

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), 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 April 4, 2006.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-28-06	S & T Bancorp, Inc., Indiana, to acquire up to 24.99% of the shares of common stock of Allegheny Valley Bancorp, Inc., Pittsburgh, under section 112 of the Pennsylvania Banking Code of 1965	Indiana	Filed

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-3-06	The First National Bank in Fleetwood Fleetwood Berks County <i>To:</i> Fleetwood Bank Fleetwood Berks County	Main and Franklin Streets Fleetwood Berks County	Effective
	Represents conversion from a Nationally-chartered bank to a State-chartered member bank. Bank is wholly-owned by Fleetwood Bank Corporation, Fleetwood, an existing bank holding company.		
	<i>Branches Acquired by Means of Conversion:</i>		
	917 Park Road Blandon Berks County	2493 Bernville Road Reading Berks County	
	Main Street and Kemp Road Kutztown Berks County	4445 Kutztown Road Temple Berks County	
	East State Avenue and 3 South Main Street Lyon Station Berks County	33 South 4th Street Hamburg Berks County (Loan Production Office)	
	525 Penn Avenue Reading Berks County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-9-06	NOVA Savings Bank Philadelphia Philadelphia County	448 West Baltimore Pike Media Delaware County	Opened
3-27-06	CommunityBanks Millersburg Dauphin County	201 West Chocolate Avenue Hershey Derry Township Dauphin County	Opened
3-29-06	NOVA Savings Bank Philadelphia Philadelphia County	33 Lincoln Highway Malvern Chester County	Authorization Surrendered

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-06	East Penn Bank Emmaus Lehigh County	3985 MacArthur Road Whitehall Township Lehigh County	Approved
3-30-06	First Commonwealth Bank Indiana Indiana County	198 Park Manor Drive Pittsburgh Allegheny County	Approved
3-30-06	First Commonwealth Bank Indiana Indiana County	301 Mt. Lebanon Boulevard Pittsburgh Allegheny County	Approved
3-30-06	Republic First Bank Philadelphia Philadelphia County	7300 Frankford Avenue Philadelphia Philadelphia County	Approved
3-30-06	Earthstar Bank Southampton Bucks County	8910 Frankford Avenue Philadelphia Philadelphia County	Approved
3-31-06	Northwest Savings Bank Warren Warren County	950 South Pine Island Road Suite 180 Plantation Broward County, FL	Filed
3-31-06	Northwest Savings Bank Warren Warren County	8221 Peters Road Plantation Broward County, FL (Drive-Up Facility)	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-06	Atlantic Central Bankers Bank Camp Hill Cumberland County	<i>To:</i> Gateway One Newark Essex County, NJ <i>From:</i> 400A Commerce Boulevard Carlstadt Bergen County, NJ	Approved
3-30-06	Mid Penn Bank Millersburg Dauphin County	<i>To:</i> 4642 SR 209 Elizabethville Dauphin County <i>From:</i> 2 East Main Street and 11-13 East Main Street (Drive-Up) Elizabethville Dauphin County	Approved
3-30-06	Fulton Bank Lancaster Lancaster County	<i>To:</i> South Market Street and Cumberland Parkway Upper Allen Township Cumberland County <i>From:</i> 360 Cumberland Parkway Upper Allen Township Cumberland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-31-06	Leesport Bank Wyomissing Berks County	100 West Main Street Lansdale Montgomery County	Effective

SAVINGS INSTITUTIONS**Voluntary Dissolution**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
3-31-06	Society Hill Savings and Loan Association Philadelphia Philadelphia County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

CREDIT UNIONS

Conversions to Community Charters

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-27-06	White Rose Credit Union York York County	York	**
	**Application became effective by Operation of Law under section 501(g) of the Credit Union Code. Represents conversion from an occupational-based credit union to a community-based charter; the conversion will be completed by filing Articles of Amendment with the Department of State at a later date. The Articles will provide for a change in the field of membership to include "all people who live, work, worship, attend school in, and businesses and other legal entities in York and Adams County in the Commonwealth of Pennsylvania."		
4-3-06	Diamond Credit Union Pottstown Montgomery County	Pottstown	Effective
	Represents conversion from an occupational-based credit union to a community-based charter; the conversion will be completed by filing Articles of Amendment with the Department of State (see the following Articles of Amendment).		

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-3-06	Incol Credit Union, Old Forge, and Wilkes-Barre Newspapers Federal Credit Union, Kingston Surviving Institutions— Incol Credit Union, Old Forge	Old Forge	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-3-06	Diamond Credit Union Pottstown Montgomery County	Amendment to Article IV, Section 7 of the Articles of Conversion provides for a change in the field of membership of the credit union to include, "Peoples who live, work, worship, regularly conduct business, or attend school in Berks County, Collegeville Borough, Douglass Township, East Coventry Township, East Greenville Borough, East Nantmeal Township, East Vincent Township, Green Lane Borough, Limerick Township, Lower Frederick Township, Lower Pottsgrove Township, Marlborough Township, New Hanover Township, North Coventry Township, Pennsburg Borough, Perkiomen Township, Pottstown Borough, Red Hill Borough, Royersford Borough, Schwenksville Borough, Skippack Township, South Coventry Township, Spring City Borough, Trappe Borough, Upper Frederick Township, Upper Hanover Township, Upper Pottsgrove Township, Upper Providence Township, Warwick Township, West Pottsgrove Township, and Vincent Township, Pennsylvania; Members of record of Diamond Credit Union as of the date of approval to convert to community charter; and Spouses of persons who died while within the field of membership of this credit union; employees of Diamond Credit Union; volunteers, members of their immediate families or households and organizations of such persons."	Effective

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-604. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting at 10 a.m. on Wednesday, April 26, 2006, in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 06-605. Filed for public inspection April 14, 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

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>
PA0063525	Pocono Mountain School District P. O. Box 200 School Road Swiftwater, PA 18370-0200	Coolbaugh Township Monroe County	Cedar Run (2A)	Y
PA0060283	Penn Estates Utilities, Inc. 503 Hallet Road East Stroudsburg, PA 18301	Stroud Township Monroe County	UNT to Brodhead Creek (1E)	Y
PA0061565 (Minor Sewage)	Torah Va'Avodah Institute 25 West 26th Street New York, NY 10010	Berlin Township Wayne County	Beach Lake (1A)	Y
PA0032140	Department of Conservation and Natural Resources Bureau of State Parks R. R. 1, Box 230 Dalton, PA 18414-9785	Benton Township Lackawanna County	South Branch Tunkhannock Creek (4F)	Y
PA0062324	Pike County Environmental, Inc. P. O. Box 127 Matamoras, PA 18336	Westfall Township Pike County	Delaware River (1D)	Y
PA-0060623	Silver Lake Township Municipal Authority P. O. Box 1975 Brackney, PA 18812	Silver Lake Township Susquehanna County	Little Rhiney Creek CWF Watershed 4E	Y

In accordance with the Chesapeake Bay Tributary Nutrient Reduction Strategy nutrient monitoring for Ammonia-N, Kjeldahl-N, Nitrite/Nitrate-N, Total Phosphorus and Total Nitrogen were added to Outfall 001 of this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043583 SP	Hartley Township Municipal Authority P. O. Box 175 Laurelton, PA 17835-0175	Union Hartley Township	Laurel Run 6A	Y
PA0113123	Patrick J. Witkowski P. O. Box 322 Laporte, PA 18626	Sullivan County Laporte Township	Loyalsock Creek (10B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0104426	Corner Water Supply & Service Corporation 113 Oakwood Lane Shippenville, PA 16254-0040	Elk Township Clarion County	Paint Creek 17-B	Y
PA0102041	Morrison Mobile Home Park 3352 Church Road New Castle, PA 16101	Slippery Rock Township Lawrence County	UNT to Big Run 20-A	Y
PA0031305	The Summit Academy The Summit School, Inc. P. O. Box 13 839 Herman Road Butler, PA 16039	Summit Township Butler County	UNT to Bonnie Brook 20-C	Y
PA0005762	Electralloy 175 Main Street Oil City, PA 16301-1038	City of Oil City Venango County	Allegheny River 16-E	Y

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

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

PA0065081, Sewage, **Richard Bogert**, 1655 South West Street, Apartment A, Allentown, PA 18103. This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Activity: Application for NPDES permit to discharge treated sewage from a single family home.

The receiving stream, tributary to Bushkill Creek is in the State Water Plan watershed 1F and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Easton is located on the Delaware River and is approximately 20 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
BOD ₅	10	20
Total Suspended Solids	10	20
pH	6.0 to 9.0 standard units at all times.	
Total Residual Chlorine	Monitor and Report	
Fecal Coliform	200/100 ml	

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

Application No. PA 0087181, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522. This facility is located in Ephrata Township, **Lancaster County**.

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

The receiving stream, Cocalico Creek is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Ephrata Area Joint Authority is located on the Cocalico Creek, approximately 1.7 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.3 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	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
NO ₃ -NO ₂ as N	Monitor		
TKN	Monitor		
Total Nitrogen	54,550 lbs per year as total annual		
Total Phosphorus	6,818 lbs per year as total annual		
Total Phosphorus	2		4

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.48		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,100/100 ml as a geometric average	

The cap loads may be met in part or in full by obtaining offsets or credits approved by the Department of Environmental Protection (Department).

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

The EPA waiver is not in effect.

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

PA0093033, Sewage, **Eastern Armstrong County Municipal Authority**, P. O. Box 262, Elderton, PA 15736-0262.

This application is for renewal of an NPDES permit to discharge treated sewage from Elderton STP in Elderton Borough, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 0.058 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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		
Dissolved Oxygen		not less than 3.0 mg/l		
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0218740, Sewage, **Mount Pleasant Township Supervisors**, Box 158, Mammoth, PA 15664. This application is for renewal of an NPDES permit to discharge treated sewage from Mountain Shadows STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to Boyer Run, which is classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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		

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0026174-Amendment No. 1, Sewage. The General Authority of the City of Franklin, 430 13th Street, Franklin, PA 16323. This facility is located in City of Franklin, **Venango County**.

Description of Proposed Activity: This amendment is to add 3 newly discovered CSO outfalls (008, 009 and 010) to the permit and removes milestones from the CSO special condition. This amendment is being made in conjunction with a COA addressing CSO issues. Outfall 001 is not affected by this amendment.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 30 miles below point of discharge.

The receiving streams, the Allegheny River and French Creek are in watersheds 16-G and 16-D and classified for WWF, aquatic life, water supply and recreation.

<i>**Outfall No.</i>	<i>Name of Outfall and/or Street Location</i>	<i>Location</i>		<i>Receiving Stream Name</i>
		<i>Latitude</i>	<i>Longitude</i>	
002	At the STP	41° 22' 27"	79° 49' 04"	Allegheny River
003	CSO-related bypass	41° 22' 27"	79° 49' 04"	Allegheny River
004 A	12th Street	41° 23' 55"	79° 49' 36"	French Creek
004 B	12th Street	41° 23' 55"	79° 49' 36"	French Creek
007	11th Street	41° 23' 44"	79° 49' 23"	French Creek
008	8th Street	41° 23' 44"	79° 49' 13"	Allegheny River
009	14th Street and Elk	41° 23' 57"	79° 50' 01"	Chub Run
010	14th Street and Liberty	41° 23' 54"	79° 50' 02"	Chub Run

** Refer to Combined Sewer Overflow Management Condition in Part C.

The EPA waiver is not in effect.

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

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

WQM Permit No. 3906401, Allied Utility Services, Inc., P. O. Box 1488, Skippack, PA 19474-1488. This proposed facility is located in North Whitehall Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project involves replacement of existing headworks, improvements to aeration system and installation of an intrum microscreen drum filter and chemical feed system.

WQM Permit No. 4506402, Daniel Bittenbender, R. R. 5, Box 5647, Saylorsville, PA 18353. This proposed facility is located in Hamilton Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project involves construction of a single residence treatment facility to replace an existing malfunctioning on-lot sewage disposal system.

WQM Permit No. 1306403, Sewerage, Blue Ridge Real Estate, P. O. Box 707, Blakeslee, PA 18610-0707. This proposed facility is located in Kidder Township, **Carbon County**, PA.

Description of Proposed Action/Activity: This project involves replacement of the existing lagoon with a 100,000 gallon tank for sludge holding and digestion.

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

WQM Permit No. 6706402, Sewerage, Rodger C. Petrone, 4076 Market Street, Camp Hill, PA 17011. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow treatment facility design for Lot 27 on Grantham Crossing.

WQM Permit No. 6706402, Sewerage, Rodger C. Petrone, 4076 Market Street, Camp Hill, PA 17011. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow treatment facility design for Lot 14 on Grantham Crossing.

WQM Permit No. 2806401, Sewerage, **Waynesboro Borough Authority**, 57 East Main Street, P. O. Box 310, Waynesboro, PA 17268. This proposed facility is located in Washington Township and Waynesboro Borough, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a membrane treatment facility.

WQM Permit No. 6706404, Sewerage, **Reeser Estates, Inc.**, 905 Pleasant View Road, York Haven, PA 17370. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of 8,000 feet of sewer interceptor line in Newberry Township extending from the Reeser Estates subdivision.

WQM Permit No. 6706405, Sewerage, **Dillsburg Area Authority**, P. O. Box 370, 98 West Church Street, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a sanitary sewer system project.

WQM Permit No. 2806402, Sewerage, **Teresa Young**, 15083 Lurgan Road, Orrstown, PA 17244. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve her single family residence located on Lurgan Road.

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

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

Centre County Conservation District: Willowbank Office Bldg., 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406002	Samuel E. King 131 Back Road Rebersburg, PA 16872	Centre	Miles Township	Elk Creek HQ-CWF
PAI041406003	S & A Custom Built Homes Brookshire Subdivision Keith Sunderman 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Centre	Walker Township	Little Fishing Creek HQ-CWF
PAI041406005	W. R. Hickey Beer Distributor, Inc. James Hickey 1321 E. College Ave. State College, PA 16801	Centre	College Township	UNT to Thompson Run HQ-CWF
PAI041406009	Penn State University West Campus Rob Cooper Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough Ferguson Township	Big Hollow and Thompson Run CWF HQ-CWF
PAI041406010	Spring-Benner-Walker Joint Auth. N. Warren Miller 170 Irish Hollow Road Bellefonte, PA 16823	Centre	Spring Township	Spring Creek HQ-CWF

Sunnyside Collection System
and Pumping Facility

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045306004	Galeton Borough Authority Trixie Blass 4 Sherman Street Galeton, PA 16922	Potter	Galeton Borough	Pine Creek HQ-CWF

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506024	West Vincent Township Route 100 and Nantmeal Road Realignment	Chester	West Vincent Township	Birch Run (EV)
PAI011506025	Wesley Hamilton Downing Property 5 Hillside Lane Landenberg, PA 19350	Chester	New London Township	Hodgson Run (HQ-TSF-MF)
PAI011506026	Gary A. Hopkins P. O. Box 100 Oxford, PA 19363	Chester	Lower Oxford Township	West Branch Big Elk Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606001	Rick and Lois Rineer 1905 Noble Road Kirkwood, PA 17536	Lancaster	Colerain Township	West Brank Octoraro Creek HQ-TSF, MF

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

Somerset County Conservation District: Somerset County AG Center, Somerset Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606001	Hidden Valley Four Seasons Resort One Craighead Drive Hidden Valley, PA 15502	Somerset	Jefferson Township	Kooser 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. 4506501, Public Water Supply
 Applicant **Pennsylvania American Water Co.**
 Middle Smithfield Township
Monroe County
 Responsible Official David R. Kaufman
 Pennsylvania-American Water Co.
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Public Water Supply
 Consulting Engineer William J. Malos, P. E.
 Pennsylvania-American Water Co.
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18071
 Application Received Date March 17, 2006
 Description of Action PWS application to construct a centrally located domestic and fire-protection water booster pump system at the existing PAWC Mid-Monroe system (PWS ID No. 2450119) located in the Country Club of the Poconos development.

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

Permit No. 3606502, Public Water Supply.
 Applicant **City of Lancaster—Conestoga Water Treatment Plant**
 Municipality Lancaster
 County **Lancaster**
 Responsible Official Charlotte Katzenmoyer
 Public Works Director
 120 North Duke Street
 Lancaster, PA 17608-1559
 Type of Facility Public Water Supply
 Consulting Engineer Jason D. Wert, P. E.
 Herbert Rowland & Grubic Inc.
 474 Windmere Drive
 State College, PA 16801
 Application Received Date 2/13/2006
 Description of Action Installation of a membrane filtration system to replace the existing filtration plant.

Permit No. 3106501, Public Water Supply.
 Applicant **Mount Union Municipal Authority**
 Municipality Wayne Township
 County **Mifflin**
 Responsible Official Thomas R. James, Chairperson
 P. O. Box 90
 9 W. Market Street
 Mount Union, PA 17066
 Type of Facility Public Water Supply

Consulting Engineer Daniel J. Carbaugh, P. E.
 Keller Engineers, Inc.
 420 Allegheny Street
 Hollidaysburg, PA 16648
 Application Received Date 3/9/2006
 Description of Action Construction of the Lempkelde Well as a source of supply w/ disinfection.

Permit No. 0606504, Public Water Supply.
 Applicant **Pennsylvania-American Water Company**
 Municipality Exeter 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 Daniel Cargnel, P. E.
 Buchart Horn, Inc.
 445 West Philadelphia Street
 York, PA 17404
 Application Received Date 3/9/2006
 Description of Action New Well G-9A in Glen Alsace District.

