philadelphia District.

The permit is requested for a flood protection project with the following activates associated with the construction of the project in and along approximately 2,500 linear feet (~1.7 acres) of the Ardsley Drainage Channel (intermittent, WWF):

1. The upstream end of the project is at Penn Street in Abington Township. The upstream end of the project connects to an existing elliptical concrete pipe under Penn Street. A concrete box culvert (10 feet wide) will run for 305 linear feet from the Penn Street pipe.

2. The concrete box culvert empties into a 10-foot wide rectangular concrete channel. This channel will extend for a distance of 340 feet to an area near the intersection of Spear Avenue and Avenue G. The channel transitions to a 14 feet width and continues for a distance of 188 feet to Avenue H.

3. The existing corrugated metal pipe arch under Avenue H will be replaced with a new concrete box culvert that is 14 feet wide. The new concrete box culvert is 63 feet long.

4. A rectangular concrete channel will be constructed from Avenue H to Avenue J. The channel will run for a distance of 172 linear feet. The width of the concrete channel is 10 feet.

5. A precast concrete box culvert will replace the existing corrugated metal pipe under Avenue J. The box culvert also replaces a riprap lined channel between Avenue J and North Hills Avenue. The box culvert is 252 feet long with interior dimensions of 10 feet wide and 4 feet high.

6. A precast concrete box culvert will replace the existing box culvert under North Hills Avenue down to Fitzwatertown Road. The box culvert is 895 feet long with interior dimensions that vary between widths of 10 and 14 feet, width depths between 4 feet and 3 feet 9 inches.

7. An existing concrete box culvert under Fitzwatertown Road will remain. The existing box culvert is 100 feet long.

8. A trapezoidal riprap channel will be constructed downstream of the existing Fitzwatertown Road culvert.

The riprap channel will have a bottom width of 12 feet and a bank height of 5 feet. This channel will extend for a distance of 145 feet to the stream junction with Sandy Run.

The project is located along the Ardsley Drainage Channel (Ambler, PA Quadrangle N: 0.0 inches, W: 5.0 inches) in Upper Dublin Township, Montgomery County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D15-394EA. T. Lyons Bradley, 1339 Temple Road, Pottstown, PA 19465. ACOE Philadelphia District. Project proposes to remove approximately 1.5 acres of accumulated silts and sediments from the reservoir impounded by the Bradley Pond Dam across a tributary to the Schuylkill River (HQ-TSF). The dam is located approximately 450 feet north of the intersection of Temple Road and Catfish Lane (Pottstown, PA Quadrangle, N: 17.80", W: 8.75"). North Coventry Township, **Chester County**.

DAM SAFETY

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

D66-009A. Harry H. Sharpe, P. O. Box L, Tunkhannock, PA 18657. To modify, operate and maintain an existing partially breached earthfill dam, which creates a 41-acre recreational lake known as Sharpe's Pond, located across a tributary to Little Mehoopany Creek (CWF), impacting 0.14 acre of wetlands (Palustrine Emergent) and providing for 0.429 acre of wetland mitigation. Work includes reconstructing the earthen embankment, constructing a new primary spillway, creating an earthen auxiliary spillway, and installing a drawdown control and conduit. (Jenningsville, PA Quadrangle N: 15.7 inches; W: 8.5 inches) in Windham Township, **Wyoming County**.

D65-009. John and Jessie Ferrante, R. R. 36, Route 30 West, Greensburg, PA 15601. To modify, operate and maintain Jeannette Dam across a tributary to Brush Creek (TSF), impacting 0.21 acre of open water for the purpose of rehabilitating the existing dam creating Mountain Valley Lake. Work includes lowering the existing dam crest, stabilizing an existing diversion channel, constructing a new spillway and energy dissipation basin, constructing an outlet tower with control gate and discharge conduit, and other ancillary activities (Greensburg, PA Quadrangle N: 10.5 inches; W: 12.1 inches) in Hempfield Township, **Westmoreland County**.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029637 (Minor Industrial Waste)	Video Display Corporation P. O. Box 119 White Mills, PA 18473-0119	Wayne County Texas Township	Lackawaxen River (1B)	Y
PA0012823A1	PPL Martins Creek, LLC Two North Ninth Street Allentown, PA 18101-1179	Lower Mt. Bethel Township Northampton County	Delaware River 1F	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218693 Sewage	Luzerne Township Sewage Authority 415 Hopewell Road Brownsville, PA 15417-9542	Fayette County Luzerne Township	Monongahela River	Y
PA0090395 Industrial Waste	Indiana County Municipal Services Authority 827 Water Street Indiana, PA 15701	Indiana County Young Township	Harpers Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023931	Cambridge Area Joint Authority 161 Carringer Street Cambridge Springs, PA 16403	Cambridge Springs Borough Crawford County	French Creek 16-A	Y

Along with issuance of this final NPDES Permit on December 21, 2005, Cambridge Area Joint Authority (CAJA) and Cambridge Springs Borough simultaneously executed a Consent Order and Agreement with the Department. It requires CAJA, on behalf of the Borough to submit an approvable Act 537 Plan Update Revision, proposing solutions that will result in elimination of existing Sanitary Sewer Overflows located prior to the sewage treatment plan. The Authority has already submitted a draft 537 Plan Update Revision to the Department, preliminarily indicating the desire to construct a new STP with a higher design flow to solve these problems. CAJA has paid an up-front penalty to resolve past violations.

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

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

NPDES Permit No. PA0244112, Sewage, **Antonio and Pamela Logioia**, 2606 Pheasant Run Lane, Spring City, PA 19475. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for a new small flow sewage treatment plant to discharge into Stony Run in Watershed 3D-Manatawny.

NPDES Permit No. PA0055468, Sewage, **Pleasant Run Mobile Home Park**, Route 663 and Little Road, Perkiomenville, PA 18074. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Deep Creek in Watershed 3E-Perkiomen.

NPDES Permit No. PA0055697, Sewage, **TAD Facilities, Ltd.** 628 Telegraph Road, Coatesville, PA 19320. This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage to West Branch Brandywine Creek in Watershed 3H.

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

NPDES Permit No. PA-0061123, Sewage, **Moscow Sewer Authority**, P. O. Box 525, 309 Market Street, Moscow, PA 18444-0525. This proposed facility is located in Moscow Borough, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit. Approval for increased discharge of treated sewage up to 0.30 mgd.

Included monitoring and annual mass loads for total nitrogen and total phosphorus.

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

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

WQM Permit No. 1503420, Sewerage, **Wallace Township Municipal Authority**, P. O. Box 96, Glenmoore, PA 19343. This proposed facility is located in Wallace Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant.

WQM Permit No. 1505423, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment facility diversion valve system.

WQM Permit No. 1500416, Amendment, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: To increase in spray irrigation capacity from 290,000 gpd to 440,000 gpd.

WQM Permit No. 4604405, Sewerage, **Lower Perkiomen Valley Regional Sewer Authority**, 5 River Road, P. O. Box 613, Oaks, PA 19456-0613. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Installation of a 66" and 54" sanitary sewer interceptor.

WQM Permit No. 4604407, Sewerage, **Lower Perkiomen Valley Regional Sewer Authority**, 5 River Road, P. O. Box 613, Oaks, PA 19456-0613. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Installation of a PVC sewer interceptor, sewer manholes and nine sewage meter pits.

WQM Permit No. 4605411, Sewerage, **New Hanover Township Authority**, 2943 North Charlotte Street, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary sewer interceptor.

WQM Permit No. 4600409, Amendment, Sewerage, **Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Action/Activity: Expansion of flow capacity from 0.220 million gpd to 0.2795 million gpd.

WQM Permit No. 4605412, Sewerage, **Limerick Township Municipal Authority**, P. O. Box 29, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

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

WQM Permit No. WQG02460510, Sewerage, **Rouse/Chamberlin, Ltd.**, 500 Exton Road, Exton, PA 19341. This proposed facility is located in Upper Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

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

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

WQM Permit No. WQG02460512, Sewerage, **Lower Providence Township Sewer Authority**, 100 Parklane Drive, Eagleville, PA 19403. This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 1586409, Amendment, Sewerage, **Wallace Township Municipal Authority**, P. O. Box 96, Glenmoore, PA 19343. This proposed facility is located in Wallace Township, **Chester County**.

Description of Action/Activity: Modifications to the existing effluent dispersal spray fields.

WQM Permit No. 1505406, Sewerage, **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station, force main and gravity mains.

WQM Permit No. 4605419, Sewerage, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Upgrade to existing sewer lines.

WQM Permit No. 0905410, Sewerage, **Hilltown Township Water and Sewer Authority**, 316 Highland Park, P. O. Box 365, Sellersville, PA 18960. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of sewerage facilities consisting of 6 individual grinder pumps and a force main.

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

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

Description of Proposed Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 2605402, Sewerage, **S.M.A.A.J.G. Development Corporation**, P. O. Box 622, Perryopolis, PA 15473. This proposed facility is located in Perryopolis Borough, **Fayette County**.

Description of Proposed Action/Activity: Pump Station and Force Main.

WQM Permit No. 3005402, Sewerage, **Dana Mining Corporation of Pennsylvania, Inc.**, P. O. Box 1029, Morgantown, WV 26507. This proposed facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Construction of a sewage treatment plant to serve Dana Mining Corporation of PA 4-West Mine Bathhouse.

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

WQM Permit No. 1005404, Sewerage, **Linda Starr**, 400 Isle Road, Butler, PA 16001. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment system to serve the Starr Subdivision.

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

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905003	Steffen Hausner Hausner Tract 16 Stoney Hill Road New Hope, PA 18938	Bucks	New Hope Borough	Aquetong Creek (HQ-CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505058	LTK Associates, Inc. Calvary Chapel of Chester Springs Church 55 Country Club Drive Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)
<i>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805005	Spring Valley Estates, LLC P. O. Box 701 Mavqansville, MD 21767	Franklin	Guilford Township	Falling Spring Branch HQ/CWF
PAI032805001	Mark Bard 1402 Lincoln Way East Chambersburg, PA 17201	Franklin	Guilford Township	Conococheague/Falling Springs HG/CWF
PAI032805004	KJS Properties, LLC 9156 Molly Pitcher Highway South Greencastle, PA 17225	Franklin	An trim Township	Muddy Run HQ/CWF
PAI033605005	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	Pequea Creek/Umbles Run WWF/HQ-CWF
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062405001	MiCale Construction Services, Inc.	Elk	Fox Township	UNT Byrnes Run EV
PAI063305002	Jefferson County	Jefferson	Pinecreek Township	UNT North Fork HQ-CWV UNT Mill Creek CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Makefield Township Bucks County	PAG2000905071	Congregation Beth EI Phase II Development 375 Stony Hill Road Yardley, PA 19067-5810	Rock Run and Brock Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000905089	First Leader Development Waterford Greene 1 Abington Plaza, Suite 403 Jenkintown, PA 19046	Tributary Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000905120	K/H GPI, LLC Proposed Warehouse Expansion 2600 Grand Avenue Kansas City, MO 64108	Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000905076	Goodman Properties 636 Old York Road Jenkintown, PA 19046	Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Township Bucks County	PAG2000904102	First Federal Reality 118 Mill Street Bristol, PA 19007	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000905081	RRD, LLC 920 Wayland Circle Bensalem, PA 19020	UNT Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000904185	Robert R. Ferguson and Richard Foggio P. O. Box 83 Bedminster, PA 18910	Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002305030	National Realty Corporation 1604 Walnut Street Philadelphia, PA 19103	Darby Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Darby Borough Delaware County	PAG2002305050	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Darby Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002305051	Blanke Aschkerasy Properties, LLC 300 Conshohocken State Road West Conshohocken, PA 19428	Crum Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Township Delaware County	PAG2002305070	John Tremonte 62 Sonia Lane Broomall, PA 19008	UNT Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Norristown Borough Montgomery County	PAG2004605159	Quaker City Properties P. O. Box 269, 321 Arbor Lane Ambler, PA 19002	Sawmill Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105034	Philadelphia Housing Development Corp. Ludlow Village, Phase V 1234 Market Street 17th Floor Philadelphia, PA 19107	City of Philadelphia Municipal Separate Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG2015105041	Marinaview Properties, LP Marina View Towers 5891 Easton Road P. O. Box 1040 Philadelphia, PA 18949	Delaware River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hampden Township Cumberland County	PAG2002105019	Laurel Ridge Estates High Family Partnership Jim Shultz 1853 William Penn Way P. O. Box 10008 Lancaster, PA 17605	Pine Run and Holtz Run WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Lemoyne Borough Cumberland County	PAG20021040421	Copper Ridge II Cornerstone Development Group Dyric Synder 1 Marketway East York, PA 17401	UNT to Susquehanna WWP	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Mennallen Township Bendersville Borough Adams County	PAG2000104021	Richard A. Klein, Pres. Greater Bendersville Development Company, LLC 350 Mason Dixon Road Gettysburg, PA 17325	UNT to Oppossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Freedom Township Adams County	PAG2000105031	Brian C. Shaub 1500 Wilson Avenue Lancaster, PA 17603	Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Monroe Township Mifflin County	PAG2003405011	Larry L. Long R. R. 2, Box 410 Port Royal, PA 17082	UNT to Quaker Run CWF	Juniata County Conservation District R. D. 5, Box 35 Stoney Creek Dr. Mifflintown, PA 17059 (717) 436-8953
Exeter and Amity Townships Berks County	PAG20006050541	David Kaufman Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000605098	Bruce Shepherd Hibernia Homes 1009 Telegraph Road Coatesville, PA 19320	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Derry Township Dauphin County	PAG2002205063	Derry Township Municipal Authority 670 Clearwater Rd. Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Bradford County Tory and Granville Townships	PAG2000805012	Mark A. Johnson Tenn. Gas Pipeline Co. 1001 Louisiana St. Room 1156A Houston, TX 77002	Mud Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Grampian Borough	PAG2001704017	Monty T. Simbeck P. O. Box 88 Grampian, PA 16838	Kratzer Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 814-765-2629
Beaver County Chippewa Township	PAG2000405016	Demetrios Pappan Sean & Company, LP 2304 Broadhead Road Aliquippa, PA 15001	UNT to Wallace Run (WWF)	Beaver County CD (724) 378-1701
Beaver County Center Township	PAG2000405025	Center Area School Dist. Dr. Daniel Matsook 160 Baker Road Ext. Monaca, PA 15061	UNT to Moon Run (WWF)	Beaver County CD (724) 378-1701
Beaver County Franklin Township	PAG2000405026	Jeff Kaurez Auto Zone, Inc. 123 S. Front Street 3rd Floor Memphis, TN 38103	UNT to Connequenessing Creek (WWF)	Beaver County CD (724) 378-1701

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Sewickley Township Beaver County	PAR506116	Joseph J. Brunner 211 Brunner Road Zelienople, PA 16063	UNT to Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Eaton Township Wyoming County	PAG042201	Cyril Lichtensteiger 60 Lortel Avenue Staten Island, NY 10314	Susquehanna River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-9

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Hempfield Township Westmoreland County	PAG096106	Hapchuk Sanitation R. D. 10, Box 276 Greensburg, PA 15601	Hapchuk Sanitation	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the

Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **Pennsylvania American Water Co.**, 800 West Hersheypark Drive, Hershey, PA 17033 (PWS ID 3480038) Upper Mount Bethel Township and Bangor Borough, **Northampton County** on December 20, 2005, for the operation of facilities approved under construction permit Minor Amendment issued November 12, 2004.

Permit No. Minor Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Borough or Township	Bridgewater Township
County	Susquehanna
Type of Facility	PWS
Consulting Engineer	Scott Thomas, P. E.
Permit to Construct Issued:	December 15, 2005

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

Permit No. 0605502, Public Water Supply.

Applicant	Pennsylvania-American Water
Municipality	Lower Heidelberg Township
County	Berks
Type of Facility	Addition of the Calvary Well Facility P-28 to the Penn District with associated treatment.
Consulting Engineer	Michael J Daschbach, P. E. Entech Engineering, Inc. 4 South Fourth Street Reading, PA 19603
Permit to Construct Issued:	12/15/2005

Permit No. 3805504, Public Water Supply.

Applicant	Cornwall Borough, Lebanon County Municipal Authority
Municipality	Cornwall Borough
County	Lebanon

Type of Facility	Construction of a new Alden Place Storage Tank and booster chlorination system at the existing Borough Garage Pumping Station; repainting of the Cold Spring Storage Tank and distribution pipeline improvement.
Consulting Engineer	James C Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	11/30/2005
Permit No. 2805506 MA, Minor Amendment,	Public Water Supply.
Applicant	Bear Valley, Franklin County, Pennsylvania Joint Authority
Municipality	St. Thomas, Peters and Hamilton
County	Franklin
Type of Facility	Distribution system upgrades
Consulting Engineer	David R Knapton, P. E. Gannett Fleming, Inc. 601 Holiday Drive Pittsburgh, PA 15220
Permit to Construct Issued:	11/28/2005
Permit No. 2805507,	Public Water Supply.
Applicant	Washington Township Municipal Authority
Municipality	Washington Township
County	Franklin
Type of Facility	Applicant seeks a construction permit for the proposed 65,000 gallon per day Lininger Subdivision finished water pump station.
Consulting Engineer	Merle J Holsinger, P. E. Civil Planning & Design 1800 East Main Street Waynesboro, PA 17268
Permit to Construct Issued:	12/8/2005
Permit No. 2205507 MA, Minor Amendment,	Public Water Supply.
Applicant	Lykens Borough Authority
Municipality	Jackson Township
County	Dauphin
Type of Facility	Installation and use of soda ash instead of lime from December to March.
Consulting Engineer	Peter Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Construct Issued:	12/15/2005

Operations Permit issued to **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 12/15/2005 for the operation of facilities approved under Construction Permit No. 0604502 MA.

Operations Permit issued to **The Meadows Home Owners Association**, 7010044, Cumberland Township, **Adams County** on 12/13/2005 for the operation of facilities approved under Construction Permit No. 0104505.

Operations Permit issued to **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 12/15/2005 for the operation of facilities approved under Construction Permit No. 0603515 MA.

Operations Permit issued to **Lower Windsor Township**, 7670307, Windsor Township, **York County** on 11/30/2005 for the operation of facilities approved under Construction Permit No. 6704513.

Operations Permit issued to **Shrewsbury Borough**, 7670088, Shrewsbury Borough, **York County** on 11/30/2005 for the operation of facilities approved under Construction Permit No. 6702506.

Operations Permit issued to **Exelon Nuclear**, 7670905, Delta Borough, **York County** on 12/14/2005 for the operation of facilities approved under Construction Permit No. 6704501.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	Renovo Borough
Township or Borough	Renovo Borough
County	Clinton
Responsible Official	Judith Kelley Renovo Borough 128 Fifth Street Renovo, PA 17764
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	12/20/2005
Description of Action	Operation of the 4-inch turbo meter installed at your booster pump station.

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

Permit No. 0205503, Public Water Supply.

Applicant	Fawn-Frazier Joint Water Authority 326 Donnellville Road Natrona Heights, PA 15065
Borough or Township	Fawn and Frazier Townships
County	Allegheny
Type of Facility	Water system improvements
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Permit to Construct Issued	December 20, 2005

WATER ALLOCATIONS

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

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

WA30-1000, Water Allocations. Dunkard Valley Joint Municipal Authority, P. O. Box 193, Greensboro, PA 15338, **Greene County**. The applicant is requesting the right to withdraw 250,000 gallons per day, average day, from the Monongahela River.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Leacock Township	P. O. Box 325 Leola, PA 17540	Lancaster

Plan Description: The approved plan provides for extension of sewer service to 14 residential lots. Sewage will be tributary to a new sewage pump station to be dedicated to the Leola Sewer Authority and will then go to the City of Lancaster's North pump station and Wastewater Treatment Facility. Total flows will be 2,800 gallons per day. The name of the project is "Quarry Road" and the DEP Code number is A3-36954-150-3; the APS number is 570014. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Rd. Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The proposed Brubacker subdivision consists of 200 residential lots, a new pump station for 46,000 gal/day average flow and a new force main tributary to the North Middleton Authority sewer system and the Carlisle Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hanover Township	901 Steubenville Pike Burgettstown, PA 15021	Washington

Plan Description: The approved plan amends the existing Act 537. The revised plan consists of Phase 1 construction of sanitary sewers to serve the Paris Area. Sewage flow from these sewers will be conveyed via pump stations to the Weirton Sewage Treatment Plant in Weirton, West Virginia. Phases II—V: construction of a 205,000 gallon per day sewage treatment plant in the Bavington Area at the confluence of Raccoon and Little Raccoon Creeks. The new sewage treatment plant will serve the Bavington Area, Starpointe Business Park, Florence and the Post Gazette Pavilion as well as the Pepsi Roadhouse. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location: On the south side of Edgegrove Rd., east of its intersection with Centennial Rd. in Mt. Pleasant Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mount Pleasant Township	c/o Diane Groft 1035 Beck Rd. Gettysburg, PA 17325	Adams

Plan Description: The development proposed a five-lot single family residential subdivision utilizing onsite sewage disposal and the project code number is A3-01925-209-2. The plan was disapproved because the hydrogeologic study does not reliably predict whether the proposed subdivision will prevent pollution of the waters of this Commonwealth.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Prompt Interim Response

Forward Township, Ash Slide Site, Forward Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at Forward Township, Ash Slide Site (Site). This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Site is located at the intersection of River Hill Road and Malerie Lane in Forward Township, Allegheny County.

The Site consists of approximately 30,000 cubic yards of ash that was dumped into a ravine on the property in the 1940's. The purpose of the deposition of the ash material is unknown, but it may have been used as fill material. On January 25, 2005, several tons of this ash slid into the channel of Perry Mills Run below. The slide resulted in blockage of the stream channel, the flooding of Rostosky Ridge Road and nearby residences and the deposition of ash in the affected area. In January of 2005 the Department funded a response to relocate the stream channel to

prevent undercutting the waste pile and to remove heavy ash deposits along Rostosky Ridge Road.

The ash pile continues to present an eminent and substantial threat to the environment and to the public at large. The slide resulted in the waste pile having a 40 to 50 foot high near-vertical face wall of questionable stability. The pile's current condition poses the likelihood that an additional failure could occur that would release additional ash to the air, surface water and surrounding community.

The objective of this response action is to remove the human health threats associated with the ash pile by excavating the ash and removing the ash offsite to an approved disposal facility.

The following response actions were considered:

1. *No Action:* This alternative would involve no response by the Department to stabilize or cover the ash slide slope.

2. *Removal and offsite disposal of the ash and stabilizing the slope:* This alternative involves excavating into the existing slope and removing the ash to be taken offsite for proper disposal. The slope remaining after the ash is removed will be graded, mulched and seeded to stabilize it. Prior to the work, engineering studies will be done to determine the most effective method of stabilizing the area. Monitoring and maintenance of the Site will take place for at least 1 year after seeding. Reseeding will be done, as needed, to maintain a stabilizing growth of vegetation, and repairs would be made of any areas of erosion or instability.

3. *Removal and onsite disposal of ash and stabilizing slope with borrow material:* This alternative involves excavating into the existing slope and removal of ash from this excavation and from the base of the slope for temporary storage. Borrow material would be removed from another area on the property to be placed, compacted and graded to design specifications on the slope to stabilize it. The slope would be seeded and mulched. The temporarily stored ash would be placed in the excavated borrow area on the property, covered with soil, seeded, and mulched. Prior to the work, engineering studies will be done to determine the most effective method of stabilizing the area. Monitoring and maintenance of the Site will take place for at least 1 year after seeding. Reseeding will be done, as needed, to maintain a stabilizing growth of vegetation and repair any areas of erosion or instability.

The Department has determined that alternative No. 2 is the most protective of human health and environment and has begun work at the site to prepare to remove the ash to an offsite disposal facility. This work is being conducted as an emergency response under section 501(g) of the HSCA (35 P. S. § 6020.501(g)).