Permit No. 6706507, Public Water Supply.
 Applicant **Shrewsbury Family Restaurant (AGAIN)**
 Municipality Shrewsbury Borough
 County **York**
 Responsible Official Jesse R. Benefiel, Jr., Owner
 17308 Susquehanna Trail South
 New Freedom, PA 17349
 Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew, II, P. E.
 James A. Holley & Associates Inc.
 18 South George Street
 York, PA 17401
 Application Received Date 3/10/2006
 Description of Action This PWS permit application is for the addition of nirtate treatment.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3007226-MA7, Minor Amendment
 Applicant **Zelienople Borough**
 Township or Borough Jackson Township
Butler County
 Responsible Official Donald C. Pepe, Borough Manager

Type of Facility	Public Water Supply
Application Received Date	04/03/2006
Description of Action	Raw Water Reservoir Aeration Project to eliminate copper sulfate for algae control.

WATER ALLOCATIONS

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

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

WA 21-419B, Water Allocations. Newville Borough Water & Sewer Authority, Cumberland County. Withdrawal a maximum of 500,000 gallons per day from either Big Spring Creek or Cool Spring, or a combination of the two sources. Consulting Engineer: Janet R. McNally, P. E., William F. Hill & Assoc., Inc. Permit Issued: 4/3/2006.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is pub-

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

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

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

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

Alex Auto Repair, Lower Southampton Township, Bucks County. Alan Hirschfeld, Independent Project Consultant, P. G., 219 Laureen Road, Schwenksville, PA 19473 on behalf of Jody Hill, Hill Env. Group, Inc., 19 Brookside Avenue, Pennington, NJ 08534 has submitted a Notice of Intent to Remediate. Soil and groundwater were impacted. The intended future use of this property is that it will be sold and used by the new owner as a commercial property. A summary of the Notice of Intent to Remediate was reported to have been published in the *Courier Times, Inc.* on February 23, 2006.

Village Penrose Park PHA Dev., City of Philadelphia, Philadelphia County. James A. Stynchula, Pennoni Associates, 3001 Market Street, Philadelphia, PA 19104 on behalf of Philip L. Hinerman, Fox Rothschild, LLP, 2000 Market Street, 10th Floor, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Groundwater was impacted. The future use is residential.

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

Klose Property, Londonderry Township, Dauphin County. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Patrick Klose, 2892 Foxianna Road, Middletown, PA 17057, submitted a Notice of Intent to Remediate site soils contaminated with No 2 fuel oil. The property is used as a residence and will be used as such in the future. The applicant seeks to remediate to Statewide Health Standards.

Pennsylvania Lines LLC (PRR)—Dillerville Yard, City of Lancaster, Lancaster County. Marshall Miller & Associates, Inc., 3013 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Norfolk Southern Railway Company, 110 Franklin Street SE, Box 13, Roanoke, VA 14041-0013, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel. The property is formerly a rail yard and will be used in the future for commercial purposes. The applicant seeks to remediate to Site-Specific Standards.

Suburban Heating Oil Partners, West Manchester Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban PA Property Acquisitions, LLC, 5793 Widewaters Parkway, Suite 100, Syracuse, NY 13214-2811, submitted a Notice of Intent to Remediate site soils contaminated with fuel-related compounds. The property is currently used as a storage facility and will be used as a nonresidential commercial property in the future. The applicant seeks to remediate to Statewide Health Standards.

Domestic Casting/Shippensburg University Property, Shippensburg Township, **Cumberland County**. Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100, on behalf of Liberty Casting Company, LLC, 550 Liberty Road, P. O. Box 1368, Delaware, OH 43015 and Shippensburg University Foundation, 1871 Old Main Drive, Shippensburg, PA 17257 submitted a Notice of Intent to Remediate site soils contaminated with foundry sand containing metals and hydrocarbons. The property is the former Domestic Casting Company and is planned to be used as both a nonresidential and residential property in the future. The applicant seeks to remediate to Statewide Health Standards.

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

Your Building Centers, Formerly Champion Parts, Inc., Beech Creek Township, **Clinton County**. Conestoga-Rovers & Associates, 559 West Uwchlan Ave., Suite 120, Exton, PA 19341 on behalf of Champion Parts, Inc., 2500 West Avenue B, Hope, AZ 16822 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with trichloroethene, 1,1-dichloroethene, cis-1,2-dichloroethene, tetrachloroethene and vinyl chloride. The applicant proposes to remediate the site to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Oakmont Riverfront Community, Borough of Oakmont, **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Daniel Mancosh, Brooks and Blair Waterfront Properties, LP, 5541 Walnut Street, Pittsburgh, PA 15232-2352 has submitted a Notice of Intent to Remediate site soil contaminated with arsenic, iron and lead concentrations that exceed Statewide Health Standards. Manganese concentrations in site groundwater exceed Statewide Health Standards for used aquifers. The site's intended purpose is a residential development.

Costco Wholesale Store, West Homestead Borough, **Allegheny County**. Christopher Carlson, P. G., ATC Associates Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 on behalf of Heidi Macomber, Costco Wholesale Corp., 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166 has submitted a Notice of Intent to Remediate soils contaminated with concentrations of thallium above Statewide Health Standard. Pathway elimination proposed by capping with a building footprint and parking lot. Proposed future use of the property is nonresidential.

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.

48-399-056: Service Tire Truck Center, Inc. (2255 Avenue A, Bethlehem, PA 18017) for a tire retread manufacturing process and associated air cleaning device at the facility in Bethlehem, **Northampton County**.

40-318-056: Quality Collision, Inc. (701 Route 309, Dallas, PA 18612) for relocation of a paint spray operation and associated air cleaning device to the facility at 365 Courtdale Avenue, Courtdale Borough, **Luzerne County**.

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

22-05044A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17104-3331) for modification to an existing crushing plant, Hummelstown Quarry, South Hanover Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources.

28-05011A: Waste Management (9446 Letzburg Road, Greencastle, PA 17225) for installation of an additional enclosed ground flare control device at their existing Mountain View Reclamation Landfill in Antrim and Montgomery Townships, **Franklin County**.

38-05027A: Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474) for use of recycled asphalt pavement and on-specification waste derived liquid fuel at their existing Lebanon Materials Asphalt Plant. This source is controlled by the use of a fabric filter baghouse. The facility is in North Annville Township, **Lebanon County**.

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

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

46-0005AA: Merck and Company, Inc. (P. O. Box 4, WP20-208, 770 Sumneytown Pike, West Point, PA, 19486-0004) for installation of disinfectant operations for the pharmaceutical manufacturing processes at the Merck pharmaceutical manufacturing and research facility in Upper Gwynedd Township, **Montgomery County**. The facility currently has a Title V permit No. TVOP-46-00005. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The installation of disinfectant operations for the pharmaceutical manufacturing process will result in the emissions of 13.0 tons per year of VOCs and 0.65 ton per year of HAPs. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

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

35-313-014: Insituform Technologies, Inc. (11511 Phillips Highway, Jacksonville FL 32256) for construction of a flexible pipeline liner manufacturing process at the site to be in Olyphant Borough, **Lackawanna County**. This facility is a non-Title V facility. The VOC emissions from the facility will be less than 2.5 tpy. The Acetone emissions from the facility will be less than 3.3 tpy. There will be no malodorous emissions past the property line. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

ERC-06-05049: Fleetwood Industries (225 Peach Street, Leesport, PA 19533) for an Air Quality Emission Reduction Approval for 25 tons of VOC Emission Reduction Credits resulting from the shutdown of sources at the St. Lawrence Plant in St. Lawrence Borough, **Berks County**.

06-05106A: SFS Intec, Inc. (P. O. Box 6326, Wyomissing, PA 19610-6326) for modification of the Exeter Plant in Exeter Township, **Berks County**. The facility is a non-Title V (State-only) facility. The modification involves the lowering of the annual VOC emission rate for the existing E-Coating Line to 6.0 tons and the construction of a new Wet Paint Coating Line with an annual VOC emission limit of 43 tons. The facility will have annual limits for VOCs (less than 50 tons) and HAPs (less than 10/25 tons). To ensure these limits are maintained, the permit will limit the annual amounts of coating and the VOC content of the coating used. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

21-05021E: Arnold Fuel Oil Inc. (P. O. Box 2621, Harrisburg, PA 17105-2621) for modification to the Loading Rack at The Mechanicsburg North Terminal at 127 Texaco Road, Silver Spring Township, **Cumberland County**. The source is subject to New Source Performance Standard Subpart XX. The source is controlled by an adsorption type Vapor Recovery Unit with a backup vapor combustion unit. The modifications are for better truck loading flexibility with addition of a sixth loading lane with seven arms (three for gasoline and four for distillate). The primary emissions from the facility are VOCs. The facility has synthetic minor operating permit Number 21-05021 with 50 tons per year of emissions limits, and this Plan Approval will be incorporated into the permit without any VOC emissions increase.

67-05004L: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-0500) for implementation of partial borate autocauticizing in Spring Grove Borough, **York County**. The new method of operation is expected to increase SO_x emissions by 35.4 tons per year. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05093A: Kinsley Construction, Inc. (P. O. Box 2886, York, PA 17405) for use of No. 6 fuel oil and reclaimed oil as alternate fuels at their existing batch asphalt plant (controlled by a fabric collector) at their Emigsville Plant in Manchester Township, **York County**. The facility will have the following annual emissions based on worst case scenario fuel: 97 tons CO; 29 tons NO_x; 21 tons SO_x; 9 tons VOC and 1 ton PM₁₀. The plan approval and subsequent State-only operating permit administrative amendment 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.

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

53-00001B: Tennessee Gas Pipeline Co. (1001 Louisiana Street, Houston, TX 77002) for construction and operation of a natural gas-fired reciprocating internal combustion engine, and installation of an oxidation catalyst in Hebron Township, **Potter County**.

A plan approval application (No. 53-00001B) has been submitted to the Department of Environmental Protection (Department) for the construction and operation of a natural gas-fired reciprocating internal combustion engine, rated at 3,785 brake-horsepower (Source ID P114) equipped with low NOx electronic control system to control NOx emissions and installation of an oxidation catalyst (ID C114) to control the CO, VOC and formaldehyde emissions from the engine at their Coudersport facility (Station 313) located in Hebron Township, Potter County. The respective facility is a major facility for which a Title V operating permit 53-00001 has been issued.

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

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the 3,785 brake horsepower, natural gas-fired reciprocating internal combustion engine (Source ID P114) shall incorporate low NOx electronic control system to control NOx emissions. Additionally, the CO, VOCs and formaldehyde emissions from Source ID P114 shall be controlled by an oxidation catalyst (ID C114). The permittee shall not operate Source ID P114 without the simultaneous operation of ID C114 at any time.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for Source ID P114.

3. Under the 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 ID C114 associated with Source ID P114 in excess of the limitations listed below:

a. NOx, expressed as NO₂—4.17 pounds per hour and 18.26 tons in any 12-consecutive month period.

b. CO₁—1.60 pounds per hour and 7.01 tons in any 12-consecutive month period.

c. total VOCs including formaldehyde—2.06 pounds per hour and 9.02 tons in any 12-consecutive month period.

d. SOx, expressed as SO₂—0.02 pounds per hour and 0.09 ton in any 12-consecutive month period.

e. PM/PM₁₀—0.31 pound per hour and 1.36 tons in any 12-consecutive month period.

f. Formaldehyde—0.83 pound per hour and 3.64 tons in any 12-consecutive month period.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C114 shall be capable of reducing the CO and formaldehyde emissions by 93% and 75%, respectively from Source ID P114.

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C114 shall be capable of reducing the total VOCs including formaldehyde emissions by 75% from Source ID P114.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of PM, from the exhaust of ID C114 associated with Source ID P114, in a manner that the concentration of PM in the effluent gas exceeds 0.01 grain per dry standard cubic foot.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip ID C114 with instrumentation to monitor pressure drop across ID C114 and the inlet gas temperature of ID C114. The permittee shall monitor these parameters on a continuous basis.

8. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for HAPs for Source ID P114 specified in 40 CFR 63.6580—63.6675.

9. The permittee shall perform NOx, expressed as NO₂, CO, VOC and formaldehyde stack tests upon Source ID P114 within 180 days from the initial operation of Source ID P114 to verify compliance with the emission limitations and the destruction efficiency requirements for VO, VOC and formaldehyde emissions from ID C114 associated with Source ID P114.

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

b. The testing of the inlet and outlet of ID C114 shall be running simultaneously.

c. The inlet gas temperature of ID C114 and the pressure drop across ID C114 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop across ID C114 will be established based upon the recorded data and stack test report.

d. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source ID P114 is operating at +/- 10% of full load.

10. The permittee shall perform semi-annual NOx and CO tests upon Source ID P114 using a portable gas analyzer, approved by the Department. Each test shall occur at no less than a 3-month interval from the previous test. Reference method stack testing may be substituted for the portable analyzer testing on a one-for-one basis (one occurrence of reference method testing may be substituted for one occurrence of portable analyzer testing).

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

a. The number of hours that Source ID P114 is operated on a monthly basis.

b. The supporting calculations on a monthly basis used to verify compliance with the NO_x, CO, VOC, PM, SO_x and formaldehyde emission limitations for Source ID P114 in any 12-consecutive month period.

c. The test reports and supporting calculations used to verify compliance with the NO_x, CO, VOC and formaldehyde emission limitations from ID C114 associated with Source ID P114.

d. The test reports and supporting calculations used to verify compliance with the CO, VOC and formaldehyde destruction efficiency requirements of ID C114 associated with Source ID P114.

e. The pressure drop across ID C114 and the inlet gas temperature of ID C114 on a continuous basis via a data acquisition system and shall compute the hourly averages.

f. The date and the total hours of operation of Source ID P114 at the time of the catalyst replacement.

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

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

17-00051A: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for installation of a fabric collector to control PM emissions from the asphalt plant at their Clearfield Asphalt facility in Lawrence Township, **Clearfield County**. The facility is a synthetic minor facility.

The proposed fabric collector is a replacement for the existing fabric collector to control PM emissions from the asphalt plant (Source ID P101 in State-only operating permit SMOP 17-00051). The potential PM emissions from the proposed fabric collector associated with the asphalt plant will be 5.3 tons in any 12-consecutive month period (CMP). No other emission increases will result from the installation of the proposed fabric collector.

The Department of Environmental Protection's (Department) review of the information provided by New Enterprise Stone and Lime Company, Inc. indicates that the installation of the proposed fabric collector will comply with all air quality requirements, including the Best Available Technology (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. The asphalt plant is subject to all applicable requirements of 40 CFR Part 60, Subpart I (Standards of Performance for Hot Mix Asphalt Facilities), 60.90–60.93. Based on the Department's review and the information submitted by the permittee, the Department intends to approve the application and issue a plan approval for the installation and operation of the proposed fabric collector to control PM emissions from the asphalt plant. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with all plan

approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit SMOP 17-00051 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 ensure compliance with all applicable regulatory requirements.

1. Conditions contained in SMOP 17-00051 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition contained in this plan approval and a condition contained in SMOP 17-00051, the permittee shall comply with the condition contained in this plan approval.

2. The asphalt plant is subject to 40 CFR Part 60, Subpart I. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.90–60.93.

3. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission of PM from the exhaust of the fabric collector associated with the asphalt plant into the outdoor atmosphere in a manner that the concentration in the effluent gas exceeds 0.02 grain per dry standard cubic foot. Compliance with this requirement assures compliance with the PM emission provisions in 25 Pa. Code § 123.13 and 40 CFR 60.92.

4. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission into the outdoor atmosphere of visible air contaminants from the exhaust of the fabric collector associated with the asphalt plant in a manner that the opacity of the emission is equal to or greater than 10% at any time. Compliance with this requirement assures compliance with the opacity provisions in 25 Pa. Code § 123.41 and 40 CFR 60.92.

5. The permittee shall keep records of the supporting calculations to verify compliance with the PM emission limitation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

6. The fabric collector associated with the asphalt plant shall be equipped with instrumentation to monitor the differential pressure across the fabric collector and the monitor shall be operated on a continuous basis.

7. The permittee shall keep records of the pressure differential across the fabric collector associated with the asphalt plant at least twice a week when the asphalt plant is in operation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

8. The fabric collector associated with the asphalt plant shall be equipped with 14-ounce micro-denier Nomex bags or equivalent (approved by the Department) at all times the fabric collector associated with the asphalt plant is in operation.

9. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the mineral filler silo of the asphalt plant shall not be vented to atmosphere other than through the fabric collector associated with the asphalt plant. Additionally, material shall not be removed from the silo other than by introduction back into the asphalt plant or by unloading by means of an enclosed line into an enclosed or bulk solids truck.

10. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the air compressor supplying air to the fabric collector associated with the asphalt plant shall be equipped with an air dryer and an oil trap.

11. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for the fabric collector associated with the asphalt plant to be able to immediately replace any bags requiring replacement due to deterioration.

12. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the asphalt plant without the simultaneous operation of the knockout box and the fabric collector. The PM emissions from the asphalt plant shall be controlled by the knockout box and the fabric collector connected in series.

13. The asphalt plant is a Barber-Green model BE-50 batch asphalt plant, rated at 180 tons per hour, which consists of the following: one mineral filler silo, 50 ton capacity; one rotary dryer, natural gas fired; one vibratory screen, 3 decks; one hot elevator conveyor; one pug mill mixer; three finished mix storage silos, 180 tons capacity each; and two asphalt tanks. The fabric collector shall be an Astec model SBH-42 pulse-jet fabric collector, rated at 41,820 SCFM and the Astec knockout box shall be connected in series.

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.