This notice is being provided under section 505(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's regional office at 400 Waterfront Drive in Pittsburgh and is available Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will open for comment from January 7, 2006, to April 7, 2006. Persons may submit written comments to the record during this time only by sending them to Terry Goodwald, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. The Department has scheduled the hearing on February 9, 2006, at 7:30 p.m. at the William Penn Elementary School, 392 William Penn Road, Forward Township. Persons wishing to present comments must register with Helen Humphreys before 12 p.m. on February 9, 2006, by telephone at (412) 442-4183 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

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

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Franklin Center (Former American Insulator), New Freedom Borough, **York County.** Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Cornerstone Development Group, One Market Way East, York, PA 17401, submitted a Final Report concerning remediation of groundwater and soil contaminated with hydraulic oil. The report is intended to document remediation of the site to the residential Statewide Health Standard.

Wawa Store No. 153, City of Reading, **Berks County.** Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Exton, PA 19604, on behalf of Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063, submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with leaded gas. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

Franklin Center (Former American Insulator), New Freedom Borough, **York County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Cornerstone Development Group, One Market Way East, York, PA 17401, submitted a Final Report concerning remediation of groundwater and soil contaminated with hydraulic oil. The final report demonstrated attainment of a residential Statewide Health Standard, and was approved by the Department on December 15, 2005.

Veeder-Root Company, Allegheny Township, **Blair County**. Axiom Environmental Services, LLC, P. O. Box 20522, Lehigh Valley, PA 18002, on behalf of Veeder-Root Company, P. O. Box 1673, Altoona, PA 16604 submitted a combined Remedial Investigation and Final Report concerning remediation of groundwater and site soils contaminated with gasoline, PCBs and chlorinated hydrocarbons. The combined report demonstrated attainment of a combination of the nonresidential Statewide Health and Site-Specific Standards, and was approved by the Department on December 15, 2005.

AIR QUALITY

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

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

35-320-007GP7: Panel Prints, Inc. (1001 Moosic Road, Old Forge, PA 18518) on December 13, 2005, to construct and operate two lithographic sheetfed presses at their facility in Old Forge Borough, **Lackawanna County**.

48-310-057GP3: Northledge LLC (930 East Market Street, Bethlehem, PA 18017) on December 13, 2005, to construct and operate a portable stone crushing plant at 1600 Freemansburg Avenue, Freemansburg Borough, **Northampton 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.

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

39-309-063: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on December 9, 2005, to modify an existing Cement Kiln No. 2 to utilize plastic derived fuel at their facility in Whitehall Township, **Lehigh County**.

45-310-037: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on December 12, 2005, to modify a stone crushing plant (making a portable plant permanent) at the Locust Ridge Quarry, in Tobyhanna Township, **Monroe County**.

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

28-05038A: Blue Ridge Renewable Energy, LLC (1660 Orchard Road, Scotland, PA 17254-0399) on December 19, 2005, to install five Engine/Generators firing treated landfill gas in Greene Township, **Franklin County**.

36-05009A: J. L. Clark, Inc. (303 North Plum Street, Lancaster, PA 17602-2401) on December 15, 2005, to install a Regenerative Thermal Oxidizer in the City of Lancaster, **Lancaster County**.

36-05017C: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519-0158) on December 16, 2005, to construct a new coating booth and to enlarge an existing booth, in East Earl Township, **Lancaster County**.

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

30-00099E: Allegheny Energy Supply Co. (800 Cabin Hill Drive, Greensburg, PA 15601) on December 14, 2005, to cofire with Powder River Basin coal at the Hatfield's Ferry Station in Monongahela Township, **Greene County**. This is a Title V facility.

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

43-341A: Sample-O'Donnell Funeral Home, Inc. (555 East State Street, Sharon, PA 16146) on November 30, 2005, for installation of a human remains crematory at their Sharon facility in the City of Sharon, **Mercer County**.

24-136A: National Fuel Gas Supply Corp. (Owls Nest Road, Kane, PA 16735) on November 30, 2005, to install a nonselective catalytic reduction system on two 200 hp natural gas fired compressor engines and increase the hours of operation of both compressor engines in Highland Township, **Elk County**.

61-185C: Heath Oil Co. (State Route 8, Barkeyville, PA 16038) on December 16, 2005, for the postconstruction approval of the bulk storage terminal, tank wagon loading rack, and vapor balancing and burnoff system in Barkeyville Borough, **Venango County**. This is a State-only facility.

24-123E: Onyx Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846) on December 19, 2005, to install an additional enclosed ground flare (6,000 cfm) similar in design to the existing flares in Fox Township, **Elk County**. This is a Title V facility.

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

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

09-0124B: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on December 21, 2005, to operate a combined cycle combustion turbines in Falls Township, **Bucks County**.

15-0054A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on December 20, 2005, to operate a dryer burner in East Whiteland Township, **Chester County**.

23-0014D: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) on December 20, 2005, to operate a wet scrubber dust control system in City Of Chester, **Delaware County**.

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

23-0066A: PyroPure, Inc. t/a Pyromet (5 Commerce Drive, Aston, PA 19014) on December 20, 2005, to operate three crucible and three rotary furnaces in Chester Township, **Delaware County**.

46-322-007: Waste Management Disposal Services of PA, Inc. (1425 Sell Road, Pottstown, PA 19464) on December 22, 2005, to operate a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

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

31-05011C: U.S. Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) on December 15, 2005, to modify an existing fluid bed dryer to use additional fuels of Nos. 4 and 6 oil and recycled oil at their Mapleton Depot Plant in Brady Township, **Huntingdon 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.

17-305-020A: Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16833) on December 13, 2005, to operate a coal processing plant on a temporary basis until April 12, 2006, at the Leslie Tipple in Decatur Township, **Clearfield County**. This plan approval has been extended.

14-00014B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 13, 2005, to operate a recycled asphalt pavement crusher, two belt conveyors and a double deck screen in an asphalt plant, a crusher and two belt conveyors in a stone crushing plant, and various pieces of stone crushing, screening, conveying, and the like, equipment, the air contaminant emissions from which are controlled by a new fabric collector, on a temporary basis until April 12, 2006, in Spring Township, **Centre County**. The plan approval has been extended.

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17815) on December 14, 2005, to

perform stack testing on a paper machine (Paper Machine No. 1) and associated equipment until April 13, 2006, to operate Paper Machine No. 1 and associated equipment on a temporary basis until April 13, 2006, and to construct another paper machine (Paper Machine No. 2) and associated equipment until April 13, 2006 in Castanea Township, **Clinton 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.

30-00099D Allegheny Energy Supply Co.—Hatfield's Ferry Power Station (800 Cabin Hill Drive, Greensburg, PA 15601) on December 14, 2005, to install an SO₃ injection system for additional particulate emission reduction at the Hatfield's Ferry Power Station (Hatfield), in Monongahela Township, **Greene County**. As a result of comments from EPA, and to eliminate the potential for any possible significant emission increase of H₂SO₄, the following modifications to Plan Approval PA-30-00099D have been made. Since these changes are minor and do not trigger PSD or NSR, they will be placed into effect by means of Minor Plan Approval Modification.

1. The word "no" in Special Condition No. 5 has been replaced with "less than 10%." Special Condition No. 5 now reads, "During those periods when less than 10% PRB (or other low sulfur) coal is burned, the maximum molten sulfur usage rate shall be limited to 474,902 lbs/yr, based on a rolling 365-day period. Only days when no PRB (or other low sulfur) coal is burned shall be accumulated in sulfur usage totals for each 365-day rolling period. Compliance with this limit shall be established by maintaining records of daily sulfur usage and PRB coal usage and daily calculation of rolling 365-day sulfur usage, for days when PRB (or low sulfur) coal is not used.

2. The following condition (previously No. 6) has been deleted. "The sulfur injection limits and recordkeeping requirements established in condition No. 5 shall be removed/terminated in the event that Flue Gas Desulfurization equipment is permanently installed."

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

24-083F: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on December 31, 2005, to construct Carbon Baking Kiln No. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. This is a Title V facility.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.

AMS 04264: University of Pennsylvania (3451 Walnut Street, Philadelphia, PA 19104) on December 14, 2005, to modify Plan Approval 04264 for installation of 29 emergency generators.

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

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

TV-32-00200: Indiana University of Pennsylvania—SW Jack Cogeneration Plant (425 Pratt Drive, Indiana, PA 15705) on December 14, 2005, to renew a

Title V Operating Permit for their SW Jack Cogeneration Plant in Indiana Borough, Indiana County. The facility's major sources of emissions include four internal combustion reciprocating engines (8,386 bhp per engine), three 30.1 mmBtu/hr gas fired boilers. This facility has the potential of emitting more than 50 tons of VOCs, 100 tons of NOx and 100 tons of CO.

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

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

15-00094: Metallurgical Products Co. (P. O. Box 598, West Chester, PA 19380) on December 21, 2005, to operate a secondary copper smelting and alloying facility of a Natural Minor Operating Permit in West Goshen Township, **Chester County**.

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

06-03072: Animal Rescue League of Berks County, Inc. (P. O. Box 69, Mohnton, PA 19540) on December 15, 2005, to operate an animal crematory in Cumru Township, **Berks County**.

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

37-00287: Ed & Don DeCarbo Funeral Home and Crematory, Inc. (3000 Wilmington Road, New Castle, PA 16105) on December 14, 2005, to operate a crematorium in Neshannock Township, **Lawrence County**.

24-00126: US Resistor, Inc. (1016 Delaun Road, St. Marys, PA 15857) on December 15, 2005, for a Natural Minor Operating Permit for a batch cold cleaning machine at their noninductive resistor manufacturing plant in the City of St. Marys, **Elk County**.

10-00237: Fox Funeral Home, Inc. (410 West Main Street, Saxonburg, PA 16056) on December 14, 2005, for a Natural Minor Permit to operate a crematorium in Saxonburg Borough, **Butler County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.

AMS 01164: Academy Recycling (8901 Torresdale Avenue, Philadelphia, PA 19136) on December 20, 2005, to install a tub grinder, powers screen, concrete crusher, double screen and robotrac screen. Each unit has an IC engine between 97 hp and 750 hp in the City of Philadelphia, **Philadelphia County**.

V05-001: Exelon Generation Co.—Southwark Generating Station (2501 South Delaware Avenue, Philadelphia, PA 19148) on December 16, 2005, to operate an electric utility on the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four combustion turbines rated at 233 mmBtu/hr each.

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.

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

67-05052: New York Wire Company (P. O. Box 1749, York, PA 17405-1749) on December 20, 2005, to operate their Weaving Facility in City of York, **York County**. This Operating Permit was administratively amended to incorporate the annual compliance certification reporting period be based on the calendar year (Jan. 1—Dec. 31). This is revision No. 1.

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

37-00059: Praxis Companies, LLC—Praxis Northeast (372 Rundle Road, New Castle, PA 16102) on December 15, 2005, to issue an administrative amendment to a Title V Permit V Operating Permit to incorporate a change of ownership from URC Enterprises, LLC to Praxis Companies, LLC in Taylor Township, **Lawrence County**.

37-00243: INMETCO (245 Portersville, Ellwood City, PA 16117) on December 19, 2005, to amend a Title V Operating Permit to operate a secondary nonferrous metals recovery facility, in Ellwood City Borough, **Lawrence County**. This Title V Permit was administratively amended to correct typographical errors.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

32991301 and NPDES Permit No. PA0215228, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to renew the permit and Related NPDES Permit and revise the permit for the Nolo Mine in Buffington, Pine, Cherryhill, and Brush Valley Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 1587.0, SCP Acres Proposed 1405.0. Permit issued December 20, 2005.

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

63050101 and NPDES Permit No. PA0250694. Muligan Mining, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit issued for commencement, opera-

tion, and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 46.7 acres. Receiving streams: UNT to Little Raccoon Run to Raccoon Creek to Ohio River. Application received: March 24, 2005. Permit issued: December 16, 2005.

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

10820139 and NPDES Permit No. PA0605646. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225). Renewal of an existing bituminous surface strip, coal ash placement and beneficial use of fly ash in Venango Township, **Butler County** affecting 102.8 acres. This renewal is for reclamation only. Receiving streams: three UNTs of Seaton Creek. Application received: October 27, 2005. Permit Issued: December 16, 2005.

43020103 and NPDES Permit No. PA0242136. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip and coal ash placement operation to change the post mining land use from forestland to unmanaged natural habitat on the Leslie P. and Wendy L. Schumann property in Sandy Lake Township, **Mercer County**. Receiving streams: UNT B to Sandy Creek. Application received: October 18, 2005. Permit Issued: December 20, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

47054101. DC Guelich Explosives, Inc. (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting for Woods of Welsh in Mahoning and Valley Townships, **Montour County** with an expiration date of March 31, 2006. Permit issued December 15, 2005.