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

PA-32-00059A: Reliant Energy Mid Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg PA 15317) for replacement of the existing B Auxiliary Boiler with a new, Alstom Power 32VP2180, 212 mmBtu/hr gas/oil fired boiler, at their Conemaugh Power Plant in West Wheatfield Township, **Indiana County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a

Plan Approval to Reliant Energy Mid Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg PA 15317) for the replacement of the existing B Auxiliary Boiler with a new, Alstom Power 32VP2180, 212 mmBtu/hr gas/oil fired boiler, at the Conemaugh Power Plant in West Wheatfield Township, Indiana County as described in its application to the Department received on November 7, 2005. The unit will operate as a backup and will be limited to an annual capacity factor of 10%.

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

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

Special Conditions for Plan Approval PA-32-00059A

1. This Plan Approval is for the replacement of the existing B Auxiliary Boiler with a new, Alstom Power 32VP2180, 212.5 mmBtu/hr gas/oil fired boiler at the Reliant Energy Conemaugh Power Plant located in West Wheatfield Township, Indiana County. (25 Pa. Code § 127.12b)

2. The existing B Auxiliary Boiler (Source ID 034) shall be permanently retired upon initial operation of the new B Auxiliary Boiler. (25 Pa. Code § 127.12b)

3. This source is subject to Subpart Db of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of requests, reports, applications, submittals and other communications to both the Environmental Protection Agency (EPA) and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 841 Chestnut Bldg., Philadelphia, PA 19107.

4. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

5. Total heat input firing natural gas and No. 2 fuel oil shall not exceed 186,150 mmBtu per consecutive 12-month period. The heat input when firing No. 2 fuel oil shall be limited to 156,471 mmBtu per consecutive 12-month period. (25 Pa. Code § 127.12b)

6. Emissions from this Auxiliary Boiler shall be limited to the following (25 Pa. Code § 127.12b):

<i>Pollutant</i>	<i>lbs/mmBtu</i>
PM10 Total	0.05
SOx	0.51
CO	0.084
NOx	0.224
VOC	0.0067
HCl	0.0009

<i>Maximum Emission Rate</i>	
<i>Pounds/Hour</i>	<i>Tons/Year</i>
9.9	4.3
101.3	39.9
17.9	7.8
44.5	19.5
1.3	0.6
0.18	0.1

7. CO emissions from this unit shall be limited to 400 ppm. (40 CFR 63, Subpart DDDDD)

8. Stack testing shall be conducted to determine the following emission rates from the Auxiliary Boiler: PM, SO₂, CO, VOC and NO_x (as NO₂). (25 Pa. Code Chapter 139)

9. Stack testing shall be performed within 180 days of startup or within 60 days of achieving maximum normal production rate, whichever comes first. Stack tests shall be conducted in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual. (25 Pa. Code Chapter 139)

10. Two copies of a pretest protocol shall be submitted to the Department for review at least 30 days prior to the performance of the stack test. (25 Pa. Code Chapter 139)

11. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present. (25 Pa. Code Chapter 139)

12. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing. (25 Pa. Code Chapter 139)

13. The annual capacity factor of B auxiliary boiler shall be limited to 10%. The owner/operator shall record and maintain records of each fuel combusted during each day and calculate the annual capacity factor for each fuel for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month. These records shall be kept on site for a period of 5 years and be made available to the Department upon request. (40 CFR 60.49b(d))

14. This unit shall burn fuel oil containing no more than 0.5% weight percent sulfur. Fuel receipts sufficient to demonstrate the sulfur content of the fuel oil shall be maintained as described in 40 CFR 60.49b(r).

15. This unit shall not exhaust gases that exhibit greater than 20% opacity (6 minute average), except for one 6 minute period per hour of not more than 27% opacity. (40 CFR 60.43b(f))

16. In lieu of continuous opacity monitoring system installation and operation, visible emission observations are required whenever the B Auxiliary Boiler combusts oil. (40 CFR 60.13(i)(2))

a) At least once during each daylight shift when oil is combusted, an observer certified in accordance with EPA Method 9 shall perform a 6-minute visible emission observation. To obtain representative results, the oil firing rate during the observation period must be the maximum rate during the shift.

b) An observer certified in accordance with EPA Method 9 shall perform a 6-minute visible emission observation whenever the boiler reaches operating load after a cold startup with oil.

c) If the average opacity for a 6-minute set of readings made in accordance with a) or b) exceeds 10%, the observer must collect two additional 6 minute sets of visible emission readings for a total of three sets.

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

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

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

(iii) Upon receipt of the Notice of the Completion of Construction from the owner/operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of opera-

tion. The Notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

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

(v) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the owner/operator shall apply for a new, or amend the existing Operating Permit at least 60 days prior to the expiration date of the Plan Approval. The application shall incorporate the conditions of this Plan Approval into the Operating Permit.

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

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

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

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

PA-30-00072E: CONSOL Energy, Inc. (1800 Washington Road, Pittsburgh, PA 15241) for installation of an overland conveyor system at their Bailey Mine in Richhill Township, **Greene County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to CONSOL Energy, Inc. (1800 Washington Road, Pittsburgh, PA 15241) for the installation of an overland conveyor system at the Bailey Mine in Richhill Township, Greene County complex as described in their application to the Department received on February 1, 2006. The conveyor system is expected to increase PM emissions by approximately 5.6 tons per year.

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

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

Special Conditions for Plan Approval PA-30-00072E

1. This Plan approval is for the installation of a 4.1 mile long overland conveyor for raw coal at the Consol Pennsylvania Coal Company's (Consol) Bailey Mine complex in Richhill Township, Greene County. (25 Pa. Code § 127.12b)

2. The facility-wide maximum allowable emission rate for PM is 438.64 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

3. The facility-wide maximum allowable emission rate for PM₁₀ is 344.98 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

4. The owner/operator shall keep monthly records of raw coal throughput at the Crabapple overland conveyor and the related PM/PM₁₀ emission calculations. These records shall be kept and maintained on site for 5 years and be made available to the Department for review upon request. (25 Pa. Code § 127.12b)

5. Transfer points on Crabapple Overland Conveyor shall be fully enclosed. (25 Pa. Code § 127.12b)

6. The sources at this facility are subject to the fugitive emission requirements of 25 Pa. Code §§ 123.1 and 123.2.

7. The Bailey Coal Preparation Plant (including Thermal Dryer Nos. 1 and 2) is subject to the new source performance standards for coal preparation plants, 40 CFR Part 60, Subpart Y. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the addresses that follow unless otherwise noted. (40 CFR 60, Subpart Y)

Director Air Toxics and Radiation U. S. EPA, Region III 841 Chestnut Street Philadelphia, PA 19107	Department of Environmental Protection Office of Air Quality Control 400 Waterfront Drive Pittsburgh, PA 15222-4745
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9. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met. (25 Pa. Code § 127.12b)

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

(b) Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an

Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under Subpart (a).

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

(e) The notice submitted by the owner/operator under Subpart (a), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

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

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

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines a notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

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

33-174A: Brownlee Lumber Co. (2652 Hazen Richardsville Road, Brookville PA 15825) for construction of a 5.9 mmBtu/hr wood fired boiler controlled by a multiclone for their sawmill in Warsaw Township, **Jef-ferson County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a 5.9 mmBtu/hr wood fired boiler controlled by a multiclone. This plan approval will limit the particulate emissions to 0.3 lb/mmBtu, 1.8 #/hr and 7.9 tpy, respectively. The CO emissions will be less than 15.7 tpy and the NOx emissions will be less than 5.7 tpy. The facility will be required to install, maintain and operate a magnehelic gauge to measure the pressure drop across the cyclone on a daily basis. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121-143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

AMS 04213: Philadelphia Gas Works—Richmond Plant (3100 East Venango Street, Philadelphia, PA 19122) for installation of a 91.5 mmBtu/hr ethylene glycol heater. The heater will be limited to 18 million cubic feet of natural gas burned and less than 1.0 ton of NOx emissions per rolling 12-month period. The plan approval will contain monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

40-00020: Department of Public Welfare, White Haven Center, Division of Facilities and Property Management (1st Floor Bertoline Building, 1401 North Seventh Street, P. O. Box 2675, Harrisburg, PA 17105) in Foster Township, **Luzerne County**. The facility's major source of emissions is the operation of coal-fired boilers, which primarily emits NOx.

39-00014: Department of Public Welfare, Allentown State Hospitals, Division of Facilities and Property Management (1st Floor Bertoline Building, 1401 North Seventh Street, P. O. Box 2675, Harrisburg, PA 17105) in the City of Allentown, **Lehigh County**. The facility's major source of emissions is the operation of coal fired boilers, which primarily emits NOx.

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

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

15-00060: SECCRA Landfill (219 West Street Road, West Grove, PA 19390) for a permit is for a non-Title V (State-only natural minor) facility in London Grove Township, **Chester County**. The facility's sources include an Emergency Generator, Leachate Evaporators and MSW

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

23-00030: Dee Paper Company (Front and Broomall Streets, Chester, PA 19061) for operation of their cardboard box printing facility in the City of Chester, **Delaware County**. The permit is for a non-Title V (State-only) facility. Dee Paper Company is a printing facility that uses three sheet-fed, offset lithographic printing presses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00147: Northtec LLC (411 Sinclair Road, Bristol, PA 19007) for operation of a cosmetic powder processing plant in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility does not have the potential to emit major amounts of criteria pollutants; therefore the facility is categorized as a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements 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.

48-00082: Naceville Materials (R. R. 5, Box 5165A, Bethlehem, PA 18015) for a State-only (Synthetic Minor) Operating Permit for a facility in the City of Bethlehem, **Northampton County**. The source at the facility is one batch asphalt plant. The source has the potential to emit major quantities of regulated pollutants (NOx, CO) above Title V thresholds. The facility is proposing a throughput restriction on asphalt production of 200,000 tons in any 12-consecutive month period. Compliance verification shall be through recording keeping and reporting of throughput and emission calculations. The proposed State-only (Synthetic Minor) Operating Permit contains applicable emission limitations along with requirements for monitoring, recordkeeping and reporting used to verify facility compliance with all applicable Federal and State air pollution regulations.

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

05-03011: Blue Triangle Hardwoods, LLC (Route 26 North, Everett, PA 15537) for operation of a sawmill in West Providence Township, **Bedford County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

28-05015: IESI Blue Ridge Landfill Corp. (3747 White Church Road, Chambersburg, PA 17201) for the refuse disposal facility in Greene Township, **Franklin County**. This action is for a minor modification of the Title V Operating Permit reissued in 2004. The minor modification is to include conditions into the existing permit for the operation of an engine generating facility by a third party, to utilize the landfill gas to generate electricity.

36-05135: StyleCraft Corp. (400 Broad Street, Terre Hill, PA 17581) for operation of their wood furniture manufacturing facility in Terre Hill Borough, **Lancaster County**. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-05034: Butler Manufacturing Co. (400 North Weaber Street, Annville, PA 17003) to operate two spray-paint booths at their steel fabrication facility in Annville Township, **Lebanon County**. The primary emissions at the facility are VOCs from the paint. However, the permit contains the following annual emission limitations: 50 tons of VOC; 25 tons of HAPs; 10 tons of a single HAP; and 100 tons each of SOx, PM10, NOx and CO. The State-only operating permit includes work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03115: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, PA 17402) for operation of a hard chrome electroplating system in their East Manchester Township, **York County** facility. The State-only operating permit will include emission limits along with monitoring, recordkeeping, reporting and work practice requirements to ensure the facility complies 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.

18-00013: Clinton Hospital Corp. (Lock Haven Hospital 24 Cree Drive, Lock Haven, PA 17745) for operation of their facility in Lock Haven, **Clinton County**. The Department intends to renew the State-only Operating Permit for this facility. The facility's main sources include three No. 2 fuel oil/natural gas fired boilers and four diesel fired generators. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00025: Restek Corp. (110 Benner Circle, Bellefonte, PA 16823) for operation of their facility in Benner Township, **Centre County**. The Department intends to issue the State-only Operating Permit for this facility. The facility's sources include four natural gas fired boilers and operations involving various chemicals. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

16-00136: Glenn O. Hawbaker, Inc. (SR 3011, Clarion, PA 16214) for production of crushed limestone products in Beaver Township, **Clarion County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation

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

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

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

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

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

17841607 and NPDES Permit No. PA0100803, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824), to renew the permit for the Bigler Prep Plant in Bradford Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received January 6, 2006.

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

32990109 and NPDES No. PA0235148, Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Washington Township, **Indiana County**, affecting 56.9 acres. Receiving streams: UNTs to/and Sugarcamp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2006.

32850114 and NPDES No. PA0597457, Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745-0007, permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 147.5 acres. Receiving streams: UNTs of Little Yellow Creek classified for the following use: HQ. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2006.

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

03060102 and NPDES Permit No. PA0250902, P & N Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767). Application for commencement, operation and reclamation of a bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and UNTs to Patterson Creek, classified for the following use: TSF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 23, 2006.

65970105 and NPDES Permit No. PA0202053, Britt Energies, Inc. (2450 Philadelphia St., Indiana, PA 15701). Revision application to an existing bituminous surface mine to include auger mining, located in Derry Township, **Westmoreland County**, affecting 146 acres. Receiving streams: UNT to Union Run, classified for the following use: WWF. There is no potable water supply

intake within 10 miles downstream from the point of discharge. Revision application received: March 27, 2006.

26743202 and NPDES Permit No. PA0069736, Fayette Coal & Coke, LLC (2611 Memorial Blvd., Connelville, PA 15425). Renewal application for continued mining and reclamation of a coal refuse reprocessing site, located in Dunbar and North Union Townships, **Fayette County**, affecting 113 acres. Receiving stream: Rankin Run, classified for the following use: WWF. The first portable water supply intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority. Renewal application received: March 31, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

1419-33040101-E-1, Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to conduct mining activities within 100 feet of a UNT to Mahoning Creek in Perry Township, **Jefferson County**. Receiving streams: Perryville Run, Nicely Run and UNTs to Mahoning Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 27, 2006.

61970102 and NPDES Permit No. PA0227595, Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127). Revision to an existing bituminous surface strip, auger and coal ash placement operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: UNT to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to have beneficial coal ash placement on the Michele A., Paul D., Joseph P. and Shirley M. Kyle and Francis M. and Charles J. Ullman properties. Application received: March 29, 2006.

33930102 and NPDES Permit No. PA0211508, Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 120.3 acres. Receiving streams: Two UNTs to Little Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 30, 2006.

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

19950101R2, Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and refuse disposal operation in Conyngham Township and Centralia Borough, **Columbia County** affecting 846.0 acres. Receiving stream: none. Application received March 22, 2006.

54900205R3. Wheelabrator Culm Services, Inc. (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 580.0 acres. Receiving stream: none. Application received March 24, 2006.

54940203T. Wilbur White Coal Company (44 South Maple Avenue, Pottsville, PA 17901), transfer and reactivation of an anthracite coal refuse reprocessing operation

from Wilbur White Coal Co., Inc. in Butler Township, **Schuylkill County** affecting 27.3 acres. Receiving stream: none. Application received March 27, 2006.

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.

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

11060301 and NPDES No. PA0249955. Rollock Company, 156 Rollock Road, Stoystown, PA 15563, commencement, operation and restoration of a large noncoal (industrial minerals) mine in East Taylor Township and City of Johnstown, **Cambria County**, affecting 70.0 acres. Receiving stream: Hinckston Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 24, 2006.

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

14060301 and NPDES No. PA0256323. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649), commencement, operation and restoration of a large, noncoal surface mine in Rush Township, **Centre County**, affecting 102.79 acres. Receiving streams: Moshannon Creek, UNTs to Moshannon Creek, classified for the following uses: TSF, CWF. No public or private supplies are present in the vicinity. Application received March 9, 2006.

08060801. Gerald C. Sarnosky (R.R. 1, Box 91, Ulster, PA 18850), commencement, operation, and restoration of a Small Noncoal (Blue Stone) surface mine application, in Wilmot Township, **Bradford County** affecting 5.0 acres. Receiving stream: Sugar Run, with UNT to Susquehanna. Application received: February 21, 2006.

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

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

E02-1528. Hammel Companies, Inc., 15-27th Street, Pittsburgh, PA 15222. To rehabilitate the existing bulkhead in the City of Pittsburgh, **Allegheny County**, ACOE District. (Pittsburgh East, PA Quadrangle N: 14.5 inches; W: 15.0 inches and Latitude: 40° 27' 22"—Longitude: 79° 59' 04"). The applicant proposes to rehabilitate, operate and maintain the existing timber bulk-

head in the channel and along the left bank of the Allegheny River (WWF) for the purpose of constructing a recreational trail. The project is located between 23rd and 24th Streets and will impact approximately 250.0 linear feet of stream channel.

E26-334. The Redevelopment Authority of Fayette County, 45 East Main Street, 500 Court Plaza Tower, Uniontown, PA 15401. To fill stream and impact wetlands in South Union Township, **Fayette County**, Pittsburgh ACOE District. (New Salem, PA Quadrangle N: 7.25 inches; W: 1.25 inches and Latitude: 30° 54' 59"—Longitude: 79° 45' 34"). The applicant proposes to fill and maintain 400 LF of UNT to Jennings Run (WWF) and fill and maintain 0.042 acre of PEM wetland within a drainage area of less than 100 acres. This project is associated with the development of 87 acres adjacent to the south side of SR 40 and approximately 2 miles northwest of Uniontown near the Duck Hollow Road intersection.

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

E14-487. Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340-foot long by 2-foot wide by 2-foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144)

(Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

ENVIRONMENTAL ASSESSMENTS

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

D37-026EA. Gale Siddall, 216 Cemetery Lane, New Castle, PA 16105, Neshannock Township, **Lawrence County**, ACOE Pittsburgh District.

Project proposes to breach and remove Graceland Dam across a tributary to Neshannock Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 300 feet east of the intersection of Graceland Road and Elizabeth Street (New Castle North, PA Quadrangle N: 4.05 inches; W: 10.2 inches).