48054122. DC Guelich Explosives, Inc. (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting for the Bethlehem Landfill in Lower Saucon Township, **Northampton County** with an expiration date of September 30, 2006. Permit issued December 15, 2005.

15054132. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Niven View in London Britain Township, **Chester County** with an expiration date of December 19, 2006. Permit issued December 16, 2005.

35054122. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Circle Green Development South Abington Township, **Lackawanna County** with an expiration date of January 31, 2007. Permit issued December 16, 2005.

45054156. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Harvest Acres in Tobyhanna Township, **Monroe County** with an expiration date of January 31, 2007. Permit issued December 16, 2005.

45054157. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Highland Community in Pocono Township, **Monroe County** with an expiration date of January 31, 2007. Permit issued December 16, 2005.

64054113. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Hideout Development in Lake Township, **Wayne County** with an expiration date of January 31, 2007. Permit issued December 16, 2005.

36054179 and 36054180. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Penn Manor in Manor Township, **Lancaster County** with an expiration date of December 31, 2006. Permit issued December 19, 2005.

36054181. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for a single dwelling in Lancaster Township, **Lancaster County** with an expiration date of June 1, 2006. Permit issued December 19, 2005.

38054131. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Lebanon Valley Catholic Homes in North Cornwall Township, **Lebanon County** with an expiration date of December 31, 2006. Permit December 19, 2005.

46054140. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Wawa Gas Station in Hatfield Township, **Montgomery County** with an expiration date of March 30, 2006. Permit issued December 19, 2005.

15054013. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting for a foundation at 1607 Tyler Drive in Tredyffrin Township, **Chester County** with an expiration date of December 20, 2006. Permit issued December 19, 2005.

67054054. Springfield Contractors, Inc. (290 Seaks Run Road, Glen Rock, PA 17327), construction blasting at Roth's Farm Village Subdivision in Jackson Township, **York County** with an expiration date of December 31, 2006. Permit issued December 20, 2005.

06054117. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510), construction blasting for Hill Top Subdivision in Maxatawny Township, **Berks County** with an expiration date of January 1, 2007. Permit issued December 20, 2005.

40054129. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Eagle Rock Resort in Black Creek, Hazle and North Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of January 31, 2007. Permit issued December 20, 2005.

40054130. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Laurel Brook Estates in Bear Creek Township, **Luzerne County** with an expiration date of January 31, 2007. Permit issued December 20, 2005.

66054102. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Hayduk Enterprises in Lemon Township, **Wyoming County** with an expiration date of January 31, 2007. Permit issued December 20, 2005.

36054182. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Florin Hill in Mt. Joy Borough, **Lancaster County** with an expiration date of December 31, 2006. Permit issued December 21, 2005.

36054183. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Lampeter Sewer Project in West Lampeter Township,

Lancaster County with an expiration date of March 30, 2006. Permit issued December 21, 2005.

36054184. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Weaverland Mennonite Church in East Earl Township, **Lancaster County** with an expiration date of March 30, 2006. Permit issued December 21, 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.

E46-972. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, Upper Merion Township, **Montgomery County**, ACOE Philadelphia district.

To widen the turnpike starting approximately 1,300 feet from the center of the Valley Forge interchange and ending at Flint Hill Road and the turnpike intersection. The water obstruction and encroachment impacts associated with this project involve five stream crossings, two wetland fills and floodway filling of the Trout Creek (WWF), UNT to Trout Creek (WWF), UNT to Abrams Run (WWF), and the Frog Run (WWF), all associated with the crossings. Specific encroachment activities involved with this project are:

1. To extend a 42-inch diameter RCP enclosure at station 140+00 by approximately 56 cumulative feet, measured from both upstream and downstream of the structure, carrying a UNT to Trout Creek under the turnpike. Approximately 50 cubic yards of fill will be placed within the floodway to facilitate this extension. Approximately 15 cubic yards of R-5 riprap will be placed in the stream to stabilize the opening.

2. To repair a 10-foot by 6-foot concrete box culvert enclosure at station 171+00 by a total of 43 cumulative feet, measured from both upstream and downstream of the structure, carrying a UNT to Trout Creek under the turnpike. Approximately 10 cubic yards of fill will be placed within the floodway to facilitate this extension. Approximately 204 cubic yards of R-8 riprap will be placed in the stream to stabilize the opening.

3. To extend and maintain a twin cell 16-foot by 8-foot (each cell) concrete box culvert enclosure at station 203+00 by approximately 131 cumulative feet, measured from both upstream and downstream of the structure, carrying Crow Creek under the turnpike. Approximately 330 cubic yards of fill will be placed within the floodway to facilitate this extension. Approximately 333 cubic yards of R-7 riprap will be placed in the stream to stabilize the opening.

4. To extend and maintain a 5-foot by 3-foot concrete box culvert enclosure at station 221+00 by approximately 56.2 cumulative feet, measured from both upstream and downstream of the structure, carrying a UNT to Abrams Run under the turnpike. Approximately 50 cubic yards of fill will be placed within the floodway to facilitate this extension. Approximately 5 cubic yards of R-6 riprap will be placed in the stream to stabilize the opening.

5. To extend and maintain a 16-foot by 7-foot concrete box culvert enclosure at station 328+00 by approximately 69 cumulative feet, measured from both upstream and downstream of the structure, carrying Frog Run under the turnpike. Approximately 400 cubic yards of fill will be placed within the floodway to facilitate this extension. Approximately 20 cubic yards of R-6 riprap will be placed in the stream to stabilize the opening.

6. To replace and maintain a five-span bridge, measuring 279-foot long with a 37.5-foot underclearance, with a two-span bridge, measuring 250-foot long with 34.71-foot underclearance, taking the turnpike over Frog Run at station 283+00. The total impact will be 140 linear feet of watercourse, measured from both upstream and downstream of the structure.

7. To place fill within 0.005 acre of wetland at station 171+00 and 0.022 acre of wetland between Stations 202 and 203. Wetland compensation will occur at another site location under Permit E46-952.

8. The construction of an outfall structure to accommodate the discharge from Stormwater Management Basin No. 4 into Frog Run in the vicinity of station 321+50 by means of a 6-foot bottom R-4 rock-lined ditch.

The project will permanently impact approximately 495 linear feet of watercourse and 0.027 acre of wetland. The project impact locations run along with the turnpike with impact areas located at six specific stations, starting from Valley Forge interchange going eastward and ending at Flint Hill Road and the Turnpike intersection in Lower Merion Township, Montgomery County (beginning point: Valley Forge, PA, Quadrangle N: 16.76 inches; W: 4.49 inches, End point, Norristown, PA, Quadrangle N: 17.66 inches; W: 12.78 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-744. County Of Chester, 14 East Biddle Street, 1st Floor, P. O. Box 2748, West Chester, PA 19380, West Caln and West Brandywine Townships, **Chester County**, ACOE Philadelphia District.

To remove the existing Chester County Bridge No. 283 and to construct and maintain a new bridge consisting of a 60-foot wide by 8.33-foot high waterways opening at the same location, across the West Branch of the Brandywine Creek (TSF-MF), and impacting 0.04 acre of wetland. The bridge carries Reid Road (T-445) over the creek and is located approximately one half mile west of the intersection of Hibernia and Reid Roads (Wagontown, PA, USGS Quadrangle N: 0.3 inch; W: 10.75 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-974. Glen Farms L.P., 1030 West Germantown Pike, P. O. Box 287, Fairview Village, PA 19409, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

For the following water obstruction and encroachment activities associated with the proposed Pimlico Farms Residential Subdivision:

1. To place fill within 0.01 acre of wetland (PEM) to accommodate access road "A" from Potshop Road.
2. To construct and maintain a 36-inch RCP stormwater conduit utility line crossing of a wetland.
3. To provide 0.33 acre of replacement wetlands which will compensate for impacts from this Permit and associated Permits E46-975 and E46-976. The mitigation area is located offsite at the Bell Kumpf Tract located in Worcester Township, Montgomery County.

The site is located at the northeast intersection of Germantown Pike and Potshop Road (Lansdale, PA, USGS Quadrangle N: 5.8 inches, W: 16.0 inches) in New East Norriton Township, Montgomery County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-975. East Norriton Township, 2501 Stanbridge Street, East Norriton, PA 19401, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To grade and fill 0.19 acre of wetland (PEM) associated with the widening of Potshop Road and with the proposed Pimlico Farms Residential Subdivision. The site is located northeast of the intersection of Germantown Pike and Potshop Road (Lansdale, PA, USGS Quadrangle N: 5.8 inches; W: 16.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-976. Montgomery County Commissioners, Montgomery County Courthouse, One Montgomery Plaza, Norristown, PA 19406.

For the following water obstruction and encroachment activities associated with the widening of Germantown Pike and with the proposed Pimlico Farms Residential Subdivision:

(1) To remove, replace and maintain the existing culvert that conveys a tributary under the intersection at Potshop Road and Germantown Pike and to modify the stream channel immediately downstream of the culverts that convey flows along the northern side of Germantown Pike.

(2) To place fill within 0.10 acre of wetland associated with the widening of Germantown Pike to accommodate the entrance to the Pimlico Farms Residential Subdivision.

The site is located northeast of the intersection of Germantown Pike and Potshop Road (Lansdale, PA, USGS Quadrangle N: 5.8 inches; W: 16.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E40-653. William D. Haas, P. O. Box 125, Bear Creek, PA 18602, Bear Creek Township and Bear Creek Village Borough, **Luzerne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a private 2-span bridge across Bear Creek (HQ-CWF) and an associated gravel access road across the floodway of Bear Creek and PFO wetlands, impacting a de minimis area of wetlands less than or equal to 0.05 acre. The bridge will have an overall span of approximately 108 feet and an underclearance of approximately 7.5 feet. The project is located on the west side of SR 2041 (White Haven Road), approximately 0.6 mile southeast of the intersection of SR 0115 and SR 2041 (Pleasant View Summit, PA Quadrangle N: 8.5 inches; W: 17.2 inches). (Subbasin: 2A)

E52-199. Nemanie Village, Inc., P. O. Box 77, Hawley, PA 18428, Palmyra Township, **Pike County**, United States Army Corps of Engineers Philadelphia District.

To remove the existing structures and to: (1) construct and maintain a floating community dock in Lake Wallenpaupack (HQ-CWF), extending approximately 220 feet from the shoreline and occupying a width of 27 feet (including a 5-foot walkway with fingers extending from the walkway); (2) construct and maintain three road crossings of a tributary to Lake Wallenpaupack (HQ-CWF), utilizing a 72-inch by 44-inch CMP arch culvert for "Crossings A and B" and a 58-inch by 36-inch CMP arch culvert for "Crossing C"; and (3) construct and maintain multiple utility line crossings to be located under the proposed road crossings for the purpose of constructing the Nemanie Village subdivision. The project is located on the west side of SR 0507, approximately 0.5 mile west of the intersection of SR 0507 and T-413 (Hawley, PA Quadrangle N: 6.8 inches; W: 14.8 inches). (Subbasin: 1B)

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

E34-116: Delaware Township, R. R. 1, Box 410, Thompsettown, PA 17094 in Delaware Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a wastewater treatment facility, 6,200 linear feet of 8-inch PVC conventional sewer, 340 linear feet of 4-inch DIP force main sewer, and a remote pumping station involving: 1) four open trench utility line crossings of Delaware Creek (TSF) with associated 20-foot wide, temporary road crossings: a) 20-foot by 6-inch with erosion control blanket (Latitude: 40° 36' 30"; Longitude: 77° 14' 22"); b) 36-foot by 8-inch with R-6 bank stabilization (Latitude: 40° 36' 30"; Longitude: 77° 14' 15"); c) 30-foot by 8-inch and 4-inch with R-6 bank stabilization on the left bank and erosion control blanket on the right bank (Latitude: 40° 36' 30"; Longitude: 77° 14' 10"); and d) 60-foot by 8-inch with erosion control blanket (Latitude: 40° 36' 27"; Longitude: 77° 14' 12"); 2) one 3-foot by 8-inch open trench utility line crossing of a UNT to Delaware Creek (TSF) and a 20-foot wide, temporary road crossing (Latitude: 40° 36' 25"; Longitude: 77° 14' 13"); 3) one 23-foot by 8-inch utility line crossing under an existing culvert carrying a UNT to Delaware Creek (Latitude: 40° 36' 32"; Longitude: 77° 14' 07"); 4) one 6-inch PVC with a 2-foot by 5-foot PennDOT Type D endwall outfall along Delaware Creek (Latitude: 40° 36' 28"; 77° 14' 13"); and 5) to place 267 cy of fill material in the 100-year floodplain of a UNT to Delaware Creek in Delaware Township, Juniata County.

E67-785: Maryland and Pennsylvania Railroad Preservation, 225 West Lancale St., Baltimore, MD 21217 in Chanceford and Lower Chanceford Townships, **York County**, ACOE Baltimore District.

To construct and maintain 3.37 miles of the Maryland and Pennsylvania Railroad including bridge repair of the superstructure and substructure (Latitude: 39° 48' 26"; Longitude: 76° 28' 22") over a UNT to Muddy Creek (TSF), replacement of an existing 10' 6" span 6" underclearance bridge with a 10' 6" span 1' 4" underclearance of a non-composite rolled steel beam bridge (Latitude: 39° 48' 56"; Longitude: 76° 28' 47"), maintenance of existing beams and abutments of a non-composite rolled steel beam bridge (Latitude: 39° 49' 08"; Longitude: 76° 29' 17"), repair undermined and scoured wing/abutment and scour holes in the stream (Latitude: 39° 49' 33"; Longitude: 76° 29' 57") in UNTs to the North Branch of Muddy Creek (CWF), construct a 6-foot high, 175-foot long gabion wall with sawtooth deflector at the toe of streambank and replace a 12-inch outfall pipe (Latitude:

39° 49' 11"; Longitude: 76° 29' 01"), construct a 6-foot high, 200-foot long gabion wall with sawtooth deflector at toe of streambank and replace a 12-inch outfall pipe (Latitude: 39° 49' 33"; Longitude: 76° 29' 57"), and construct a 6-foot high, 110-foot long gabion wall with a sawtooth deflector at toe of streambank and construct an outfall swale along the North Branch Muddy Creek (CWF), Chanceford and Lower Chanceford Township, York County.

E05-331: Broad Top Township, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633 in Broad Top Township, **Bedford County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge of 42 feet on a 70° skew with a minimum underclearance of 5.46 feet over Sixmile Run (WWF) and associated improvements on SR 7203, Section 551 in order to improve the safety condition of the road located in the Village of Defiance (Saxton, PA Quadrangle N: 6.65 inches; W: 14.0 inches) in Broad Top Township, Bedford County.

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

E18-399. Joseph J. Zebrowski, 2200 Sulphur Run Rd. Jersey Shore, PA 17740. Pine Creek Floodway Landing, Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 14.33 inches; W: 7.24 inches).

To maintain a hand placed rock landing measuring 20 feet long and 23 feet wide at its widest point. The landing is level with the existing ground on the landside and extends above the ground a maximum of 12 inches on the riverside. This structure is located in the floodway of Pine Creek (HQ-TSF). This permit was issued under Section 105.13(e) "Small Projects."

E49-289. Herndon Borough Jackson Township Joint Municipal Authority, P. O. Box 381, Herndon, PA 17830. Sanitary Collection System, in Herndon Borough and Jackson Township, **Northumberland County**, ACOE Baltimore District (Pillow, PA Quadrangle N: 15.42 inches; W: 12.84 inches).

To construct, operate and maintain 21,000 LF of 8-10 inch PVC gravity sewer main, 2,400 LF of 1.25-4 forcemain. The project proposes to cross Sucker Creek (WWF) and three UNTs to the Susquehanna River (all WWF), contain two floodway fills to the Susquehanna River (WWF), one wetland crossing and one new outfall into the Susquehanna River (WWF), all of which are detailed in the following table:

Impact Type	Stream Name	Area of Impact	Latitude	Longitude	Length (feet)	Width (feet)	Area (ft ²)	Classification	Type of Wetland
Stream Crossing #1	Sucker Creek	100' northwest of the centerline of the box culvert carrying Sucker Creek beneath SR 147	40° 41' 58.05" N	76° 51' 3.79" W	29	5	145	WWF	NA

<i>Impact Type</i>	<i>Stream Name</i>	<i>Area of Impact</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Length (feet)</i>	<i>Width (feet)</i>	<i>Area (ft²)</i>	<i>Classification</i>	<i>Type of Wetland</i>
Place fill in 100-Year Floodway	Susquehanna River	Approximately 140' west of the intersection of the private boat launch road with the Norfolk Southern Railroad tracks	40° 41' 59.60" N	76° 51' 5.25" W	256	170	1 acre	WWF	NA
New Outfall Location	Susquehanna River	Approximately 360' west of the intersection of the private boat launch road with the Norfolk Southern Railroad tracks	0° 41' 58.980" N	76° 51' 7.12" W	10	5	50	WWF	NA
Pump Station #3 100-Year Floodway Infringement	Susquehanna River	Approximately 120' west of the northwest corner of house #293	40° 42' 56.13" N	76° 50' 33.49" W	10	10	100	WWF	NA
Stream Crossing #2	UNT to the Susquehanna River	Approximately 760' southeast of the proposed Pump Station #2 location	40° 42' 27.48" N	76° 50' 42.44" W	29	5	145	WWF	NA
Stream Crossing #3	UNT to the Susquehanna River	Approximately 40' south of the southwest corner of house #11	40° 43' 9.60" N	76° 50' 18.93" W	29	5	145	WWF	NA
Stream Crossing #4	UNT to the Susquehanna River	Approximately 1,350 south of the proposed Pump Station #4 location	40° 43' 12.15" N	76° 50' 18.36" W	29	5	145	WWF	NA
Wetland Crossing	Wetland B	Approximately 130' south of the southwest corner of house #11	40° 43' 9.11" N	76° 50' 19.46" W			735	WWF	Isolated emergent

The project is located along the SR 405 corridor surrounding Herndon (Pillow, PA Quadrangle, N: 15.42 inches, W: 12.84 inches) Herndon Borough and Jackson Township, Northumberland County.

E60-177. John D. Griffith, Griffith Developments, 2065 Green Ridge Road, Mifflinburg, PA 17844. Temporary wetland impacts in West Buffalo Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 9.9 inches; W: 4.2 inches).

Temporarily impact 0.07 acre of palustrine emergent/forested wetlands to construct and maintain a gravity flow stormwater conveyance across a farmed wetland belonging to Spangler Trust. Purpose of the project is to alleviate a point stormwater discharge. The site is located on the north side of Meadow Green Drive in West Buffalo Township, Union County.

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

E10-409, Center Township Supervisors, 419 Sunset Drive, T-831 Glenwood Way Bridge, Across Connoquenessing Creek, in Center Township, **Butler County**, ACOE

Pittsburgh District (Mount Chestnut, PA Quadrangle N: 5.5 inches; W: 1.6 inches).

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

This project includes placement of fill in 0.009 acre of palustrine/scrub/shrub wetland habitat. Connoquenessing Creek is classified as a WWF.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.

EA1009-003. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes two dangerous highwalls totaling

3,300 linear feet. The project will include the backfilling of (1) a 0.14 acre open water body, which is AMD-impacted; and (2) a 0.08 acre open water body. The project will directly impact 0.22 acre of open water. (West Sunbury Quadrangle N: 6.5 inches, W: 7.75 inches).

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D46-001EA. Montgomery County Commissioners, Montgomery County Court House, P. O. Box 311, Norristown, PA 19404. Bridgeport Borough, **Montgomery County**, ACOE Philadelphia District.

Project proposes to construct, operate, and maintain a fish passage facility at the Norristown Dam for the purpose of facilitating passage and restoration of anadromous fish species within the Schuylkill River (WWF, MF) watershed. The fish passage facility will consist of a 140-foot long Denil fishway located along and adjacent to the south bank of the river (right abutment of dam) and an excavated channel located immediately downstream of the fishway to facilitate fish movement to

the fishway entrance. The project will temporarily impact approximately 0.47 acre and permanently impact approximately 0.04 acre of riverine and open water habitat (Norristown, PA Quadrangle, N: 19.8", W: 13.6").

D46-027EA. Exelon Generation, 300 Exelon Way, KSB-3-S, Kennett Square, PA 19348. Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

Project proposes to construct, operate, and maintain a fish passage facility at the Black Rock Dam for the purpose of facilitating passage and restoration of anadromous fish species within the Schuylkill River (WWF, MF) watershed. The fish passage facility will consist of a 130-foot long Denil fishway located along and adjacent to the west bank of the river (right abutment of dam) and an excavated channel located immediately downstream of the fishway to facilitate fish movement to the fishway entrance. The project will temporarily impact approximately 0.48 acre and permanently impact approximately 0.02 acre of riverine and open water habitat including impacts to the Phoenixville Branch Canal (Phoenixville, PA Quadrangle, N: 4.3", W: 1.0").

SPECIAL NOTICES

Availability of Final Total Maximum Daily Loads (TMDLs)

The Department of Environmental Protection (Department) has developed Total Maximum Daily Loads (TMDLs) for the watersheds listed below. The TMDL sets the pollutant loading amounts for impaired waters that are allocated among the sources in the watershed. These TMDLs have been approved by the Environmental Protection Agency and satisfy the Department's obligations under section 303(d) of the Federal Clean Water Act.

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Montour Run	Allegheny	metals and pH
Raccoon Creek	Allegheny/Beaver/Washington	metals, pH and suspended solids
Burgetts Creek	Allegheny/Beaver/Washington	metals, pH and suspended solids
Big Run	Clearfield	pH
Long Valley Run	Bradford	metals and pH
Bens Creek	Cambria	metals and pH
Elk Creek	Cambria	metals, pH and other inorganics
S Br Blacklick Creek	Cambria/Indiana	metals and pH
Logway Run	Centre	metals and pH
North Fork Beech Creek	Centre	metals, pH and other inorganics
Curleys Run	Clearfield	metals and pH
Deer Creek	Clearfield	metals and pH
Woods Run (Moose Run)	Clearfield	metals and pH
Grimes Run	Clearfield	metals and pH
Hartshorn Run	Clearfield	metals, pH and other inorganics
Lick Run	Clearfield	metals and pH
Fork Creek	Clearfield	metals and pH
North Branch Upper Morgan Run	Clearfield	metals and pH
North Camp Run	Clearfield	metals, pH and other inorganics
Brubaker Run WS	Cambria	metals, pH and other inorganics
Cucumber Run WS	Somerset	metals and pH
Amos Branch	Clinton	metals and pH
Birch Island Run	Clinton	metals and pH
Little Birch Island Run	Clinton	metals and pH
Middle Branch Big Run	Clinton	metals and pH
Daguschahonda Run	Elk	metals and pH

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Iron Run	Elk	metals and pH
Dents Run	Elk/Cameron	pH
Aylesworth Creek	Lackawanna	metals and pH
Powderly Creek	Lackawanna	metals and pH
Lackawanna River	Lackawanna/Luzerne/Susquehanna/Wayne	metals and pH
Otter Run	Lycoming	metals and pH
Mill Creek	Schuylkill	metals and pH
Muddy Branch Creek	Schuylkill	metals and pH
Loyalsock Creek	Sullivan/Lycoming	metals and pH
Brush Creek	Westmoreland	metals and pH
McCune Run	Westmoreland	metals and pH
Getty Run	Westmoreland	metals and pH
Monestary Run	Westmoreland	metals and pH
Fourmile Run	Westmoreland	metals, pH and other inorganics
Moon Run	Allegheny	metals and pH
Sanbourn Run	Clearfield	metals, pH and other inorganics
Saxman Run	Westmoreland	metals and pH
Spring Run	Cambria	metals and pH
Sterling Run	Centre	metals and pH
Surveyor Run WS	Clearfield	metals and pH
Little Surveyor Run	Clearfield	metals and pH
Union Run	Westmoreland	metals and pH
UNT Trout Run	Elk	metals and pH
W Branch Schuylkill River	Schuylkill	metals and pH
Wilson Creek	Lackawanna	metals and pH
Tioga River	Tioga	metals and pH
Anderson Creek	Clearfield	metals and pH
Little Anderson Creek	Clearfield	metals and pH
Kratzer Run	Clearfield	metals and pH
Seaton Creek	Butler	metals, pH and other inorganics
Blacks Creek	Butler	metals and pH
Newmyer Run	Fayette	metals and pH
Oven Run	Somerset	metals and pH
McGourvey Run	Clarion	metals, pH and other inorganics
Huskins Run	Armstrong	other inorganics
Limestone Run	Armstrong	other inorganics

To request a copy of a TMDL, contact the Division of Watershed Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 772-5807, Dorothy Harris, doharris@state.pa.us or access the TMDL through the Department's website: www.dep.state.pa.us/watermanagement_apps/tmdl/ (choose stream under "Select By TMDL Name:").