D09-128EA. Rick Dalton, Park Superintendent, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540, Tincum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Ralph Stover Dam across Tohickon Creek (HQ-CWF, MF) for the purpose of eliminating a threat to public safety, restoring the stream to a free-flowing condition and providing unobstructed fish passage to resident and migratory fishes. The project will restore approximately 1,750 feet of stream channel. The dam is located approximately 3,800 feet south of the intersection of Stover Park Road and Tory Road (Lumberville, PA-NJ Quadrangle N: 11.2 inches; W: 13.9 inches).

ACTIONS

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

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

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

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

and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0030473 (Sewage)	West Shore School District—Fairview Elementary School P. O. Box 803 New Cumberland, PA 17070-0803	York County Fairview Township	UNT Yellow Breeches Creek 7-E	Y
PA0084247 (Sewage)	Berk-Tek, Inc. 132 White Oak Road New Holland, PA 17557-0888	Lancaster County Earl Township	UNT Conestoga River 7-J	Y
PA0247308 Amendment No. 1 (Sewage)	Paul T. Mummau, Jr. Bright Hope Fellowship Church 180 Hershey Road Elizabethtown, PA 17022	Dauphin County Londonderry Township	UNT Lynch Run 7-G	Y
PA0027405 (Sewage)	Ephrata Borough Authority STP No. 1 124 South State Street Ephrata, PA 17522-2411	Lancaster County Ephrata Borough	Cocalico Creek 7-J	Y
PAS10Y070R	PPL Brunner Island Units 1, 2 and 3 Flue Gas Desulfurization PPL Generation, LLC 2 N. 9th Street Allentown, PA 18101	York County East Manchester Township	Susquehanna River O	Y
PAR10Y541R	Paul Knepper 205 Coventry Road Dallastown, PA 17313	York County York Township	UNT Mill Creek WWF	Y
PAR10Y525R	Regents Glen Regents Glen Building & Development 1308 Continental Drive South Abington, MD 21009	York County Spring Glen Township	Codorus Creek WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0111911	Construction Specialties, Inc. 6696 Route 405 Highway Muncy, PA 17756	Lycoming County Clinton Township	Turkey Run (10C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0093408 Sewage	Cumberland Township Supervisors 100 Municipal Road Carmichaels, PA 15320	Greene County Cumberland Township	Monongahela River	Y
PA0096466 Sewage	Pennsylvania Services Corporation 158 Portal Road P. O. Box 1020 Waynesburg, PA 15370	Greene County Franklin Township	UNT of Smith Creek	Y
PA0097632 Sewage	Valley Tire Company, Inc. P. O. Box 367 Windber, PA 15963	Somerset County Paint Township	UNT of Roaring Fork	Y
PA0204625 Sewage	Robert Feather 1510 Darkshade Drive Windber, PA 15963	Somerset County Paint Township	UNT of Shade Creek	Y
PA0218651 Sewage	Indiana County Municipal Services Authority 827 Water Street Indiana, PA 15701	Indiana County East Wheatfield Township	Mardis Run	Y

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

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

NPDES Permit No. PA-0037290-A1, Sewage, **Pennsylvania Utility Company, Inc.**, Tamiment Resort, Bushkill Falls Road, Bushkill, PA 18341. This proposed facility is located in Lehman Township, **Pike County**.

Description of Proposed Activity: Amend NPDES Permit to incorporate changes as per settlement agreement.

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

NPDES Permit No. PA0029106, Amendment No. 1, Sewage, **Tim Oaks**, P. O. Box 372, Claysburg, PA 16625. This proposed facility is located in Greenfield Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Frankstown Branch Juniata River in Watershed 11-A.

NPDES Permit No. PA0024431, Amendment, Industrial Waste, **Dillsburg Area Authority**, P. O. Box 370, Dillsburg, PA 17019-0370. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Dogwood Run in Watershed 7-E.

NPDES Permit No. PAS203503, Stormwater, **Daniel Geucza, Walter Industries, Inc.**, 3300 First Street, Birmingham, AL 35222. This proposed facility is located in Greencastle Borough, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to UNT Muddy Run in Watershed 13-C.

NPDES Permit No. PAS203502, Stormwater, **Robert Krenzer, Bonney Forge Corporation**, P. O. Box 330, Mount Union, PA 17066. This proposed facility is located in Shirley Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Juniata River in Watershed 12-C.

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

Amplified Final Public Notice for NPDES Permit No. PA0040312. Permit No. PA0040312. Industrial Waste, **Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301.

This notice reflects changes from the notice published at 35 Pa.B. 4930 (September 3, 2005). The interim limit for molybdenum has been changed to Monitor and Report at all permitted outfalls. A water quality based effluent limit for molybdenum goes into effect at all permitted outfalls 3 years from permit effective date.

Two outfalls, 004 and 005, were added to permit. These are emergency overflows for the two sedimentation basins. The effluent limits for the additional outfalls are the same as the primary outfall for each sedimentation basin.

The limitation for methylene chloride was removed from the permit because it was determined that the constituent was not detected in the groundwater at the site and therefore it was unnecessary to require permit limits.

The Department and Molycorp, Inc. entered into a Consent Order and Agreement resolving the appeal of the NPDES permit. The Consent Order and Agreement addresses the remediation of the site.

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

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

WQM Permit No. WQG022203, Sewerage, **Clifford Township**, R. R. 1, Box 715, Clifford, PA 18413. This proposed facility is located in Clifford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer system including pressure sewers and two pump stations in Clifford Township, Susquehanna County.

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

WQM Permit No. 5305401, Sewerage (SIC 4952), **Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922. This proposed facility will be located in Galeton Borough, **Potter County**.

Description of Proposed Action/Activity: Permit issued authorizing the replacement of the existing combined sewer system with separate sanitary and storm sewers in the North Sewershed of the Authority's collection system. The project will include a new sanitary interceptor, a new storm interceptor, the elimination of an existing inverted siphon, the installation of a new pump station, and the replacement of a CSO manhole. Metering will be installed at two existing CSO outfalls.

WQM Permit No. 1805404, Sewerage, **Castanea Township**, 347 Nittany Road, Castanea, PA 17745. This proposed facility is located in Castanea Township, **Clinton County**.

Description of Proposed Action/Activity: Issuance of a permit to upgrade the existing pump station that serves to connect Castanea Township to the Lock Haven Sewer System. New pumps, wet well and force main are to be installed.

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

WQM Permit No. 0270413-A4, Sewerage, **Moon Township Municipal Authority**. This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the relocation of outfall sewer from Montour Run Water Pollution Control Plant.

WQM Permit No. 6305404, Sewerage, **Washington-East Washington Joint Authority**, 60 Beau Street, P. O. Box 510, Washington, PA 15301. This proposed facility is located in Canton Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the relocation of existing 14-inch force main outside of excavation area.

WQM Permit No. WQG016119, Sewerage, **Peter M. Nangeroni**, 405 Huffman Street, Waynesburg, PA 15370. This proposed facility is located in Franklin Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

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

WQM Permit No. 2075402, Sewerage, **Amendment No. 1, North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in North and South Shenango Townships, **Crawford County**.

Description of Proposed Action/Activity: This project is to upgrade the pump, motor, backup engine, and/or electrical component replacements and upgrades to four of the existing interceptor pump stations.

WQM Permit No. WQG018450, Sewerage, **Raymond A. Miller SFTF**, 43595 Buells Corners Road, Spartansburg, PA 16434. This proposed facility is located in Rome Township, **Crawford County**.

Description of Proposed Action/Activity: Single residence sewage treatment facility.

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>
PAI011506007	The Stonewall Links Limited Partnership 375 Bulltown Road Elverson, PA 19520	Chester	East Nantmeal Township	French Creek (EV)
PAI012305006	Edgmtown Township Edgmtown Township Firehouse 100 Gradyville Road P. O. Box 267 Gradyville, PA 19039	Chester	Edgmtown Township	Ridley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063306001	Department of Transportation P. O. Box 429 Indiana, PA 15701	Jefferson	Pine Creek and Warsaw Townships	Little Mill Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Pikeland Township Chester County	PAG2001505017	Heritage Building Group Coccia Subdivision 2500 York Road Jamison, PA 18929	French Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2001505073	Commerce Bank, NA 11000 Atrium Way Mt. Laurel, NJ 08054	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105032	School District of Philadelphia George Washington HS Upgrade 734 Schuylkill Avenue Philadelphia, PA 19146-2397	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105049	Home Depot USA, Inc. Home Depot at Leo Mall 265 Davidson Avenue Suite 400 Somerset, NJ 08873	UNT Byberry Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Washington Township Franklin County	PAG2002805090	Washington Township Waterline Mike Christopher 13013 Welty Road Waynesboro PA 17268	E. Branch Antietam Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Chambersburg Borough Franklin County	PAG2002806005	Bob Wagner 100 South Second Street Chambersburg PA 17201	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Montgomery Township Franklin County	PAG2002806003	Mercer Vu Farms Richard Hissong 12275 Mt. Pleasant Road Mercersburg PA 17236	Johnston Run WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Fermanagh Township Juniata County	PAG2003405012	Brian Soyka Sheetz, Inc. 5700 Sixth Ave. Altoona, PA 16602	Schweyer Run CWF	Juniata County Conservation District R. R. 5, Box 35 Stoney Creek Road Mifflintown, PA 17059 (717) 436-8953
Millersville Borough Lancaster County	PAG2003605139	Oak Hill Partners 2547 Lititz Pike Lancaster PA 17601	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003605144	Sat Guru Inc 2165 Lincoln Highway East Lancaster, PA 17602	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Providence Township Lancaster County	PAG2003606005	MDN Real Estate Partnership 5260 Main Street East Petersburg, PA 17520	Huber Run CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Clay Township Lancaster County	PAG2003606024	Sharp Properties, Ltd. 1100 Sharp Avenue Ephrata, PA 17522	Middle Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG2003606027	Sumner's Green, LP 114 Foxshire Drive Lancaster, PA 17601	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003606028	Rapho Township Department of Transportation 971 N. Colebrook Road Manheim, PA 17545	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Gettysburg Cumberland Township Adams County	PAG2000105025	Steve Lauriello Summit Partners, LLC 100 Colonial Way West Chester, PA 19382	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Rd., Suite 201 Gettysburg, PA 17325 (717) 334-0636

<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>
200 Tall Oaks Road Gettysburg Mount Pleasant Adams County	PAG2000105029	John Hess JoBo Holstein Farm 200 Tall Oaks Road Gettysburg, PA 17325	UNT Swift Run WWF	Adams County Conservation District 670 Old Harrisburg Rd., Suite 201 Gettysburg, PA 17325 (717) 334-0636
Bratton Township Mifflin County	PAG2004406001	Howard Boyd Summer Hill Farm, Inc. 1212 Drager Road Columbia, PA 17512	Juniata River WWF	Mifflin County Conservation District 20 Windmill Hill, No. 4 Burnham, PA 17009 (717) 248-4695
Dover Township York County	PAG2006705123	Gary Czulada 3470 Carlisle Rd. Dover, PA 17315	UNT Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006705111	Ivy Greens Themis Sacarellos Grish, LLC 905 Heritage Hills Drive York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006705100	Susquehanna Trail Business Center Susquehanna Real Estate Holding Co. 140 E. Market Street York, PA 17401	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006705071	County of York One West Marketway York, PA 17401	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006704141	JA Myers Joe Myers 160 Ram Dr. Hanover, PA 17331	UNT to Beaver Creek UNT to Fishing Creek CWF/TWF respectively	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006706013	Shrewsbury Township Jason Snyder 12341 Susquehanna Trail South Glen Rock, PA 17327	UNT Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006706019	Woodland Heights Jeffrey Henry 2845 Springwood Road Red Lion PA 17356	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township Lycoming County	PAG200550606	Department of Transportation Engineering District 3-0 715 Jordan Avenue Montoursville, PA 17754	UNT to Penns Creek CWF	Sullivan County Conservation District R. R. 2, Box 2022B Dushore, PA 18614 (570) 836-2589
Tioga Township Tioga County	PAG2005905002	Department of Transportation P. O. Box 218 715 Jordan Ave. Montoursville, PA 17754	Tioga River/ Bentley Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801
Indian County West Wheatfield Township	PAG2003206003	James Locher Reliant Energy 121 Champion Way Canonsburg, PA 15317	Conemaugh River (WWF)	Indiana County Conservation District (724) 463-8547

<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>
Washington County North Franklin Township	PAG2006306004	Eugene Raggi 770 West Chestnut Street Washington, PA 15301	Tributary To Catfish Creek (WWF)	Washington County Conservation District (724) 228-6774
<i>General Permit Type—PAG-4</i>				
Franklin County Lurgan Township	PAG043840	Teresa Young 15083 Lurgan Road Orrstown, PA 17244	UNT Paxton Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greene County Franklin Township	PAG046316	Peter M. Nangeroni 405 Huffman Street Waynesburg, PA 15370	UNT to South Fork Tenmile Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rome Township Crawford County	PAG049239	Raymond A. Miller SFTF 43595 Buells Corners Road Spartansburg, PA 16434	UNT to Thompson Creek 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048407	Marc L. Hawks 29 Plum Road Greenville, PA 16125	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-6</i>				
Wilmerding Borough Allegheny County	PAG066104	Wilmerding Borough P. O. Box 8 Station and Commerce Streets Wilmerding, PA 15148	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-9</i>				
Fulton County Todd Township	PAG093536	Ramsey's Septic Service 1010 Buchannon Trail McConnellsburg, PA 17233	Site Name & Location	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel

Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0105505, Public Water Supply.
 Applicant **Arendtsville Municipal Authority**
 Municipality Arendtsville Borough
 County **Adams**
 Type of Facility Construction of Well No. 5 with corrosion control and disinfection.
 Consulting Engineer Janet R. McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore St.
 Gettysburg, PA 17325
 Permit to Construct 3/27/2006
 Issued:

Permit No. 0106505 E, Public Water Supply.
 Applicant **Dauberton Manor, Inc.**
 Municipality Mt. Pleasant Township
 County **Adams**
 Type of Facility Reconstruction of the primary treatment building with disinfection for Well Nos. 1 and 2 and a booster pumping station.
 Consulting Engineer Richard M. Bodner, P. E.
 Martin and Martin, Inc.
 37 S. Main St.
 Chambersburg, PA 17201
 Permit to Construct 4/3/2006
 Issued:

Operations Permit issued to **Pennsylvania-American Water**, 7210029, Fariview Township, **York County** on 3/31/2006 for the operation of facilities approved under Construction Permit No. 6703512.

Operations Permit issued to **Pennsylvania-American Water**, 3060088, Exeter and St. Lawrence Townships, **Berks County** on 3/28/2006 for the operation of facilities approved under Construction Permit No. 0603507.

Operations Permit issued to **Pennsylvania-American Water**, 7210029, Silver Spring Township, **Cumberland County** on 3/29/2006 for the operation of facilities approved under Construction Permit No. 2104506.

Operations Permit issued to **Timber Service Corporation**, 7380022, South Londonderry Township, **Lebanon County** on 3/22/2006 for the operation of facilities approved under Construction Permit No. 3805503.

Operations Permit issued to **Landmark Builders**, 3060134, Marion Township, **Berks County** on 4/3/2006 for the operation of facilities approved under Construction Permit No. 0605516 MA.

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

Permit No. 1701503—Construction Public Water Supply.
 Applicant **Sandy Township Water and Sewer Authority**
 Township or Borough Sandy Township
 County **Clearfield**
 Responsible Official M. B. Stojeck, Manager
 Sandy Township Water and Sewer Authority
 12th Street and Chestnut Avenue
 P. O. Box 267
 Dubois, PA 15801
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Mark Glenn Gwen, Dobson and Foreman 3121 Fairway Drive
 Altoona, PA 16602
 Permit Issued Date 4/4/06
 Description of Action Authorizes construction of Sandy Township's water system.

Permit No. 1704503—Operation Public Water Supply.
 Applicant **Union Township Municipal Authority**
 Township or Borough Union Township
 County **Clearfield**
 Responsible Official Jarome D. Heffner, Chairman
 Union Township Municipal Authority
 P. O. Box 4
 Rockton, PA 15856-0004
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Brian Sekula
 The EADS Group
 15392 Route 322
 P. O. Box 684
 Clarion, PA 16214
 Permit Issued Date 4/4/06
 Description of Action Operation of the pump station and lines.

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

Permit No. EMERGENCY CONSTRUCTION
 Applicant **Lewis Run Borough**
 Borough or Township Lewis Run Borough
 County **McKean**

Type of Facility Public Water Supply
 Emergency interconnection
 between Bradford Water
 Authority and Lewis Run
 Borough.
 Permit to Construct 04/03/2006
 Issued

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Burnside Township	Burnside Township Supervisors c/o Wanda Guenot, Secretary 845 Pine Glen Road Karthaus, PA 16845	Centre

Operations Permit issued to North East Borough Water Authority, 58 East Main Street, North East, PA 16422, PWS ID 6250031, North East Township, **Erie County**, on April 3, 2006, for the operation of the expansion and improvements made to the Borough water treatment plant completed to specifications of Construction Permit No. 2502504, issued February 26, 2003.

WATER ALLOCATIONS

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

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

WA 17-1008, Water Allocations. Sandy Township Water and Sewer Authority. Sandy Township, **Clearfield County**. Grants the right to purchase a maximum of 500,000 gallons per day, on a 30-day average, from the City of Dubois.

WA 17-662A, Water Allocations, Union Township Municipal Authority, Union Township, **Clearfield County**. Grants the right to purchase up to 240,000 gallons per day, on a 30-day average, from the City of Dubois.