[Pa.B. Doc. No. 06-22. Filed for public inspection January 6, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. 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 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting 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.

Comment Period Extension:

Draft Technical Guidance

DEP ID: 362-0300-009. Title: Reuse of Treated Wastewater Guidance Manual. The comment period for draft technical guidance document #362-0300-009, originally advertised at 35 Pa.B. 6835 (December 17, 2005), is extended from January 17, 2006, to March 17, 2006. Description: This manual provides guidance to domestic sewage treatment plant operators and other parties who are interested in implementing a beneficial wastewater reuse project. It contains information on the design, operation and maintenance requirements for wastewater systems discharging treated water for beneficial reuse. The manual is intended to ensure that wastewater is managed in an environmentally sound manner in accordance with Department regulations and that wastewater discharges are free from substances that pose a serious threat to the public health, safety and welfare. The manual is issued under the authority of Act 537 of 1966, the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20a), The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code Chapter 91 (relating to general provisions). Written Comments: The Department is seeking comments on draft technical guidance #362-0300-009. Interested persons may submit written comments on this draft technical guidance document by March 17, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Tom Franklin, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, thfranklin@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Tom Franklin, (717) 783-1820, thfranklin@state.pa.us.

KATHLEEN A. MCGINTY
Secretary

[Pa.B. Doc. No. 06-23. Filed for public inspection January 6, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Liberty Eye Surgical Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Liberty Eye Surgical Center, LLC has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

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

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/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. 06-24. Filed for public inspection January 6, 2006, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Chronic Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, January 13, 2006, from 10 a.m. to 3 p.m. in Room 327, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information, contact Marijane Salem-Noll, Program Manager, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 783-5436. Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Marijane Salem-Noll at the previously listed number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-25. Filed for public inspection January 6, 2006, 9:00 a.m.]

Health Policy Board Meetings

The Health Policy Board has set its calendar for the year 2006. The meeting dates are scheduled as follows:

March 15, 2006
June 14, 2006
September 13, 2006
December 13, 2006

Meetings will begin at 10 a.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

These meetings are subject to cancellation without notice.

For additional information or for persons with a disability who wish to attend the meeting and require an

auxiliary aid, service or other accommodation to do so should contact Joseph May at (717) 772-5298, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-26. Filed for public inspection January 6, 2006, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, January 18, 2006, from 9 a.m. to 4 p.m. and on Thursday, January 19, 2006, from 9:00 a.m. to 2:30 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

The Department reserves the right to cancel these meetings without prior notice.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

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

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

[Pa.B. Doc. No. 06-27. Filed for public inspection January 6, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Buffalo Valley Lutheran Village
889 Fairground Road
Lewisburg, PA 17837-1299

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24 and 205.27 (relating to dining room; and lounge and recreation rooms):

Presbyterian Home of Greater Johnstown
787 Goucher Street
Johnstown, PA 15905
FAC ID 680102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

Healthsouth Transitional Rehabilitation Unit
1850 Normandie Drive
York, PA 17404
FAC ID 250702

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, paexcept@health.state.pa.us.

Persons who wish to comment on this 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, 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. 06-28. Filed for public inspection January 6, 2006, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, January 19, 2006, from 10 a.m. to 3 p.m. in the Richards Recital Hall, Dixon University Center, 2986 North Second Street, 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 Carolyn S. Cass, Director, Division of Child and Adult Health Services, (717) 772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-29. Filed for public inspection January 6, 2006, 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. §§ 165-1—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 contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has 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>
John R. Kurtiak, individually, and doing business as Kurtiak Enterprises	17599 Route 322 Strattanville, PA 16258	12/15/2005

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 06-30. Filed for public inspection January 6, 2006, 9:00 a.m.]

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—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 contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has 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>
Lawrence Roofing Company, Inc. and Lawrence August, individually	P. O. Box 123 19212 Route 119 Punxsutawney, PA 15767-0123	12/21/05

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 06-31. Filed for public inspection January 6, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Agreement to Enforce the Provisions of Act 50 of 2005

The Department of Transportation (Department), under the authority contained in section 12 of the act of July 14, 2005 (P. L. 285, No. 50) (Act 50), gives notice that the

agreement between the Department and the Philadelphia Parking Authority to enforce the provisions of 75 Pa.C.S. § 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class), required by section 11 of Act 50, has been executed.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-32. Filed for public inspection January 6, 2006, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board Meeting Cancellation

The January 17, 2006, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for Tuesday, February 21, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the meeting will be available on the Department of Environmental Protection's website at www.depweb.state.pa.us (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727, nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 06-33. Filed for public inspection January 6, 2006, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Tuesday, January 10, 2006, Education Committee meeting—10 a.m., Mandated Benefits Committee meeting—1 p.m.; Wednesday, January 11, 2006, Council meeting—10 a.m. The meetings will be held in the Conference Room, Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 06-34. Filed for public inspection January 6, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Allegheny Health, Education and Research Foundation; Prehearing

Appeal of Allegheny Health, Education and Research Foundation under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-11-045

On or before January 18, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 7, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 2, 2006. 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 January 25, 2006, 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 1, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-35. Filed for public inspection January 6, 2006, 9:00 a.m.]

Edward and Anna Ciotti; Hearing

Appeal of Edward and Anna Ciotti under 40 P. S. §§ 991.2101—991.2193; HealthAssurance; Doc. No. HC05-12-004

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on February 1, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 26, 2006. The hearing shall occur on February 15, 2006, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 18, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before January 25, 2006.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-36. Filed for public inspection January 6, 2006, 9:00 a.m.]

Hanover Healthcare Plus, Inc.; Prehearing

Appeal of Hanover Healthcare Plus, Inc. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-11-028

On or before January 10, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 6, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 31, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 25, 2006. 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 January 17, 2006, 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 January 24, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-37. Filed for public inspection January 6, 2006, 9:00 a.m.]

Patricia J. Kauffman, M. D.; Prehearing

Appeal of Patricia J. Kauffman, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-11-047

On or before January 18, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 7, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 2, 2006. 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 January 25, 2006, 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 1, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-38. Filed for public inspection January 6, 2006, 9:00 a.m.]

Pennsylvania Property & Casualty Insurance Guaranty Association; Prehearing

Appeal of Pennsylvania Property & Casualty Insurance Guaranty Association under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-11-046

On or before January 18, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 20, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 2, 2006. 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 January 25, 2006, 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 1, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-39. Filed for public inspection January 6, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. 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 Amy Ricedorf; file no. 05-119-08917; Liberty Mutual Insurance Company; doc. no. P05-11-040; January 26, 2006, 10 a.m.

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

Appeal of Kearston McConnell; file no. 05-215-03396; Bristol West Insurance Company; doc. no. PH05-11-042; January 20, 2006, 10 a.m.

Appeal of Ernest W. Lee; file no. 05-266-03701; American Independent Insurance Company; doc. no. PH05-12-020; March 23, 2006, 9 a.m.

Appeal of Jennifer J. McMaster; file no. 05-267-03564; Liberty Mutual Insurance Company; doc. no. PH05-12-021; March 24, 2006, 9 a.m.

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

Appeal of Michele Berwick; file no. 05-193-07318; Progressive Casualty Insurance; doc. no. P05-11-041; April 11, 2006, 9 a.m.

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

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-40. Filed for public inspection January 6, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

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

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

Appeal of Geico Insurance; file no. 05-130-08460; Luann Black; doc. no. P05-12-003; February 1, 2006, 10 a.m.

Appeal of Erie Insurance Exchange; file no. 05-119-09347; Roger L. Burrige; doc. no. P05-12-022; February 9, 2006, 2 p.m.

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

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-41. Filed for public inspection January 6, 2006, 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, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Gayle and Leland Christensen; file no. 05-119-09103; Lebanon Mutual Insurance Company; doc. no. P05-11-029; January 17, 2006, 2 p.m.

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

Appeal of Ethel M. Robinson; file no. 05-215-03439; Harleysville Insurance Company; doc. no. PH05-11-043; January 19, 2006, 10 a.m.

Appeal of Martin A. and Grazyna Malz; file no. 05-265-10667; Chubb Indemnity Insurance Company; doc. no. PH05-12-023; March 24, 2006, 10 a.m.

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

Appeal of Sheila J. Small; file no. 05-303-71463; Mutual Benefit Insurance Company; doc. no. PI05-11-014; April 11, 2006, 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.

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

Following the hearing and receipt of the stenographic transcript, the 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 Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-42. Filed for public inspection January 6, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Berks County, Wine & Spirits Shoppe #0610, Kenhorst, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,500 to 6,000 net useable square feet of new or existing retail commercial space located within 1/2 mile of the intersection of SR 625 and SR 724, Kenhorst.

Proposals due: January 27, 2006, 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 following Liquor Control Board leases will expire:

Carbon County, Wine & Spirits Shoppe #1302, 1215 North Street, Jim Thorpe, PA 18229.

Lease Expiration Date: December 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space located along North Street, Jim Thorpe.

Proposals due: January 27, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Joseph P. Hannon, (717) 657-4228

Cumberland County, Wine & Spirits Shoppe #2107, 3760 Market Street Camp Hill, PA 17011.

Lease Expiration Date: January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 6,000 net useable square feet of new or existing retail commercial space located along Market Street bordered by US 11 and US 15 to the east and St. John's Church Road to the west.

Proposals due: January 27, 2006, 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

Dauphin County, Wine & Spirits Shoppe #2214, Village of Oakhurst Shopping Ctr., 4404 Oakhurst Boulevard, Harrisburg, PA 17110-3452.

Lease Expiration Date: December 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 8,000 net useable square feet of new or existing retail commercial space located along SR 39 (Linglestown Road) bordered by North Progress Avenue to the east and Colonial Road to the west.

Proposals due: January 27, 2006, 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

Dauphin County, Wine & Spirits Shoppe #2215, The Point Shopping Center, 4227 Union Deposit Road, Harrisburg, PA 17111-1001.

Lease Expiration Date: January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space located within 1/2 mile of the intersection of Union Deposit Road and East Park Drive, Lower Paxton Township.

Proposals due: January 27, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Matthew Sweeney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3907, The Shops at Cedar Point, 333 South Cedar Crest Boulevard, Allentown, PA 18103.

Lease Expiration Date: December 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located within 1/4 mile of the intersection of SR 222 and Cedar Crest Boulevard, City of Allentown.

Proposals due: January 27, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Matthew Sweeney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3919, K-Mart Plaza, 4777 Tilghman Street, Allentown, PA 18104.

Lease Expiration Date: January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space located within 1 mile of the intersection of Tilghman Street and Hausman Road, South Whitehall Township.

Proposals due: January 27, 2006, 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

Northumberland County, Wine & Spirits Shoppe #4902, 53 East Independence Street, Shamokin, PA 17872.

Lease Expiration Date: August 31, 2008

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 located on SR 61 within 1 mile of its intersection with SR 901, Coal Township.

Proposals due: January 27, 2006, 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

York County, Wine & Spirits Shoppe #6703, South Hanover Shopping Center, 787 Baltimore Street, Hanover, PA 17331.

Lease Expiration Date: 90-day since November 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 6,000 net useable square feet of new or existing retail commercial space located within approximately 1 mile of the intersection of SR 94 and SR 194 in Hanover.

Proposals due: January 27, 2006, 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

York County, Wine & Spirits Shoppe #6709, Manchester Crossroads, 351 Loucks Road, York, PA 17404.