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>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: The approved plan provides for the construction of a Wal-Mart Supercenter on 120 acres. The proposed project involves the use of interim use holding tanks as outlined in 25 Pa. Code § 71.63(c) of the Department's regulations. The current project schedule calls for the completion of the pump station with connections to Northern Blair County Regional Sewer Authority's conveyance system, which is the approved long-term sewage disposal method, by the end of September 2006. 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.

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

Plan Description: The approved plan provides for a sewerage collection system to be installed to serve the Village of Pine Glen. The sewage will flow to a pump station to be located in the southwest area of the village, where it will be pumped north along Route 879, serving residences along Route 879, across the river to a 115,000 gallons per day regional sewage treatment plant to be located in Karthaus Township. This regional sewage treatment plant will also treat flows from Karthaus Township, Clearfield County and discharge to the West Branch of the Susquehanna River. The proposed collection and conveyance system will be owned by a Burnside Township Sewer Authority, while the proposed sewage treatment plant will be owned by a joint Karthaus/Burnside Sewer Authority. A sewage management program will be implemented in the remainder of Burnside Township. 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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Sunoco Elverson Valve Station No. 9000-0020, Elverson Borough, **Chester County**. Lisa Holderbach, Aquaterra Tech., Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Mr. and Mrs. Rod McCarthy, 18 Parkside Dr., Elverson, PA 19520, Mr. and Mrs. David Eldon, 13 Parkside Dr., Elverson PA 19520, Janet Stockett, 19 Parkside Dr., Elverson PA 19520 and Merle Stoltzfus, Stoltzfus Enterprises, Ltd., 26 East Main Street, Elverson, PA 19520 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

436 Bridge Street Property, Phoenixville Borough, **Chester County**. Bruce Speidel, EBI Consulting, 6876 Susquehanna, Trail South, York, PA 17403 on behalf of Charles Morelli, 451 Swedesfrod Road, Fraizier, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard Report.

Daniel Moss Residence, Limerick Township, **Montgomery County**. Kenneth Gollon, Lewis Env. Group, 455 Railroad Plaza, Royersford, PA 19468 on behalf of Daniel Moss Residence, 136 Souder Road, Royersford, PA 19468 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard Report.

Park West Town Center, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, P. G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of Colin Jones, The Goldenberg Group, Inc. and WPFSL, 650 Pkwy., Suite 300, Blue Bell, PA 19422 has submitted a Baseline Env. Report concerning remediation of site soil contaminated with groundwater contaminated with organics and PCB. The report is intended to document remediation of the site to meet the Specific Industrial Area Standard.

Georgia-Pacific/Connelly Containers Facility, Lower Merion Township, **Montgomery County**. Jeffrey Goudsward, Penn Env. & Remediation, Inc., on behalf of Richard Heany, Righter's Ferry Assoc., LP, 700 South Henderson Road, Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbon compounds, VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Essington Sunoco Pipeline, Tinicum Township, **Delaware County**. Lisa Holderbach, Aquaterra Tech, 122 S. West Chester, Philadelphia, PA 19381 on behalf of Robert Rizzo, Tinicum Developers, 76 Industrial Highway, Essington, PA 19029 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with unleaded gasoline and MTBE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Landsdale Holding Group Assoc., LP, Lansdale Borough, **Montgomery County**. Donald A Coleman, P. G., Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Peter Economou, Lansdale Holding Group Assoc., LP, 230 Windsor Ave., 1st Floor, Narberth, PA 19072 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard Final Report.

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

Broad Street Elementary School, Mechanicsburg Borough, **Cumberland County**. Allicance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, 17110, on behalf of Mechanicsburg Area School District, 1298 South Market Street, Mechanicsburg, 17055 submitted a Final Report concerning remediation of site soils contaminated with No 4 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Montour Railroad Shops, Borough of Coraopolis, Robinson Township and Moon Township, **Allegheny County**. Mark L. Orzechowski, 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of James R. Wilham, Alliance Realty Management, 2425 Sidney Street, Pittsburgh, PA 15203) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel and inorganics includes beryllium, cadmium and nickel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LTV Southside Parcel 1 at the Rivertech Associates Plan of Lots, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Rivertech Centre Associates, LP and Rivertech Associates, LP, c/o Lormer Real Estate, 5850 Ellsworth Avenue, Suite 303, Pittsburgh, PA 15232) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, PAHs, petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Levin Family Partnership, LP, Borough of Monroeville, **Allegheny County**. John A. Ducar, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Levin Family Partnership, LP, 301 Fitz Henry Road, Smithton, PA 15479) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Former Anchor Glass Prop., Royersford Borough **Montgomery County.** Richard Johnson, P. G. RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406

on behalf of The Riverfront at Royersford, LP, c/o GPH Royersford Corp., Granor Price Office Ct., 721 Dresher, Rd., Horsham, PA 19044 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with lead, heavy metals, benzene and separate phase liquid. The Remedial Investigation and Cleanup Plan was approved by the Department on February 21, 2006.

Gerney and Ghebeles Res., Wrightstown Township **Bucks County.** Andrew K. Markoski, P. G., Patriot Env., Mgmt., LLC, P. O. Box 629, Douglasville, PA 19518 on behalf of Phil Gerney and Ted Ghebeles, 194 and 204 Brownsburg Rd., Newtown, PA 18940 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 27, 2006.

Natl Lines Svc., City of Philadelphia **Philadelphia County.** Paul Martino, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PAH and chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was disapproved by the Department on March 24, 2006.

Powelton Heights Site, City of Philadelphia **Philadelphia County.** Tom Wilkes, Malcolm Pirnie, Inc., 1700 Market St., Suite 2740, Philadelphia, PA 19103 on behalf of David Hahn, 1260 Housing Dev. Corp., 2042-48 Arch St., 2nd Floor, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site-Specific Standard disapproved by the Department on March 29, 2006.

Livingston & Co., Wrightstown Township **Bucks County.** Steve F. Coe, Brown Env., Svc., Corp., 301 S. State St., Suite, N102, Newtown, PA 18940 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was approved by the Department on March 31, 2006.

Frankford Arsenal, City of Philadelphia **Philadelphia County.** Eric Schleicher, P. G. Langan & Env., Svc., Inc., 30 S. 17th St., Suite, 1500, Philadelphia, PA 19103 on behalf of Mark Hankin, Arsenal Assoc., LLP, 5301 Tacony St., Bldg. 1, Philadelphia, PA 19137 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with PCB. The Remedial Investigation Report was withdrawn by the Department on March 23, 2006

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

Ontario Limited SR 15N Accident Cleanup, Tioga Township, **Tioga County.** Environmental Solutions, 67 Frid St., Unit 5, Hamilton, ON L8P 4M3 on behalf of the Department of Transportation, District 3-0, P. O. Box 218, Montoursville, PA 17754-0218 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. Final Report demonstrated attainment of the Statewide Health standard and was approved by the Department on March 27, 2006.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Johnstown Festival Park (Former Central Oil house), City of Johnstown **Cambria County.** Von Eric Fisher, KU resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Richard Burkert, Johnstown Area Heritage Association, 201 Sixth Avenue, Johnstown, PA 15906 and Deborah Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with VOCs. The Remedial Investigation Report was approved by the Department on March 6, 2006.

Republic Technologies International Facility, City of Beaver Falls **Beaver County.** James P. Nairn, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Republic Technologies International, LLC, Seventh Avenue, Beaver Falls, PA 15010, and Mark Breedlove, BVV Realty, LLC, 2015 Blairmont Drive, Pittsburgh, PA 15010 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with other organics, PCBs and inorganics. The Baseline Environmental Report was approved by the Department on March 3, 2006. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

Cambria Iron Works, City of Johnstown **Cambria County.** Harry Trout, L. Robert Kimball & Associates, 415 Moon Clinton Road, Coraopolis, PA 15108 on behalf of Deborah M. Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901 has submitted a Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with antimony, arsenic, iron and lead. The Risk Assessment Report and Cleanup Plan were approved by the Department on October 3, 2006

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits terminated 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.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 301307. Perma-Fix, R. J. Casey Industrial Park, 1800 Columbus Avenue, Suite 5, Pittsburgh, PA 15233. Operation of residual waste processing in City of Pittsburgh, **Allegheny County.** Permit terminated in the Regional Office on March 30, 2006.

AIR QUALITY

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

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

AQ-SE-0019: Reading Materials, Inc. (2052 Lucon Road/P. O. Box 1467, Skippack, PA 19474) on April 3, 2006, to operate a portable crusher processing plant in Hatfield Township, **Montgomery County.**

46-310-061GP: Haines and Kibblehouse, Inc. (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on April 3, 2006, to operate a portable nonmetallic crusher in Hatfield Township, **Montgomery County.**

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

39-310-028GP3: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 28, 2006, construct and operate a portable stone crushing plant and associated air cleaning device at the former BPB American Fullerton Slag Quarry, Hanover Township, **Lehigh County.**

45-302-075GP1: Bestway of Pennsylvania, Inc. (3870 State Routes 191/390, Cresco, PA 18326) on March 28, 2006, to construct and operate of a No. 2 oil fired boiler at the facility in Barrett Township, **Monroe County.**

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

GP2-18-01: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) on March 15, 2006, to construct and operate a 50,000 gallon aboveground 2-ethylhexyl acrylate storage tank under the General Plan Approval and General Operating Permit for Storage Tanks for Volatile Organic Liquids (BAQ-GPA/GP-2) in Bald Eagle Township, **Clinton County.**

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

GP2-04-00034U: Engineered Polymer Solutions d/b/a Valspar Coatings (372 Cleveland Avenue Rochester, PA 15074) on March 30, 2006, to operate approximately 65 volatile organic liquid storage tanks in Rochester Township, **Beaver County.**

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

GP-42-196: Catalyst Energy, Inc.—Swamp Angel Station (262 Sand Road, Timbuck, PA 16701) on March 31, 2006, to replace a compressor engine in Lafayette Township, **McKean County.**

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

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

23-0001X: Sunoco, Inc. R and M (100 Green Street, Marcus Hook, PA 19061) On March 31, 2006, to operate a FCC unit in Marcus Hook Borough, **Delaware County.**

23-0047E: Degussa Corp. (1200 West Front Street, Chester, PA 19013) on March 31, 2006, to operate a replacement burner in the City Of Chester, **Delaware County.**

46-0005Z: Merck & Company, Inc. (770 Sumneytown Pike, West Point, PA 19486) on March 31, 2006, to operate a stream injection on boiler No.10 in Upper Gwynedd Township, **Montgomery County**.

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

40-303-025: Barletta Materials and Construction, Inc. (P. O. Box 550, Tamaqua, PA 18252) on March 28, 2006, to reactivate a batch asphalt plant utilizing recycled asphalt material and the associated air cleaning device at the facility in Hazle Township, **Luzerne County**.

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

34-05001C: Armstrong Cabinet Products (R. R. 3, Box 171C, Thompsettown, PA 17094-9735) on March 27, 2006, to modify an overhead line, construct a new spray booth and transfer and use 63.31 tons of VOC emission reduction credits in Delaware Township, **Juniata County**.

36-03021A: J. Walter Miller Co. (411 East Chestnut Street, Lancaster, PA 17602-3016) on March 28, 2006, to vent the Disamatic Molding Line dust collector into the outdoor atmosphere at their facility in the City of Lancaster, **Lancaster County**.

67-05004J: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 19362-1000) on March 27, 2006, to replace the press section of Paper Machine No. 7 in Spring Grove Borough, **York County**.

67-05106A: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368-0040) on March 28, 2006, to replace an existing baghouse emissions control system. Emissions from the facility will not be measurably affected by the replacement in Wrightsville Borough, **York County**.

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

19-320-005A: Press Enterprise, Inc. (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on March 8, 2006, to construct an eight-color heatset web offset lithographic printing press and to reactivate of eight-color nonheatset web offset lithographic printing press in Scott Township, **Columbia County**.

41-00062A: Wheeland Lumber Co. (3558 Williamson Trail, Liberty, PA 16930) on March 30, 2006, to operate a wood-fired boiler (Source ID 034) with two multicone collectors (IDs C034A and C034B) to control the particulate matter emissions from the boiler at their facility in Jackson Township, **Lycoming County**.

53-00001A: Tennessee Gas Pipeline Corporation. (1001 Louisiana Street, Houston TX 77002) on March 31, 2006, to construct and operate a natural gas-fired reciprocating internal combustion engine driven compressor (Source ID P113) equipped with low NOx electronic control technology and an oxidation catalyst (ID C113) to control the CO, volatile organic and formaldehyde emissions from the engine at their Coudersport facility (Station 313) in Hebron Township, **Potter County**.

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

33-116B: PW Hardwood, LLC (State Highway 36, Beaver, PA 15825) on March 21, 2006, to install a 200 hp

wood-fired boiler at Brookville Lumber Yard, in the Township of Beaver, **Jefferson County**.

37-051E: Remacor, Inc. (Route 168, Taylor Township, PA 16160) on March 20, 2006, to modify and construct Magnesium grinding lines at their West Pittsburg Plant in the Township of Taylor, **Lawrence County**.

10-062D: Slippery Rock University (1 Marow Way, Slippery Rock, PA 16057) on March 22, 2006, to modify a 40 mmBtu/hr coal-fired boiler to a natural gas/coal cofired boiler at Slippery Rock University, in the Borough of Slippery Rock, **Butler County**. Slippery Rock University is a Title V facility.

42-174E: Rustick, LLC (Campbellstown Road, Mt. Jewett, PA 16740) on March 21, 2006, to install an enclosed flare (1,500 cfm) in Sergeant Township, **McKean County**. This is a Title V facility.

62-162B: Elkhorn Field Services (Zimmerman Hill Road, Warren, PA 16365) on March 28, 2006, to construct a new refrigeration compressor and a larger glycol dehydration system at the Keystone Gas Processing Plant in Pleasant Township, **Warren County**. The facility currently has a State-only Operating Permit.

10-349B: Recmix of PA, Inc. (725 Saxonburg Boulevard, Clinton, PA 16056) on March 27, 2006, to install a natural gas fired thermal fluid heater and aggregate dryer at their Saxonburg facility in the Township of Clinton, **Butler County**.

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

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

46-0112A: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on March 31, 2006, to operate four liquid resin process equipment in Skippack Township, **Montgomery County**.

09-0143A: Naceville Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 29, 2006, to operate a scalping screen and conveyors in West Rockhill Township, **Bucks County**.

09-0107: Oldcastle Retail, Inc. d/b/a Bonsal American (1214 Hayes Boulevard, Bristol, PA 19007) on March 29, 2006, to operate a baghouse in Bristol Township, **Bucks County**.

09-0124F: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 3, 2006, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County**.

09-0124B: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 3, 2006, to operate a combined cycle combustion turbines in Falls Township, **Bucks County**.

09-0124E: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 3, 2006, to operate a 31.9 mmBtu/hr gas fired pre-heater in Falls Township, **Bucks County**.

23-0089: FPL Energy Marcus Hook, LP (P. O. Box 426 Delaware Avenue and Green Street, Marcus Hook, PA

19061) on March 31, 2006, to operate a 750 Megawatt (MW) combined cycle in Marcus Hook Borough, **Delaware County**.

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

67-05001B: LWB Refractories (320 Baker Road, P. O. Box 1189, York, PA 17405-1189) on April 1, 2006, to install a regenerative thermal oxidizer on Tunnel Kilns TK5 and TK6 in West Manchester Township, **York County**. This plan approval was extended.

67-05004H: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-0500) on March 29, 2006, to install a selective noncatalytic control system on Power Boiler No. 5 in Spring Grove Borough, **York County**. This plan approval was extended.

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

18-315-002: First Quality Products, Inc. (P. O. Box 270, McElhattan, PA 17748) on March 23, 2006, to operate 22 absorbent products manufacturing (converting) lines and associated air cleaning devices on a temporary basis until July 21, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on March 28, 2006, to authorize the use of two additional VOC and/or volatile HAP-containing materials in two mobile/modular home assembly plants and a surface coating operation and to increase the allowable VOC and volatile hazardous air pollutant emissions from the plants and coating operation from 25.13 and 3.03 tons per 12-consecutive month period, respectively, to 25.39 and 3.05 tons per 12 consecutive month period, respectively, in Mifflinburg Borough, **Union County**.

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

56-00284B: Quecreek Mining, Inc. (1576 Stoystown Road, Friedens, PA 15541) on March 30, 2006, for a dry-screening operation at Quecreek No.1 Mine in Lincoln Township, **Somerset County**. This is a plan approval extension.

65-00788N: Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) on March 30, 2006, for the painting process at the Sony Technology Center in Mt. Pleasant, **Westmoreland County**. This is a plan approval extension.

04-00724A: Duke Energy NGL Services, LP (370 17th Street, Suite 2500, Denver, CO 80202) on March 31, 2006, to install a propane storage and delivery terminal at their Midland Plant in Industry Borough, **Beaver County**. This is a plan approval extension.

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

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

09-00012: MeadWestvaco Consumer Packaging Group, LLC d/b/a Klearfold (364 Valley Road, Warrington, PA 18976) on March 31, 2006, to operate the

renewal of a Title V facility for the operation of five printing presses in Warrington Township, **Bucks County**.

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

06-05045: Department of Public Welfare (P. O. Box 1000, Hamburg, PA 19526) on March 28, 2006, to operate a State hospital (Hamburg Center) in Windsor Township, **Berks County**. This operating permit was administratively amended to include HAP emission limits. This is revision No. 1.

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.

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

39-00074: SHI-APD Cryogenics, Inc. (1833 Vultee Street, Allentown, PA. 18103) on March 6, 2006, to operate an electronic component manufacturing facility in the City of Allentown, **Lehigh County**.

39-00081: Insulation Corporation of America (2571 Mitchell Avenue, Allentown, PA 18013) on January 31, 2006, to operate a plastics and foam products manufacturing facility in the City of Allentown, **Lehigh County**.