Lease Expiration Date: January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 to 8,000 net useable square feet of new or existing retail commercial space located within 1 mile of the intersection of US 30 and Susquehanna Trail, Manchester Township.

Proposals due: January 27, 2006 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. 06-43. Filed for public inspection January 6, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Change of Control

A-310325F0006 and A-312050F0006. Alltel Pennsylvania, Inc. and Alltel Communications, Inc. Joint application of Alltel Pennsylvania, Inc. and Alltel Communications, Inc. for approval of the change of control of Alltel Pennsylvania, Inc. and Alltel Communications, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 23, 2006. The documents filed in support of the application are available for inspection and

copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Alltel Pennsylvania, Inc. and Alltel Communications, Inc.

Through and By Counsel: D. Mark Thomas, Esquire, Patricia Armstrong, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-44. Filed for public inspection January 6, 2006, 9:00 a.m.]

Order

Public Meeting held
 December 15, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

Law Bureau Prosecutory Staff v. Budget Phone, Inc.
 (2004.0267); *Doc. No. C-20044068*

Budget Phone, Inc. Petition for Reinstatement; Doc. No.
A-311159

Order

By the Commission:

On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against Budget Phone, Inc. (Budget Phone), a reseller of toll service and a CLEC certificated at A-311159. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to Budget Phone that its 2003 Annual Report was due. The Complaint charged that Budget Phone violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling Budget Phone's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 17, 2004, but Budget Phone failed to file an answer or its 2003 Annual Report. As a result of Budget Phone's failure to respond to the Complaint, the Commission entered a Default Order on July 20, 2005 that sustained the Complaint and cancelled Budget Phone's certificate of public convenience. The notice of the Default Order was published August 6, 2005 at 35 Pa.B. 4512 with a 20-day comment period.

The Commission received Budget Phone's 2003 Annual Report on October 18, 2005, and the \$250 late-filing fee on November 10, 2005. On December 5, Budget Phone filed a letter-petition for reinstatement. In its petition, Budget Phone seeks reconsideration of the Default Order and reinstatement of its certificate. Budget Phone apologized for failing to timely file its 2003 Annual Report and stated that it has taken steps to ensure that it timely complies with future filing deadlines.

It is well-settled that decisions such as whether to grant a petition for reinstatement are left to the Commission's discretion. *Hoskins Taxi Service v. Pa.P.U.C.*, 486 A.2d 1030 (Pa. Comwlth. 1985). In ruling upon a reinstatement petition, it is incumbent upon this Commission

to examine all relevant factors in order to reach an equitable result. *Medical Transportation, Inc.*, 57 Pa.P.U.C. 79 (1983).

The Commission has identified five factors that are particularly relevant to the adjudication of a petition to reinstate: 1) the amount of time that elapsed between the cancellation of the certificate of public convenience and the filing of the petition, 2) whether the petitioner has a record of habitually violating the Public Utility Code, 3) the reasonableness of the excuse given for the violation that caused the certificate to be cancelled, 4) whether the petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the cancellation, and 5) whether the petitioner is current in the payment of all Commission fines and assessments. *Re: M. S. Carriers, Inc.*, Docket No. A-00110601 (May 4, 1999).

In considering the first factor, we note that only three months and nine days elapsed between the effective date of the cancellation on August 26, 2005 and Budget Phone's request for reinstatement on December 5, 2005. This short period of time supports reinstatement.

In regard to the second factor, Budget Phone does not have a record of habitually violating the Public Utility Code. Budget Phone was issued its certificate of public convenience in 2002. No other Complaints have been issued against Budget Phone in addition to the instant Complaint. Thus, Budget Phone's record also supports reinstatement.

In considering the third and fourth factors, Budget Phone is appropriately apologetic in its Petition for the delinquency in filing its 2003 Annual Report. Budget Phone further stated that it has taken steps to ensure that its regulatory compliance remains in good standing. The fact that Budget Phone has now complied with our reporting requirements and has taken steps to ensure future compliance militates toward reinstatement. Specifically, Budget Phone has hired an in-house CPA to specifically address financial reporting requirements. Moreover, in an effort to ensure timely compliance with all Commission reporting deadlines, Budget Phone has hired TCS, a regulatory compliance company based in Alpharetta, GA. TCS provides regulatory compliance services for numerous Pennsylvania jurisdictional utilities.

A review of Commission records shows that Budget Phone has not yet filed its 2004 Annual Report, which was due to be filed on or before October 31, 2005. We will therefore condition reinstatement of the certificate on filing the delinquent 2004 Annual Report within 30 days of the entry date of this order.

The fifth factor requires that all outstanding fines and/or assessments be paid prior to reinstatement. A review of Commission records shows that Budget Phone has no unpaid fines or assessments.

Based upon the foregoing, we will grant Budget Phone's petition for reinstatement. However, as stated above, we condition reinstatement on Budget Phone filing its 2004 Annual Report within 30 days of the entry date of this order. If the report is not received within the time given, Budget Phone's certificate will remain cancelled. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 66 Pa.C.S. § 3301, if Respondent seeks relief beyond the 30-day time period. *Therefore,*

It Is Ordered That:

1. The Petition to Reinstate filed by Budget Phone, Inc. at C-20044068 on December 5, 2005, is hereby granted.

2. The certificate of public convenience held by Budget Phone, Inc. at A-311159 is hereby reinstated.

3. Reinstatement is conditioned upon Budget Phone filing its delinquent 2004 Annual Report within 30 days of the entry date of this order. Failure to adhere to this order may result in further penalties pursuant to 66 Pa.C.S. § 3301.

4. The Secretary cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-45. Filed for public inspection January 6, 2006, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance 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 17105-326, with a copy served on the applicant by January 30, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

A-00122261. Ramses R. Kaddis (1402 Falstaff Drive, Tobyhanna, Monroe County, PA 18466)—persons, upon call or demand, in the Townships of Tobyhanna, Pocono and Coolbaugh and the Borough of Mount Pocono, all located in Monroe County.

A-00121716. F.2. FJG Transportation, Inc. (1500 Farr Street, Scranton, Lackawanna County, PA 18504), a corporation of the Commonwealth—persons in limousine service, from points in the Counties of Lackawanna, Luzerne, Monroe, Pike and Wayne to points in Pennsylvania and return. *Attorney:* Maria Marsili, Esquire, Suite 800, 142 N. Washington Avenue, Scranton PA 18503.

A-00122281. Fred Amendola t/a Venus Limousine (27 W. Crafton Avenue, Pittsburgh, Allegheny County, PA 15205)—persons, in limousine service, from points in the County of Allegheny 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 by transfer of rights as described under the application.*

A-00121963, F.2. Always Transportation, Inc. (451 Rhawn Street, Philadelphia, Philadelphia County, PA 19111), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania, excluding service between points in Allegheny County; which is to be a transfer of all the rights authorized under the certificate issued at A-00109080, F.1, to Barry's Limousine Service, Inc. t/a London Limousine & Town Car, subject to the same limitations and conditions. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-46. Filed for public inspection January 6, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-123.1, Second Floor Access Control Doors at the Port of Philadelphia Administration Building until 2 p.m. on Thursday, February 2, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 12, 2006. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on January 19, 2006, at 10 a.m. at the Port of Philadelphia Administration Building, 3460 North Delaware Avenue, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-47. Filed for public inspection January 6, 2006, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 20, 2006	Dale W. Shanta	9 a.m.
	(Termination Date)	

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,
Secretary

[Pa.B. Doc. No. 06-48. Filed for public inspection January 6, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

③ Contract Information
 ④ Department
 ⑤ Location
 ⑥ Duration

⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

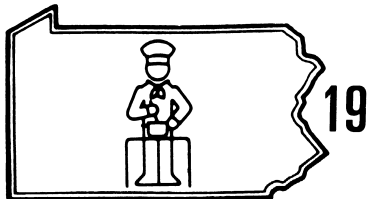
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

SERVICES



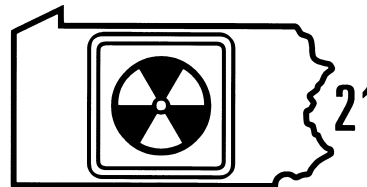
Food

Stackhouse Meals Provide meals and complete meal services to Law Enforcement cadets, deputies, and other users at the PA Fish and Boat Commission's education/conference facilities at the H. R. Stackhouse Facility, Fisherman's Paradise, along Spring Creek near Bellefonte, PA during the approximate period of February 1, 2006 through December 31, 2006.

Department: Fish and Boat Commission
Location: PA Fish and Boat Commission, HR Stackhouse Facility, 1150 Spring Creek Road, Bellefonte PA 16823
Duration: Approx. February 1 through December 31, 2006
Contact: Kathi Loewen, Purchasing Agent, 814-359-5131

CN00018423 Vendor to supply Meat and Meat Products for period Jan. 2006 - March 2006. Bid specifications can be obtained by contacting Warren State Hospital.

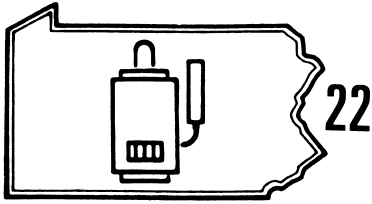
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: Jan. 2006 - March 2006
Contact: Ms. Bobbie Muntz, PA III, 814-726-4496



Hazardous Material Services

KUFR-0014 Kutztown University is seeking qualified contractors for a Unit Price Contract who are capable of performing Environmental Hazard Abatement at Kutztown University. The contractor selection process will be via sealed competitive proposals in accordance with the Request for Proposal (RFP) using the Best Value Contracting method. Contractors with less than six (6) years experience in this type of work will not be considered. RFP packets are available for a nonrefundable fee of \$15.00 from: Kutztown University, Attn: Craig Kleinsmith, Facilities Project Services Office, P. O. Box 730, Kutztown, PA 19530; or phone (610) 683-4602; fax (610) 683-1553; e-mail: kleinsmi@kutztown.edu. Proposal packets are available January 9, 2006 through February 1, 2006. To obtain the RFP packet, please submit a written request and send either cash or check in the amount of \$15.00. Checks must be made payable to "Kutztown University." The RFP packet will not be mailed until the fee is received. All questions must be submitted in writing by 3:00 p.m. on February 2, 2006, to the attention of Craig Kleinsmith. Proposals must be received no later than 3:00 p.m. on February 16, 2006 in Room 229, I-Wing, Old Main, Facilities Project Services Office. No exceptions will be made for proposals received after the time specified. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: One-year contract from the Notice to Proceed date.
Contact: Craig Kleinsmith, 610-683-4602



HVAC Services

CN#00018481 Contractor shall provide all labor, equipment and parts required to inspect, test, service and repair seven emergency generators and related components, i.e. transfer switches, regulators located in various occupied buildings at the Hamburg Center, Hamburg, PA 19526. To receive detailed specifications, submit fax request on company letterhead to Purchasing Office, Hamburg Center, fax: 610/562-6025. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Hamburg Center, 3560 Old Route 22, Hamburg, PA 19526
Duration: Anticipated contract period July 1, 2006 through June 30, 2009.
Contact: Beverly O. Epting, PA, 610/562-6034

SSHE 401-BL-816 Student Ser. Chiller Replacement Work under this project consists of removal and installation of a new water cooled chiller, piping, valves, insulation, accessories, sound enclosure, electrical wiring. This will be a one prime contract. To obtain a copy of the bid documents submit a \$25.00 (nonrefundable) check to Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815, Attn: Diann Shamburg, Purchasing Department, phone #570-389-4312. The prebid conference and bid opening dates will be determined at a later date and will be included in the bid specifications. Estimated range is \$125,000 to \$150,000.

Department: State System of Higher Education
Location: Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815
Duration: 60 calendar days
Contact: Diann Shamburg, 570-389-4312

CN00018473 The Department of Transportation Engineering District 11 is seeking a qualified contractor to provide plumbing services on an as needed basis at 5 different facilities and locations within the Pittsburgh Tunnels System. Work includes servicing, maintaining, repairing and upgrading and replacing plumbing items.