40-00044: Modern Plastics Corp. (152 Horton Street, Wilkes-Barre, PA. 18702) on March 6, 2006, to operate a countertop manufacturing facility in Wilkes-Barre City, **Luzerne County**.

54-00002: Honeywell International, Inc. (98 Westwood Road, Pottsville, PA 17901-1834) on January 31, 2006, to operate a plastics, film and sheet manufacturing facility in Norwegian Township, **Schuylkill County**.

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

22-05040: Pennsy Supply, Inc. (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on March 29, 2006, for a drum mix asphalt plant at their facility at Fiddlers Elbow Quarry in Lower Swatara Township, **Dauphin County**. This operating permit was administratively amended to update the conditions for waste oil. This is revision No. 1.

67-05003: Mastercraft Specialties, Inc. (800 Maple Street, Red Lion, PA 17356-1544) on March 24, 2006, to operate a furniture manufacturing facility in Red Lion Borough, **York County**. This is a renewal of the State-only Operating Permit.

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

17-00041: Allegheny Clearfield, Inc. (114 Appalachian Drive, Clearfield, PA 16830) on March 8, 2006, to operate a powdered metal parts sintering facility in Lawrence Township, **Clearfield County**.

49-00013: Power Plant Greenhouses, LLC, owner—Kurt Weiss Greenhouses of Pennsylvania, Inc., operator (Marion Heights Road, Mount Carmel, PA 17832) on March 14, 2006, to operate a greenhouse facility in Mount Carmel Township, **Northumberland County**.

17-00017: Rescar, Inc. (450 Osborn Street, Dubois, PA 15801) on March 28, 2006, to operate a railcar cleaning and repair facility in the City of Dubois, **Clearfield County**.

49-00041: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on March 28, 2006, to operate a stone crushing and screening and asphalt pavement production facility in Coal Township, **Northumberland County**.

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

63-00494: Fort Cherry School District (110 Fort Cherry Road, McDonald, PA 15057) on March 28, 2006, to operate two tri-fuel boilers at their Junior-Senior School in McDonald Borough, **Washington County**.

04-00489: Sunoco Partners Marketing and Terminals LP (5733 Butler Street, Pittsburgh, PA 15201) on March 27, 2006, to operate a bulk liquid tank farm and loading facility at the Beaver Terminal-Vanport in Vanport Township, **Beaver County**.

04-00439: Kinder Morgan Arrow Terminals, LP (2701 Midland-Beaver Road, Route 68, Industry, PA 15052) on March 28, 2006, for a screening operation, dry storage rooms and two load out buildings at the company's Industry Terminal Lot No. 1 Industry Township, **Beaver County**. This is a State-only Operating Permit.

11-00519: Trinity Industries, Inc. (100 Iron Street, Johnstown, PA 15906) on March 28, 2006, for processing and heat-treating steel axles for the company's railroad car manufacturing business in Johnstown, **Cambria County, PA**. This is a State-only Operating Permit.

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

25-00940: Animal Friends Cremation Service, Inc. (11711 Sharp Road, Waterford, PA 16441) on March 22, 2006, to operate an animal cremation service outside the town of Waterford, **Erie County**.

42-187: Resting Acres Pet Cemetery, Inc. (1353 South Avenue, Bradford, PA 16701) on March 23, 2006, to operate an animal crematorium outside the town of Bradford, **McKean County**.

61-00183: Venango County Humane Society (2724 Deep Hollow Road, Franklin, PA 16323) on March 22, 2006, to operate an animal crematorium outside the town of Franklin, **Venango County**.

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

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

46-00081: Markel Corp. (416 School House Lane, Norristown, PA 19404) on March 29, 2006, for an administrative amendment to the Title V Operating Permit at their facility in Plymouth Township, **Montgomery County**. The facility is a manufacturer of plastic tubing and specialty tubing products. The amended Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

The Title V Operating Permit has been amended to correct the VOC emission limit in the testing conditions and to address a change in the name and title of the Permit Contact and the Responsible Official.

46-00001: Moyer Packing Co. (741 Souder Road, Souderton, PA 18964) on March 31, 2006, the facility is a meat-packing and rendering plant, which emits major levels of NOx, in Franconia Township, **Montgomery County**. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses the changes to various operational parameters for the continuous and batch Packed Towers 1 and 2. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.

V01-006: Aker Philadelphia Shipyard, Inc. (2100 Kitty Hawk Avenue, Philadelphia, PA 19112) on March 30, 2006, administratively amended to incorporate a facility name change. The Title V operating permit was originally issued on May 12, 2003.

V95-037: Rohm and Haas Chemicals, LLC (5000 Richmond Street, Philadelphia, PA 19137) on March 30, 2006, administratively amended to incorporate a corporate restructuring and to change contact information. The Title V operating permit was originally issued on December 21, 2001.

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

32961302 and NPDES Permit No. PA0214949, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to add underground permit and subsidence control plan acres. Underground Acres Proposed 962.1, SCP Acres Proposed 842.0. No additional discharges. Permit issued March 30, 2006.

63743702 and NPDES Permit No. PA0214248, Eighty Four Mining Company (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Mine 84 Refuse Area in Somerset Township, **Washington County** and related NPDES permit. No additional discharges. Permit issued March 30, 2006.

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

32990101 and NPDES No. PA0235016. Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Washington Township, **Indiana County**, affecting 33.5 acres. Receiving stream: Sugarcamp Run to the South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006. Permit issued: March 29, 2006.

Knox District Mining Office: White Memorial Building, P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669 (814) 797-1191

61020102 and NPDES Permit No. PA0242101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: UNT to the Allegheny River. Application received: February 1, 2006. Permit Issued: March 28, 2006.

24940101 and NPDES Permit No. PA0211940. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger and clay removal operation in Horton Township, **Elk County** affecting 133.0 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Mead Run. Application received: January 26, 2006. Permit Issued: March 24, 2006.

24813008 and NPDES Permit No. PA0611301. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger and clay removal operation in Horton and Snyder Townships, **Elk and Jefferson Counties** affecting 458.0 acres. This renewal is issued for reclamation only. Receiving streams: Coal Hollow Run, Mead Run and Little Toby Creek. Application received: January 26, 2006. Permit Issued: March 27, 2006.

16050106 and NPDES Permit No. PA0242675. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Commencement, operation and restoration of a bituminous strip and auger operation in Redbank Township, **Clarion County** affecting 224.0 acres. Receiving streams: UNT to Pine Creek. Application received: April 25, 2005. Permit Issued: March 29, 2006.

16671-1650106-E-1. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Application for a stream encroachment to construct and maintain a haul road crossing over UNT No. 2 to Pine Creek in Redbank Township, **Clarion County**. Receiving streams: UNT to Pine Creek. Application received: April 25, 2005. Permit Issued: March 29, 2006.

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

17050104 and NPDES No. PA0256200. Hepburnia Coal Company (P. O. Box 1, Grampian, PA 16838), commencement, operation and restoration of a bituminous surface-auger mine in Chest Township, **Clearfield County**, affecting 295.9 acres. Receiving streams: UNT to

North Camp Run, North Camp Run, classified for the following use: CWF. There are no public water supplies that have intakes on the receiving stream within 10 miles downstream of the proposed permit area. There are no public water supplies within 1/2 mile of the mine site. Application received: June 06, 2005. Permit issued: March 23, 2006.

Government Financed Construction Contract

17-05-04. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). The Moshannon District Mining Office for the Department of Environmental Protection received an application in Girard Township, **Clearfield County** on September 22, 2005. Application returned: March 9, 2006.

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

35763202R4. Northampton Fuel Supply Co., Inc. (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Carbondale Township, **Lackawanna County** affecting 45.0 acres. Receiving stream: none. Application received July 5, 2005. Renewal issued March 28, 2006.

Noncoal Permits Actions

Knox District Mining Office: White Memorial Building, P. O. Box 669, 310 Best Avenue, Knox, PA 16232, (814) 797-11913.

25062801. David M. Girts, Jr. and Dorothy Girts (8553 Findley Lake Road, North East, PA 16428) Commencement, operation and restoration of a small noncoal sand and gravel operation in North East Township, **Erie County** affecting 5.6 acres. Receiving streams: UNT to Lake Erie. Application received: February 2, 2006. Permit Returned: March 24, 2006.

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

25062801. David M. Girts, Jr. and Dorothy Girts (8553 Findley Lake Road, North East, PA 16428) Commencement, operation and restoration of a small noncoal sand and gravel operation in North East Township, **Erie County** affecting 5.6 acres. Receiving streams: UNT to Lake Erie. Application received: February 2, 2006. Permit Returned: March 24, 2006.

18061001. Harger Utility Contractors, Inc. (108 West Clinton St., Lock Haven, PA 17745), application to extract noncoal (industrial minerals) in Bald Eagle Township, **Clinton County** to supply natural fill for Lowes-Mill Hall. Receiving stream: UNT to Bald Eagle Creek. Application received: February 10, 2006. Application withdrawn March 24, 2006.

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

Permit No. 4273SM4A and NPDES Permit No. PA0599239, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES Permit, Greenfield Township, **Blair County**. Receiving stream: Beaverdam Creek to Frankstown Branch Juniata River classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 2, 2006. Permit issued March 29, 2006.

Permit No. 07960301 and NPDES Permit No. PA0213306, Grannas Brothers Stone & Asphalt Company, Inc., P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit, Catharine Township, **Blair**

County. Receiving streams: UNT to Frankstown Branch Juniata River and Frankstown Branch Juniata River classified for the following uses: WWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006. Permit issued March 29, 2006.

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

28010301T and NPDES Permit No. PA0123811. RA Hill, Inc. (1364 Lincoln Way East, Chambersburg, PA 17201), transfer of an existing quarry operation in Hamilton Township, **Franklin County** affecting 31.54 acres. Receiving stream: UNT to Conococheaque Creek. Application received May 20, 2006. Transfer issued March 29, 2006.

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.

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

14064004. Paradise Contracting (223 Paradise Road, Bellefonte, PA 16823), construction blasting for Mount Nittany Terrace Phase II in College Township, **Centre County**. Permit issued March 10, 2006. Permit expires January 24, 2007.

14064005. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803), construction blasting for Quality Machining, Inc., Lot 31R, Penn Industrial Park located in Spring Township, **Centre County**. Permit issued March 24, 2006. Permit expires March 23, 2007.

14064006. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for a house foundation, Lot 14, Fieldstone subdivision located in College Township, **Centre County**. Permit issued March 24, 2006. Permit expires June 30, 2006.

14064007. CDG Properties (Box 11172, Calder Square, State College, PA 16805), construction blasting for Country Cove Project located in Benner Township, **Centre County**. Permit issued March 28, 2006. Permit expires December 31, 2006.

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

06064006. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Crestwood South Subdivision in Exeter Township, **Berks County** with an expiration date of March 30, 2007. Permit issued March 27, 2006.

36064003. ABEL Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting at Southern Village Phase I Subdivision in Lancaster Township, **Lancaster County** with an expiration date of September 30, 2006. Permit issued March 27, 2006.

38064002. ABEL Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting at Arbor Greene Phases 2 and 3 in North Londonderry Township, **Lebanon County** with an expiration date of March 31, 2007. Permit issued March 27, 2006.

54064001. Reading Anthracite Co. (P. O. Box 1200, Pottsville, PA 17901) and Reading Fracture, Inc. (P. O. Box 1200, Pottsville, PA 17901), construction blasting for Walmart Widen Out Construction Area in St. Clair Borough, **Schuylkill County** with an expiration date of March 1, 2007. Permit issued March 27, 2006.

01064104. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for a home in Cumberland Township, **Adams County** with an expiration date of March 14, 2006. Permit issued March 27, 2006.

01064105. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Gettysburg Visitor Center Water Main Project in Cumberland Township, **Adams County** with an expiration date of March 25, 2007. Permit issued March 27, 2006.

06064103. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of March 23, 2007. Permit issued March 27, 2006.

06064104. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for The Reserves at Springtown in Spring Township, **Berks County** with an expiration date of March 25, 2007. Permit issued March 27, 2006.

15064107. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Village of Shannon in West Goshen Township, **Chester County** with an expiration date of December 31, 2007. Permit issued March 27, 2006.

22064112. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for The Townes at Forest Hill in Lower Paxton Township, **Dauphin County** with an expiration date of March 30, 2007. Permit issued March 27, 2006.

67064109. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Eagle View in Manchester Township, **York County** with an expiration date of March 30, 2007. Permit issued March 27, 2006.

54064101. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Wal-Mart Shopping Center in Tamaqua Borough, **Schuylkill County** with an expiration date of March 31, 2007. Permit issued March 28, 2006.

21064119. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Southampton Township, **Cumberland County** with an expiration date of May 30, 2006. Permit issued March 29, 2006.

21064120. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for The Commons at Parker Spring in Middlesex and North Middleton Townships, **Cumberland County** with an expiration date of March 30, 2007. Permit issued March 29, 2006.

21064121. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Cumberland Logistic Street in North Middleton Township, **Cumberland County** with an expiration date August 15, 2006. Permit issued March 29, 2006.

36064131. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for TKS Associates in West Hempfield Township, **Lancaster County** with an expiration date of April 1, 2007. Permit issued March 29, 2006.

21064005. MF Ronca & Sons (179 Mikron Road, Bethlehem, PA 18010) and Bernard J. Hasara (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Meadowsgreen Subdivision in Shippensburg & Southampton Townships, **Cumberland County** with an expiration date of September 30, 2006. Permit issued March 30, 2006.

09064114. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Richland Marketplace in Richland Township, **Bucks County** with an expiration date of March 20, 2007. Permit issued March 31, 2006.

35064103. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting at Montage Mountain in Moosic Borough, **Lackawanna County** with an expiration date of March 31, 2007. Permit issued March 31, 2006.

45064125. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Stoneybrook Manor in Stroud Township, **Monroe County** with an expiration date of March 23, 2007. Permit issued March 31, 2006.

48064108. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Pheasant Ridge in Forks Township, **Northampton County** with an expiration date of March 31, 2007. Permit issued March 31, 2006.

64064102. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for Damascus Red Shale Pit in Damascus Township, **Wayne County** with an expiration date of March 25, 2007. Permit issued March 31, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal

form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E38-144. Cornwall Associates, LLC, 111 Millersville Road, Lancaster, PA 17603 in Cornwall Borough, **Lebanon County**, ACOE Baltimore District.

1. Construct and maintain a roadway crossing consisting of a 99-lineal foot, 54-inch RCP within a UNT to Snitz Creek (TSF) impacting 0.19 acre of PFO wetland (Lebanon, PA Quadrangle (N: 3.60 inches; W: 8.10 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 59").

2. Construct and maintain a roadway crossing consisting of a 99-lineal foot, 24-inch by 38-inch squash RCP within a UNT to Snitz Creek (TSF) impacting 0.11 acre of PFO wetland (Lebanon, PA Quadrangle N: 3.30 inches; W: 8.00 inches, Latitude: 40° 15' 59"; Longitude: 76° 25' 56").

3. Construct and maintain a roadway crossing impacting 0.005 acre of PEM wetland (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46").

4. Construct and maintain a road crossing of a UNT to Snitz Creek (TSF) consisting of 83 lineal feet of 24-inch SLCPP (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46").

5. Construct and maintain a road crossing a UNT to Snitz Creek (TSF) consisting of 76 lineal feet of 15-inch SLCPP (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46").

6. Permanently impact through fill or excavation a total of 0.10 acre of PEM wetland (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46") and N: 3.60 inches; W: 8.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 26' 12").

7. Construct and maintain a 17-foot pedestrian foot-bridge spanning PEM wetlands (Lebanon, PA Quadrangle N: 3.90 inches; W: 8.10 inches, Latitude: 40° 16' 17"; Longitude: 76° 25' 59").

8. Construct and maintain a 14-foot pedestrian foot-bridge across a UNT to Snitz Creek and associated PEM wetlands (Lebanon, PA Quadrangle N: 3.60 inches; W: 8.1 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 59").

9. Construct and maintain a 51-foot pedestrian foot-bridge across a UNT to Snitz Creek and associated PEM wetlands (Lebanon, PA Quadrangle N: 3.30 inches; W: 8.00 inches, Latitude: 40° 15' 59"; Longitude: 76° 25' 56").

10. Rehabilitate and maintain an existing nonjurisdictional dam (Lebanon, PA Quadrangle N: 3.80 inches; W: 7.90 inches, Latitude: 40° 16' 15"; Longitude: 76° 25' 54").

11. Construct and maintain 1.30 acres of PEM replacement wetlands (Lebanon, PA Quadrangle N: 4.00 inches; W: 8.50 inches, Latitude: 40° 16' 19"; Longitude: 76° 26' 09").

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

EA3-326, Cumulus Media, Inc., 3535 Piedmont Road, Atlanta, GA 30305-4601. 790 WPIC Tower/Transmitter Replacement, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41° 13' 11"; W: 80° 28' 23").

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

ENVIRONMENTAL ASSESSMENTS

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

EA3209-002. Robindale Energy Services, Inc., 1001 Broad St., Suite 130, Johnstown, PA 15906. Abandoned Mine Land Reclamation Project, in Brushvalley Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to backfill a 31-acre abandoned surface mine, which includes four dangerous highwalls totaling 4,852 linear feet. The project will include the backfilling of: (1) 0.46 acre of AMD-impacted wetlands; (2) 0.49 acre open-water body; and (3) 200 linear feet of AMD-impacted stream channel. (New Florence Quadrangle N: 20.25 inches, W: 4 inches).

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

EA67-015CO. South Branch, LP, 6259 Reynold's Mill Road, Seven Valleys, PA 17360-8844. York Township, **York County**, ACOE Baltimore District.

Project proposes to construct, operate, and maintain a nonjurisdictional dam across a tributary to East Branch Codorus Creek (CWF) for the purpose of providing water storage for livestock. A 30-foot wide stream crossing is also proposed. The project will not directly or indirectly impact wetlands, and will impact approximately 250 linear feet of stream channel. The proposed dam and stream crossing will be located approximately 1,050 feet west of the intersection of Reynolds Mill Road and Overlook Street (York, PA Quadrangle, N: 4.7 inches, W: 15.2 inches).

[Pa.B. Doc. No. 06-606. Filed for public inspection April 14, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at 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.

Draft Technical Guidance:

DEP ID: 363-0300-002. Title: Pennsylvania Stormwater Best Management Practices Manual. Description: The purpose of this draft manual is to establish recommended guidance for stormwater management utilizing best management practices (BMPs) in this Commonwealth. Due to the increased need to improve water quality and protect water resources through improved stormwater runoff management, the draft manual will provide the planning concepts and design standards to guide local and state governments, planners, land developers, contractors and others involved with planning, designing, reviewing, approving and constructing land development projects in meeting those needs.

The draft manual advances the most recent innovations in stormwater management focusing on preserving onsite and offsite preconstruction hydraulic conditions, including volume and rate management through local onsite management. Water quality components composed of structural and nonstructural techniques and technologies are emphasized and integrated into the draft manual. In an effort to coordinate stormwater management identified in the draft manual, the Department will also publish a draft Stormwater Management Model Ordinance at a later date. It is anticipated that the draft Stormwater Management Model Ordinance will be discussed at the public meetings listed as follows.

During the preparation of the draft manual, the Department established a Stormwater Management Oversight Committee and held 12 regional focus group meetings. Individuals representing academia, industry, environmental organizations, county conservation districts and State and Federal agencies participated by providing direction, guidance and expertise in the development of the draft manual. A summary of meeting agendas, minutes, comments and other information can be found on the Department's website at www.depweb.state.pa.us (DEP Keywords: Stormwater; select "General Information," then select "Stormwater Oversight Committee"). Availability of Draft Manual: In addition to the availability options provided previously, the draft manual is also available by contacting the Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). An electronic copy of the draft manual is located on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Stormwater"; select "Announcements," and then select "Draft Pennsylvania Stormwater Best Management Practices Manual").

Written Comments: Persons wishing to comment on the draft manual are invited to submit a written statement to the Chief, NPDES Construction and Erosion Control, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775. Comments may also be sent by electronic mail to epstormwatermanual@state.pa.us. Comments submitted by facsimile will not be accepted. Comments must be submitted by June 14, 2006. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Comments received within this period will be considered in the formulation of the Final Notice of Availability of the Manual. 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 the comment and the relevant facts upon which it is based. Following the comment period, the Department will make a final determination regarding the draft manual. Notice of this determination will be published in the *Pennsylvania Bulletin*.

Public Meetings: The Department will hold public meetings concerning the draft manual on the following dates and at the specified locations:

Allegheny County, Tuesday, May 2, 2006
 Ross Township Municipal Building
 1000 Ross Municipal Drive
 Pittsburgh, PA 15237

The 1 p.m. to 4 p.m. meeting will be held in the gymnasium. The 6 p.m. to 9 p.m. meeting will be held in the Commissioner's Meeting Room. Driving

directions can be found on the Ross Township website: www.ross.pa.us/administration/communctr.htm.

Dauphin County, Thursday, May 4, 2006
 Rachel Carson State Office Building
 400 Market Street
 Harrisburg, PA 17105

Both the 1 p.m. to 4 p.m. and 6 p.m. to 9 p.m. meetings will be held in the second floor auditorium. Driving directions can be found on the Department's website: www.depweb.state.pa.us/dep/cwp/view.asp?a=3&q=474491.

Additional Meeting Times and Locations to be Announced.

Public meeting dates and locations for eastern Pennsylvania were not available at the time of this publication. This information will be published in the DEP Update Newsletter section in the Public Participation area of the DEP website, in the April 29 issue of the *Pennsylvania Bulletin*, and on the same website where an electronic copy of the draft manual is available.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-607. Filed for public inspection April 14, 2006, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers; 2006 Pre-Certification Academy and Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled dates for the 2006 Sewage Enforcement Officers (SEO) Pre-Certification Academy and examinations. To qualify to sit for the certification examination, all SEO candidates must complete the Pre-Certification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examinations will be administered the Friday following completion of the Pre-Certification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The Pre-Certification Academy and examination will be conducted in the One Source Training Center, Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930. The 2006 Pre-Certification Academy and examination schedules are as follows:

June 13-15 and June 20-22, 2006	Examination Date: June 23, 2006 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: June 8, 2006
August 8-10 and August 15-17, 2006	Examination Date: August 18, 2006 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: August 3, 2006
September 12-14 and September 19-21, 2006	Examination Date: September 22, 2006 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: September 7, 2006

The SEO written examination contains 80 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50 percent correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination, however, SEO candidates are not permitted to bring their own materials. All necessary reference materials will be provided at the test site. Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

To receive an SEO examination application/information package, contact the Department of Environmental Protection, Certification and Licensing Section, P. O. Box 8454, 400 Market Street, Harrisburg, PA 17105-8454, (717) 787-6045. SEO certification information is available on the Department's website at www.depweb.state.pa.us (DEP Keyword: Sewage). For information on SEO training courses, contact the Pennsylvania State Association of Township Supervisors at the address or telephone number provided previously.

Persons with a disability who require accommodation to participate in the SEO Pre-Certification Academy or to take the SEO examination should contact the Board at (717) 787-6045 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-608. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of About Feet Podiatry Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that About Feet Podiatry Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980

or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-609. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Aliquippa Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aliquippa Community Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-610. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Berkshire Eye Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berkshire Eye Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-611. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Brandywine Valley Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brandywine Valley Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 551.21(d) (relating to definitions; and criteria for ambulatory surgery).

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

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

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c) for the request for exception to § 551.21(d).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-612. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Dermatologic SurgiCenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dermatologic SurgiCenter has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-613. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Lebanon Outpatient Surgical Center, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lebanon Outpatient Surgical Center, LP has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-614. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Manoa Diagnostic Center for Exception

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

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-615. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Penn Medicine at Radnor Endoscopy Facility for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Medicine at Radnor Endoscopy Facility has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980

or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-616. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of PRISM Center for Spine & Pain Care for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that PRISM Center for Spine & Pain Care has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-617. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Street Road Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Street Road Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F3 (relating to recovery stations).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-618. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Twin Rivers Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Twin Rivers Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-619. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 101.4 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-620. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Wyoming Valley Health Care System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wyoming Valley Health Care System has requested an exception to the requirements of 28 Pa. Code § 138.1 (relating to principle).

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

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

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

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-621. Filed for public inspection April 14, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

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

UPMC Magee-Womens Hospital Transitional Care Unit
300 Halket Street
Pittsburgh, PA 15213

UPMC, Transitional Care Unit
200 Lothrop Street
Pittsburgh, PA 15213

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Altoona Center for Nursing Care
1020 Green Avenue
Altoona, PA 16601
FAC ID 065402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.20(a) and 205.71 (relating to resident bedrooms; and bed and furnishings).

Conestoga View
900 E. King Street
Lancaster, PA 17602
FAC ID 035302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.36(e) and 205.37(d) (relating to bathing facilities; and equipment for bathrooms).

Pinecrest Manor
763 Johnsonburg Road
St. Marys, PA 15857

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotope, 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. 06-622. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payment for County Nursing Facility Services; Notice of Change in Methods and Standards of Setting Payment Rates

The purpose of this notice is to announce that the Department of Public Welfare (Department) is proposing to adopt final-omitted regulations and amend the Commonwealth's Title XIX State Plan provisions to change the methods and standards for payments to county nursing facilities for Medical Assistance (MA) nursing facility services beginning with Fiscal Year (FY) 2006-2007.

Currently the Department determines the MA allowable costs and MA payment rates of county nursing facilities in accordance with conditions and limitations specified in 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved State Plan. The Department receives Federal matching funds to cover a portion of the MA payments made to county nursing facilities. If a county nursing facility incurs costs that exceed its MA payments, the costs are not recognized or reimbursed as allowable costs under the Department's current payment methods and standards. As a result, the costs are not MA Program expenditures that qualify for Federal matching funds.

It is the Department's intent that effective July 1, 2006, county nursing facilities will no longer be reimbursed based on the rate-setting methodology contained in 55 Pa. Code Chapter 1187. Instead, the Department intends to change its payment methods and standards for county nursing facilities to recognize the costs that are incurred by county nursing facilities to provide nursing facility services to MA eligible residents as MA Program expenditures, so long as the costs are allowable under Department regulations and the costs are reported and certified by the county nursing facilities in a form and manner specified by the Department.

This change in payment methodology will effectively allow the Department to recognize the full allowable MA costs incurred by county nursing facilities as MA Program expenditures and enable the Commonwealth to draw down additional Federal matching funds on county costs that are now considered unallowable solely because of the operation of the Department's rate-setting methodology.

To make this change, the Department intends to establish Chapter 1189 for county nursing facilities under 55 Pa. Code (relating to public welfare). This chapter will set forth the methods and standards that the Department will use to reimburse county nursing facilities. Under Chapter 1189, each county nursing facility will be paid an interim rate for services rendered during the rate year based on the facility's per diem rate as of April 1, 2006. This rate will be adjusted each rate year based on the budget factor contained in the Final State Budget. After the close of the county nursing facility's cost report period, each county nursing facility will submit a Commonwealth-specific cost report in accordance with cost reporting instructions. The county nursing facility's Commonwealth-specific cost report will be audited and the facility's audited MA allowable costs will be certified by the Department as MA allowable expenditures to the Federal Centers for Medicare and Medicaid Services (CMS) qualifying for Federal matching funds. The De-

partment will compare each county nursing facility's total audited allowable MA rate year costs with each county nursing facility's total interim MA payments for the rate year and reconcile the costs and payments based on the method agreed upon by the Department and the county nursing facilities.

Implementation of these proposed changes is contingent upon approval by CMS of an amendment to the Commonwealth's State Plan authorizing this payment system for county nursing facilities.

Fiscal Impact

The establishment of a revised payment system for county nursing facilities will result in an estimated savings of \$39 million in State funds for FY 2006-2007. The increase in FFP funding is estimated to be approximately \$10 million.

Public Comment

More detailed information related to the provisions contained in this notice will be presented at public hearings that will be scheduled for late April 2006. The locations for the public hearings will be Sharon, Wilkes-Barre/Scranton, Philadelphia, State College, Pittsburgh and Harrisburg.

More information regarding the public hearings may be obtained by contacting the Bureau of Long-Term Care Programs at (717) 705-3705. The dates and locations will also be listed on the Office of Medical Assistance Programs website when available.

Interested persons are also invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 15 days will be reviewed and considered in the publication of the final-omitted rulemaking.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-472. No fiscal impact; (8) recommends adoption. This regulation will result in savings in FY 2006-2007 of \$39 million and in FY 2007-2008 of \$52 million.

[Pa.B. Doc. No. 06-623. Filed for public inspection April 14, 2006, 9:00 a.m.]

Payment for Nursing Facility Services Provided by General Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates

The purpose of this notice is to announce that the Department of Public Welfare (Department) is proposing to adopt final-omitted regulations and amend the Commonwealth's Title XIX State Plan to change its methods and standards for payment of Medical Assistance (MA) nursing facility services provided by general nursing facilities beginning Fiscal Year (FY) 2006-2007.

Background

In January 1996, the Department implemented the current case-mix payment methodology for nursing facility providers participating in the MA Program.¹ The purpose of the system was to establish a prospective payment system (PPS) that would both serve the needs of the Commonwealth's MA nursing facility residents and promote the economic and efficient operation of nursing facilities. Among other things, the system was intended to eliminate the undesired incentives for nursing facilities to admit and provide care for the least disabled individuals; to channel a higher level of MA funds to direct resident care activities; and to provide for an environment of economic predictability and controlled MA Program cost increases.

Over the past 10 years the Department has monitored and evaluated the case-mix payment system to determine whether the initial objectives of the system have been realized and whether modifications to the system are needed. The Department has concluded that while the case-mix system did improve access to care for higher acuity individuals, the system as designed also produced unintended and undesirable outcomes. For example, the system has created disincentives for right-sizing of nursing facilities and has fostered an increasingly adversarial and litigious environment which has placed undue costs and administrative burdens on both the Department and nursing facility providers.

Moreover, the Department has found that the current case-mix system, as designed, has not served to effectively moderate MA Program costs as originally intended. To the contrary, since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56%, and since 2000, have increased by 29.74% overall. During this same period, expenditures for MA nursing facility services have climbed to nearly \$3 billion and expenditures for MA services to the elderly and disabled now consume approximately 70% of the \$14 billion MA Program budget. The Department has determined that some nursing facility operating practices, which are technically reimbursable under the current payment system but have no impact on the quality of services to nursing facility residents, have contributed to the steep escalation in Program costs for MA nursing facility services. Although State revenues are slowly rebounding, the Department simply cannot maintain a payment system that generates such inflated payment rate increases, particularly given that they are not tied to the quality of care provided to consumers or to the facility's effort to provide consumer choice as to where long-term care is provided.

The Department is proposing amendments that will refine the case-mix payment system so that it can achieve its original intended objective of serving the needs of the Commonwealth's MA nursing facility residents while providing for reasonable and adequate payments to MA nursing facility providers. In addition, the amendments will support the balancing of long-term care by encouraging consumer choice in long-term care services and the right-sizing of nursing facilities. An overview and explanation of each major proposed revision follows.

Nursing Facilities Subject to the Case-Mix Payment System

Currently the Department uses the rate-setting methodology contained in 55 Pa. Code Chapter 1187 (relating to nursing facility services) to set payment rates for all

¹ See 25 Pa.B. 4477 (October 14, 1995).

types of nursing facilities participating in the MA Program, including county nursing facilities. The Department is proposing to amend Chapter 1187 to make the rate-setting methodology apply only to general nursing facilities, effective July 1, 2006. As of that date, it is the Department's intent that county nursing facilities will no longer be reimbursed based on the rate-setting methodology contained in 55 Pa. Code Chapter 1187. Instead, the Department intends to create a new payment methodology for county nursing facilities.²

Definitions

The Department is proposing to eliminate and revise current definitions and add new definitions at § 1187.2 (relating to definitions). The following definitions will be eliminated: "appraisal," "bed cost limitation," "FRV—fair rental value," "initial appraisal," "Intergovernmental Transfer Agreement," "limited appraisal," "MA-11—Financial and Statistical Report Schedules (uniform nursing facility cost report)," "movable property appraisal," "reappraisal" and "updated appraisal."

The following definitions will be revised: "audited cost reports," "Department of Health," "resident assessment," "special rehabilitation facility," "supply" and the definitions for "Years One, Two and Three of Implementation."

The following definitions will be added: "cost reports" and "cognitive performance scale."

Provisions Related to Special Rehabilitation Nursing Facilities

Under the current case-mix payment system, a nursing facility is a "special rehabilitation facility" (SRF) if more than 70% of its residents have a neurological/neuromuscular diagnosis and severe functional limitations. See § 1187.2. All SRFs are classified into a single statewide peer group for rate-setting purposes. Under the proposed amendments the Department will maintain the single statewide SRF peer group but will increase the 70% resident threshold to 85%. In addition, for those MA residents in the facility who do not have a diagnosis of comatose, cerebral palsy, multiple sclerosis, paraplegia, quadriplegia, or traumatic brain injury, or who are not dependent on a ventilator or respirator, under the proposed amendments the Department will assign the resident a case-mix index (CMI) score of .60 for purposes of calculating the nursing facility's average MA CMI. These changes will help to ensure that the rehabilitative services available in SRFs are appropriately directed to those individuals who are most likely to benefit from the services and to encourage SRFs to work with residents and their families on discharge planning.

Resident Assessment Submission

Under the current case-mix payment system, nursing facilities are required to report individual resident minimum data set (MDS) assessment data for each calendar quarter of the calendar year. For the first calendar quarter, the nursing facilities report resident data for every MA and every non-MA resident in the nursing facility as of the first day of February. For the remaining calendar quarters, the nursing facilities report resident data for only MA residents in the nursing facility as of the first day of the second month of the calendar quarter.

Under the proposed amendments, in addition to the Federal requirements outlined in 42 CFR 483.20 (relating

to resident assessment) the Department will expand the reporting requirement for the second, third and fourth calendar quarters of a calendar year to include individual MDS resident assessment data for every MA and non-MA resident in the nursing facility as of the first day of the second month of the respective calendar quarter. The Department will also clarify that residents will not be included in the picture date census if no MDS assessment is available to obtain a CMI score, and that residents temporarily discharged with a return anticipated will be included in the picture date census as a non-MA resident. These changes will provide the Department with more current information to calculate a nursing facility's total overall nursing facility occupancy rate to be used in the proposed bed hold provisions outlined in this notice and will be used to calculate an average total facility CMI to neutralize costs for rate-setting as described under the proposed case-mix index calculations provisions.

Case-Mix Classification Tool

Currently, the Department uses the Resource Utilization Group (RUG III) version 5.01 classification system to classify nursing facility residents into groups based on their characteristics and clinical needs. Under the proposed amendments, the Department will use a more recent version of the RUG III classification system, version 5.12b as modified for Pennsylvania (5.12b-PA). This RUG version is based on updated time studies conducted in 1995 and 1997, and reflects changes in nursing facility resident conditions and care since the original studies conducted in 1990. The Department is proposing to modify several of the classifications under this RUG version to address concerns raised by nursing facilities that serve residents in need of ventilator services and to assure that residents who are ventilator-dependent continue to have access to quality nursing facility care. Specifically, the Department will modify the qualifiers for the highest RUG III category (SE3—Extensive Services) to include residents who would have qualified for this category under the RUG III 5.01 version (require suctioning, tracheotomy care and ventilator care and have a score in their activities of daily living of 7 or greater). As a result of this change, these residents will receive the highest CMI of 2.10 for both MA CMI and total facility CMI averages. In addition, for MA residents who are ventilator-dependent or respirator-dependent and placed in either SE2 or SE3 RUG III 5.12b-PA categories, the assigned CMI will be multiplied by 1.20 and the result will be used in calculating the MA CMI average.