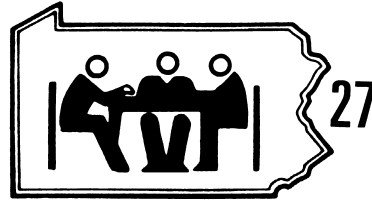
Department: Transportation
Location: Fort Pitt Maintenance Garage, Fort Pitt Tunnel, Squirrel Hill Tunnel, Liberty Tunnel, and Liberty Fan House
Duration: The contract will be for an original period of two years from the effective date. By mutual consent this contract can be renewed for 3 additional 1 year periods
Contact: Robert Abbott, 412-921-3733



Janitorial Services

CN00018459 Janitorial service contract at Hyde Maintenance Building. Cleaning will be done nightly, Monday through Friday excluding holidays. Building is a one story. Daily cleaning will consist of sanitizing restrooms, emptying waste baskets, sweep and mop tile and concrete floors, vacuum carpets and wash table tops and chair pedestals. Strip, wax and buff tile floors, clean overhead lighting and ceiling fans, vacuum and wash vertical and venetian blinds will be scheduled as required by the Department. No outside glass shall be covered by this agreement except for front entrance door and conference room windows.

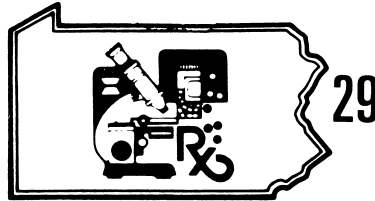
Department: Transportation
Location: District 2-2 Hyde Maintenance Building, Washington Ave. and Hall St., Hyde, PA 16843-0245
Duration: April 1, 2006 through March 31, 2007 with (4) one year renewals by letter.
Contact: Debbie Swank, 814-765-0403



Lodging/Meeting Facilities

CN00018412 Facilities to hold various meetings throughout the upcoming year are required for the LDI Program. The Governor's Office of Administration, Human Resource Development Division coordinates the Leadership Development Program for Women in State Government. The Program's mission is to prepare women to succeed as leaders within state government by developing their leadership skills and supporting the development of a network of role models and mentors. Facilities are necessary to accommodate various meetings throughout the year for this mission. In addition to a 2-day retreat, 11 additional monthly sessions are held. These sessions are designed to address various leadership behaviors as identified in the Leadership Continuum Model. Bid Opening—01/13/06, 2:00 p.m.

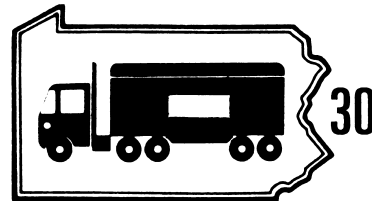
Department: Office of Administration/Executive Offices
Location: Room 311 Finance Building
Duration: 02/03/2006—10/20/2006
Contact: Matthew Phillips



Medical Services

12/19/2005 This service shall consist of providing all rental physician prescribed medical equipment required for the treatment of patients. Equipment may consist of oxygen concentrators, c-pap and b-pap machines. A bid packet can be obtained by contacting the Purchasing Department at 610-740-3425 or fax 610-740-3424.

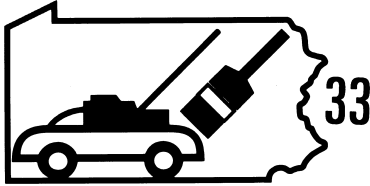
Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown PA 18109-2498
Duration: Awarded date through 6/30/08
Contact: Robert Mitchell, 610-740-3425



Moving Services

BNKG-RELOCATION-FY05 The Commonwealth of Pennsylvania, Department of Banking ("Banking") requests bids for professional relocation services to relocate their facilities from two locations in Harrisburg, PA, to a new facility also in Harrisburg. A limited amount of designated surplus furniture will be moved to a location within eight miles of center city Harrisburg. The relocation(s) will occur on or around January and February 2006.

Department: Banking
Location: Harrisburg, PA
Duration: Relocation will occur in late January or February 2006.
Contact: Christie Sharma, 717-346-9344



Property Maintenance

CL-544 Clarion University of Pennsylvania is soliciting bids for replacement of windows, approximately 270 of various sizes, in a seven story residence hall on the University's main campus in Clarion, PA. Contractor shall furnish aluminum architectural windows complete with hardware and related components. Prebid conference: 10 a.m. on Friday, January 20, 2006. Bids Due: 2:00 p.m., February 2, 2006. Bid packages will not be available until January 10, 2006. \$35, nonrefundable, fee required to receive bid package to be paid by check payable to Clarion University and mailed to Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214.

Department: State System of Higher Education
Location: Clarion, PA
Duration: 120 days from Notice to Proceed
Contact: Judy McAninch, (814) 393-2240

CN00018472 Snow plowing and salting and cinderling for PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, January 11, 2006 at 2:00 p.m.

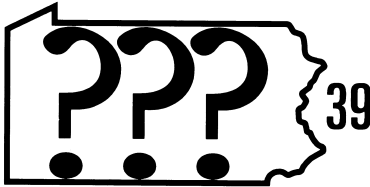
Department: Military Affairs
Location: PA National Guard Armory, 701 Petersburg Road, Connellsville PA 15425
Duration: Date of Award—March 31, 2006
Contact: Brenda Lower, 717-861-2118

CN00018427 Provide janitorial services. Monthly rates to be quoted consist of 23,000 square feet of maintainable space, all of which is covered under this contract. On-site visit required prior to submission of bid. Contact person at site is Nickolas Walkowiak, 814-946-7227.

Department: Labor and Industry
Location: Altoona U.C. Service Center, 1101 Green Avenue, Altoona, PA 16601.
Duration: Terms of the contract will be a one (1)-year contract beginning February 1, 2006 through January 28, 2007, with three (3) one (1)-year renewal options
Contact: Debra A Noggle, 717-705-0450

CN00018385 Service to plant approximately 50,300 trees in Delaware State Forest in Pike County. Bid Opening date 01/05/06; 2:00 p.m.

Department: Conservation and Natural Resources
Location: Delaware State Forest, HC 1, Box 95A, Swiftwater, PA 18370
Duration: The contract term shall commence upon execution and receipt of Purchase Order and terminate June 30, 2006.
Contact: Steven E. Smith, 717-783-1896



Miscellaneous

CN00018434 Tree Trimming/Brush Cutting in Bedford County PENNDOT Eng Dist 9-1. Bid opening Date and Time: Jan. 3, 2006 at 10:00 a.m.

Department: Transportation
Location: SR 26 between Segment 760 to 790, PENNDOT Bedford County, 630 East Penn St., Bedford, PA 15522
Duration: Three (3) month contract 02/06/2006 to 04/30/06
Contact: Mr. Richard Dennison, 814-623-6144

355R02 The Department of Transportation (PENNDOT) is issuing a Request for Proposal (RFP) to select On-line Messengers to provide and be financially responsible for facility space, maintenance, utilities, furnishings, and security for a Photo License Center. This is a no-cost contract for the Commonwealth. To be considered for this project, On-line Messengers will be required to meet specific criteria. For details and a copy of the RFP, On-line Messengers may request a copy of the RFP by FAXING their name, company name, address, telephone number, and fax number to Shirley Morales at (717) 787-7185 or e-mail at smorales@state.pa.us. Please reference 355R02 on your request.

Department: Transportation
Location: Various locations throughout the Commonwealth
Duration: 36 Months With Renewal Option Up to 24 Months
Contact: Shirley Morales

CN00017921 Professional services required of a contractor to research, write, design and produce seven (7) wayside exhibit signs for Black Moshannon State Park, located in Centre County, PA. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. BID OPENING: January 10, 2006, 2 p.m.

Department: Conservation and Natural Resources
Location: To be delivered to: DCNR Black Moshannon State Park, 4216 Beaver Road, Philipsburg, PA 16866-9519
Duration: Upon execution of purchase order through June 30, 2006
Contact: Naomi Rudisill, 717-783-0749

RFP 11-05 The Department of Public Welfare has determined that it is in the best interest of the Commonwealth to cancel and reissue RFP 11-05, Medical Management Review System, (MMRS). The revised RFP is expected to be released in the near future. The department appreciates the efforts made in submitting proposals and regrets any inconvenience this decision has caused. It is hoped that all interested offerors will accept other RFPs released in the future and will submit additional proposals for evaluation.

Department: Public Welfare
Location: Statewide
Contact: Beth Trowbridge, 717- 783-1083

KURFP-0094 KURFP-094: Kutztown University is seeking proposals from qualified contractors for a Unit Price Contract who are capable of performing Recovery and Restoration Services at Kutztown University. Proposed contract to include recovery and restoration services resulting from natural or human caused incidents. In addition, work may require minor construction. The contractor selection process will be via sealed competitive proposals in accordance with the Request for Proposal (RFP) using the Best Value Contracting method. Contractors who are not bonded, and unable to respond within a 12-hour time requirement, will not be considered. RFP packets are available for a nonrefundable fee of \$15.00 from: Kutztown University, Attn: Craig Kleinsmith, Facilities Project Services Office, P. O. Box 730, Kutztown, PA 19530; or phone (610) 683-4602; fax (610) 683-1553; e-mail: kleinsmi@kutztown.edu. Proposal packets are available January 9, 2006 through February 3, 2006. To obtain the RFP packet, please submit a written request and send either cash or check in the amount of \$15.00. Checks must be made payable to "Kutztown University." The RFP packet will not be mailed until the fee is received. All questions must be submitted in writing by 3:00 p.m. on February 6, 2006, to the attention of Craig Kleinsmith. Proposals must be received no later than 3:00 p.m. on February 20, 2006 in Room 229, I-Wing, Old Main, Facilities Project Services Office. No exceptions will be made for proposals received after the time specified. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: One-year contract from the Notice to Proceed date.
Contact: Craig Kleinsmith, 610-683-4602

25000078 Mansfield University is soliciting from interested bidders to furnish seven (7) non-elevated bleachers. Aluminum angle understructure, 2 x 10 anodized aluminum seat plank, single 2 x 10 mill finish aluminum foot plank row 2-3, double foot plank on rows 4-5, 1 x 6 riser row 4, 2 x 10 top row riser, chainlink guardrail system. Mansfield University will install and assemble the non-elevated bleachers. Bid request should be directed to the Purchasing Department, Mansfield University at (570) 662-4148.

Department: Education
Location: Mansfield University, 115 Sherwood Street, Mansfield, PA 16933
Duration: 60 days
Contact: Peg Chapel, 570-662-4148

RFP No. 1939049/53/305 The Department of State, Bureau of Finance and Operations on behalf of the Bureau of Professional and Occupational Affairs wishes to procure the services of a qualified records retrieval and document formatting/organizing service to secure the delivery of records to facilitate and review and/or procurement of licensees under the Medical Practice Act, the Osteopathic Act and the MCARE Act.

Department: State
Location: Bureau of Finance and Operations, Room 308 North Office Building, Harrisburg, PA 17120
Duration: Two year fixed, firm price contract with two (2) one year options to renew.
Contact: Monna J. Accurti, (717) 214-4927

CN00018435 Bureau of Construction and Materials is soliciting bids for installation of two (2) fume hoods that are located in our Bituminous Studies Section of the Materials and Testing Division. Requests for bid package can be made by faxing (717) 783-5955 or e-mailing the Purchasing Agent listed below. Any questions regarding bid package can be directed to Chris Neely at (717) 787-6546. Vendors, if you are not listed in the Commonwealth's SAP vendor file, please do so at: www.vendorregistration.state.pa.us.

Department: Transportation
Location: Bureau of Construction and Materials, Materials and Testing Division, 1118 State Street, Harrisburg, PA 17120
Contact: JOANN PRATHER, 717-783-6717

CN00018466 The Department of Environmental Protection (DEP), Bureau of Waste Management requires a contractor for the printing and mailing of decals and cab cards used for identification purposes on trucks, truck-tractors and waste trailers.

Department: Environmental Protection
Duration: The contract shall commence upon execution and terminate one (1) year thereafter, with options to renew.
Contact: Sherry Morrow, 717-772-1216

PGC-2856 Agency seeking contractor to supply building materials necessary for the construction of a storage building, approximately 40' x 80' in overall dimensions, located near Karthus in Clearfield County. Materials to be delivered on or after March 1, 2006.

Department: Game Commission
Location: Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Upon award through June 30, 2006
Contact: Diane Shultz or Barb Kline, 717/787-6594

[Pa.B. Doc. No. 06-49. Filed for public inspection January 6, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