In conjunction with the change in RUG version, the Department will also assign CMI scores for each of the 34 RUG categories. The CMI scores will range from .59 to 2.10.

To implement this change from the RUG III version 5.01 to the RUG III version 5.12b-PA for the July 1, 2006, rate, the Department will recalculate each nursing facility's total facility and MA CMI scores, prior to the May 1, 2006, Picture Date, which will be used to neutralize costs and set rates.

Case-Mix Index Calculations

Under the current case-mix payment system, the Department establishes a case-mix index score for each nursing facility resident based on the resident's comprehensive MDS assessment data as submitted by the nursing facility. Using the individual CMI scores calculated for each resident, the Department then calculates a total facility CMI score, and a facility MA CMI score for each nursing facility, and a Statewide average MA CMI

² To make this change, the Department intends to establish a new Chapter 1189 under Title 55 of the Pennsylvania Code. That Chapter will set forth the methodology that the Department will use to reimburse county nursing facilities. Information related to this change in payment methodology will be provided in the publication of a separate advance public notice.

score. Under the current system, total facility CMI scores are only calculated for the February 1 Picture Date and are only used once, to neutralize each nursing facility's audited allowable costs. Under the proposed amendments, beginning with the May 1, 2006, Picture Date, the Department will calculate a total facility CMI average for each calendar quarter based on the resident comprehensive MDS assessment data submitted by the nursing facility for the respective calendar quarter. The Department will use an average of the four total facility CMI averages related to the cost report period used in the rate-setting process to neutralize the nursing facility's costs. To implement this change, up until the time when there are four total CMI averages for each cost report period used in the rate-setting process, the Department will use the average of the number of available total facility CMI averages, to neutralize the nursing facility's cost.

Alternative Placement Incentives

As a means of encouraging choice in long-term care services, the Department is proposing to make an adjustment to the CMI scores of MA residents who require less intensive services and resources. The Department will assign an MA resident an individual CMI score of .30 for purposes of calculating the facility's average MA CMI for a picture date if the MA resident is a resident of a nursing facility, other than an SRF, has a CMI score of 0.65 or lower, does not have a dementia diagnosis and has a score of 2 or less on the Cognitive Performance Scale (meaning that, at most, the resident has only mild impairment in decision-making, retains short-term memory, and can make himself understood). As previously noted, if an MA resident of an SRF does not have a diagnosis of comatose, cerebral palsy, multiple sclerosis, paraplegia, quadriplegia, traumatic brain injury or is not dependent on a ventilator or respirator, under the proposed amendments, the Department will assign the resident a CMI score of .60 for purposes of calculating the SRF's average MA CMI.

Peer Groups

Currently, to set prices for the resident care, other resident related and administrative cost categories under the case-mix payment system, the Department classifies MA nursing facilities into 14 mutually exclusive peer groups. Twelve of the 14 peer groups are established based on geographic location using the Metropolitan Statistical Areas (MSA) and the nursing facility's bed size. The remaining two peer groups, peer group 13 and 14, are designated for SRF and hospital-based nursing facilities respectively, regardless of geographic location or bed size.

Under the proposed amendments, the Department will maintain the 14 mutually exclusive peer groups. To determine the geographical groups, the Department will use the MSA group classification levels published in the Federal Office of Management and Budget Bulletin No. 99-04, applied to the statistical areas identified in the Federal Office of Management and Budget Bulletin No. 03-04 and updated based on the 2000 census. This will result in the reclassification of some counties into different MSA groups. Three counties (Armstrong, Mercer and Pike) will be reclassified into MSA groups with higher populations and three counties (Lebanon, Somerset and Columbia) will be reclassified into MSA groups with lower populations.

Cost Reports

Currently, as part of the final reporting requirements contained in § 1187.75 (relating to final reporting), nurs-

ing facilities that enter into a termination agreement or an agreement of sale, or are otherwise undergoing a change of ownership, or withdrawing or being terminated as an MA provider, or are newly MA-certified, are required to file an acceptable cost report even if the effective date of this action was within the nursing facility's respective cost report period. The Department does not use these short period cost reports in the rate-setting process. The Department is proposing to eliminate the requirement for filing final cost reports for final reporting periods that are less than 12 months.

Under the current system, to compute the net operating rate components for the individual nursing facilities, the Department uses costs taken from the three most recent audited cost reports for each nursing facility. Under the proposed amendments, the Department will use costs taken from the most recent accepted, reviewed or audited cost report on file with the Department as of the rate database cut-off date.

Auditing Practices

Under the current regulations, the Department audits all nursing facility costs as reported on the cost report within 15 months from the date of acceptance. The corresponding audit reports set forth the auditors' determinations of the facility's allowable costs. Under the current system, to set peer group prices, the Department uses audited allowable costs taken from the three most recent audit reports for each nursing facility. Under the proposed amendments, the Department's auditors will no longer audit all of a nursing facility's reported costs. Instead, the Department's auditors will examine the nursing facility's major movable property costs, real estate tax costs and resident day information, and audit other reported costs based on a selection process.

The Department will use each nursing facility's most recent audited, reviewed or accepted cost report and calculate a cost per diem for each of the net operating cost centers for each nursing facility. Each nursing facility's cost per diem for each of the net operating cost centers will be arrayed within their respective peer groups and a preliminary median will be determined. The Department will then select a median facility group within each net operating cost center for each peer group. The median facility group will consist of the three nursing facilities whose cost per diems are equal to or immediately above the preliminary median and the two nursing facilities whose cost per diems are immediately below the preliminary median. The costs associated with the respective cost center for nursing facilities in the median facility group will be audited by the Department's auditors. After completion of the audits, the Department will compute an audited per diem cost for each of the nursing facilities in the median facility group. These audited per diem costs will be arrayed within the respective net operating cost center and a final median per diem cost determined for each peer group. The final median per diem costs will be used to compute the associated peer group prices.

For the 2006-2007 rate year, each nursing facility's allowable costs will be taken from the facility's most recent audited cost report issued on or before March 31, 2006.

Allowable Costs

The Department proposes to make changes to 55 Pa. Code Chapter 1187, Subchapter E (relating to allowable program costs and policies) to more specifically

define and clarify the items that are allowable and non-allowable for each of the three net operating cost centers.

Under the current provisions related to allocation of costs, allowable insurance costs are classified as administrative costs. Under the proposed amendments, the Department is proposing to classify allowable liability, property and boiler insurance costs as other resident related costs. This change in allocation will take effect when the Department has the nursing facility's cost report on file which includes a schedule to allocate insurance costs into the appropriate cost center.

Limitation on Median Peer Group Price

Currently during rebasing, the Department does not apply a limitation on the amount of increase of a peer group's median for each net operating cost center. As a result, peer groups containing a smaller number of nursing facilities have historically experienced a higher increase in their peer group medians used to set peer group prices. To control this increase, under the proposed amendments, the Department will limit the percentage increase of the net operating peer group medians of peer groups that contain ten or fewer nursing facilities. For nursing facilities in a peer group containing ten or fewer nursing facilities, the peer group median for each net operating cost center will be the lower of the peer group median as calculated in accordance with § 1187.96 (relating to price and rate setting computations) or the prior rate year peer group median for the cost center adjusted by the highest percent increase of a peer group median in that cost center of any of the peer groups containing more than ten nursing facilities.

Occupancy Efficiency Adjustment

Under the current case-mix system, the Department makes certain minimum occupancy adjustments. Specifically, if a nursing facility's overall nursing facility occupancy level is below 90%, the Department makes an adjustment to total nursing facility resident days as though the nursing facility were at 90% occupancy. The Department then applies the 90% occupancy adjustment as part of the computation of the nursing facility's administrative and capital rate components. Under the proposed amendments, the Department proposes to increase the occupancy level threshold to 92%. This amendment is intended to promote nursing facility efficiency and economy associated with nursing facility occupancy levels and encourage right-sizing.

Capital Cost Policy

Currently under the case-mix system, the Department annually computes a facility-specific capital rate component for each nursing facility. The nursing facility's capital rate component consists of a fixed property component, a movable property component, and a real estate tax component. The fixed property component is based on the fair rental value of the nursing facility's fixed property which is determined by an appraisal completed by an independent appraisal firm under contract with the Department in accordance with § 1187.57 (relating to selected capital cost policies). The nursing facility's fair rental value is adjusted by the appraised depreciated replacement cost of the nursing facility's fixed property to account for the per bed limitation of \$26,000 and the bed moratorium provision contained in § 1187.113 (relating to capital component payment limitation) and the adjusted amount is multiplied by the financial yield rate. Under the proposed amendments, the Department will compute a nursing facility's fixed property component by multiply-

ing the facility's number of beds qualified for fixed property payment (allowable beds) as of the April 1 immediately preceding the rate year by \$26,000, then multiply that product by the financial yield rate.

Bed Hold Payments

Currently, the Department pays a nursing facility a maximum of 15 consecutive bed hold days per hospitalization to hold a bed for a resident who requires hospitalization. The payment is made at a rate of 1/3 of the nursing facility's per diem rate on file with the Department at the time of the hospitalization, and is paid regardless of the nursing facility's overall total occupancy rate. Under the proposed amendments, the Department proposes to only pay a nursing facility for a hospital bed hold day if the nursing facility's overall total occupancy for the applicable picture date is equal to or greater than 85%.

Incentive Payments

Disproportionate Share Incentive Payments

The current case-mix payment system provides for disproportionate share incentive payments to be made to a nursing facility, if over a 12-month cost reporting period the facility has an annual overall occupancy rate of at least 90% and an MA occupancy rate of at least 80%. The amount paid to a qualifying facility is computed by multiplying the nursing facility's MA paid days of care by the per diem incentive amount. Under the proposed amendment, the Department proposes that the MA occupancy rate will continue to be subject to the same minimum occupancy rate; however, the minimum annual overall occupancy rate necessary to qualify for disproportionate share incentive payments will increase to 92%.

Pay for Performance Incentive Payments

In the current payment system, there are no provisions that provide for incentive payments to nursing facilities that meet or exceed performance standards. Under the proposed amendments, the Department intends to make payment to nursing facilities that meet certain performance objectives. An incentive payment is proposed for nursing facilities that submit a resident's initial MDS data within seven calendar days of the completion of the Admission or Medicare PPS assessment. Through this prompt notification of a resident's admission to a nursing facility, the Department will be able to educate residents on their long-term care options while their former housing is still available for their return or transition into the community and before they have become acclimated to the nursing facility environment. The incentive payment will be made on a monthly basis and will be based on the number of unduplicated initial assessments submitted to the Department in which the completion date of the assessment is less than or equal to 7 days from the date of submission.

Cost Neutrality

Under the proposed amendments, each fiscal year the Department will apply a budget adjustment factor (BAF) based on the funding that is appropriated for nursing facility services in the General Appropriations Act. The BAF will be applied each quarter to the nursing facility's quarterly case-mix per diem rate calculated in accordance with the rate-setting methodology contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting).

Phase-in Period

Under the proposed amendments, the Department is proposing to implement a three-year phase-in provision.

This phase-in provision will prevent major disruptions to nursing facilities' business practices and allow nursing facilities time to modify their business practices to adjust to the rate-setting methodology changes.

The phase-in provision for Year One will assure that the per diem rate that a nursing facility receives for nursing facility services provided to an MA resident during FY 2006-2007 will not deviate from the nursing facility's average 2005-2006 case-mix per diem rate by plus or minus 2.5%.

The phase-in provision for Year Two will assure that the per diem rate that a nursing facility receives for nursing facility services provided to an MA resident during FY 2007-2008 will not deviate from the nursing facility's average 2005-2006 case-mix per diem rate by plus or minus 5%.

The phase-in provision for Year Three will assure that the per diem rate that a nursing facility receives for nursing facility services provided to an MA resident during FY 2008-2009 will not deviate from the nursing facility's average 2005-2006 case-mix per diem rate by plus or minus 7.5%.

Future Programs

In addition to the changes being proposed by this notice, the Department is in the process of developing program initiatives that will encourage nursing facilities to review their current delivery of long-term care services and adjust their delivery system to better meet the long-term care service needs of MA consumers. The Department will provide information regarding these program initiatives with opportunity for public input in the future.

Fiscal Impact

This change will result in an estimated savings of \$206.92 million in total funds (\$103.3 million in State funds) in FY 2006-2007.

Public Comment

More detailed information related to the provisions contained in this notice will be presented at public hearings that will be scheduled for late April 2006. The locations for the public hearings will be Sharon, Wilkes-Barre/Scranton, Philadelphia, State College, Pittsburgh and Harrisburg.

More information regarding the public hearings may be obtained by contacting the Bureau of Long-Term Care Programs at (717) 705-3705. The dates and locations will also be listed on the Office of Medical Assistance Programs website when available.

A copy of this notice is available for review by contacting Gail Weidman in the Long-Term Care Policy Section at (717) 705-3705. Interested persons are invited to submit written comments about the changes to the case-mix payment system to the Department within 15 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Division of Long-Term Care Client Services, Attn: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Following review and consideration of any comments received in response to this notice, the Department intends to publish a final-omitted rulemaking in the

Pennsylvania Bulletin adopting changes to the Department's case-mix payment system regulations.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-473. No fiscal impact; (8) recommends adoption. This regulation will result in savings of \$103.30 million for FY 2006-2007 and \$120.84 million for FY 2007-2008.

[Pa.B. Doc. No. 06-624. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Connection Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Cash Connection.

2. *Price:* The price of a Pennsylvania Cash Connection instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Cash Connection instant lottery game ticket will contain one play area designated as "CASH BOX." There are 60 play symbols, 49 of which will be located in the play area, and which are the numbers 01 through 60. Each ticket will also contain a "YOUR NUMBERS" area. The "YOUR NUMBERS" area will consist of fourteen play symbol numbers. The play symbol numbers that may be located in the "YOUR NUMBERS" area are: The numbers 01 through 60.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$9, \$12, \$30, \$100, \$500 and \$60,000. The player can win up to three times on a ticket. Only the highest prize won by each group of contiguous (touching) matched numbers will be paid.

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

6. *Determination of Prize Winners:*

(a) Holders of tickets upon which ten of "YOUR NUMBERS" play symbols match ten contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which nine of "YOUR NUMBERS" play symbols match nine contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which eight of "YOUR NUMBERS" play symbols match eight contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which seven of "YOUR NUMBERS" play symbols match seven contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets upon which six of "YOUR NUMBERS" play symbols match six contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$12.

(f) Holders of tickets upon which five of "YOUR NUMBERS" play symbols match five contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$9.

(g) Holders of tickets upon which four of "YOUR NUMBERS" play symbols match four contiguous (touching)

"CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets upon which three of "YOUR NUMBERS" play symbols match three contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$3.

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

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3 NUMBERS touching	\$3	10	600,000
3 NUMBERS touching × 2	\$6	25	240,000
4 NUMBERS touching	\$6	33.33	180,000
3 NUMBERS touching × 3	\$9	50	120,000
5 NUMBERS touching	\$9	50	120,000
4 NUMBERS touching × 2	\$12	200	30,000
3 NUMBERS touching × 2 + 4 NUMBERS touching	\$12	200	30,000
3 NUMBERS touching + 5 NUMBERS touching	\$12	200	30,000
6 NUMBERS touching	\$12	200	30,000
7 NUMBERS touching	\$30	100	60,000
8 NUMBERS touching	\$100	478.09	12,550
9 NUMBERS touching	\$500	24,000	250
10 NUMBERS touching	\$60,000	600,000	10

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

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

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

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

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

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-625. Filed for public inspection April 14, 2006, 9:00 a.m.]

Pennsylvania Precious Gems Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Precious Gems.

2. *Price:* The price of a Pennsylvania Precious Gems instant lottery game ticket is \$5.

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

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$25\$ (TWY

FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$2,500 (TWYFIVHUN), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

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

6. Approximate Number of Tickets Printed for the Game: Approximately 7,200,000 tickets will be printed for the Pennsylvania Precious Gems instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$250 (TWOHUNFTY) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$250.

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

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

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

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

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

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$25\$ (TWY FIV) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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

When Any of Your Numbers Match Any of The Gem Numbers, Win With Prize(s) of:

\$5
 \$5 w/TREASURE CHEST
 \$2 x 5
 \$5 x 2
 \$10

Win:
 \$5
 \$5
 \$10
 \$10
 \$10

Approximate Odds 1 In:
 15
 15
 60
 60
 60

Approximate No. of Winners Per 7,200,000 Tickets
 480,000
 480,000
 120,000
 120,000
 120,000

When Any of Your Numbers Match Any of The Gem Numbers, Win With Prize(s) of:

	Win:	Approximate Odds 1 In:	Approximate No. of Winners Per 7,200,000 Tickets
\$10 w/TREASURE CHEST	\$10	60	120,000
\$5 × 5	\$25	75	96,000
\$25	\$25	200	36,000
\$25 w/TREASURE CHEST	\$25	66.67	108,000
\$25 × 2	\$50	300	24,000
\$5 × 10	\$50	300	24,000
\$10 × 5	\$50	300	24,000
\$50	\$50	300	24,000
\$50 w/TREASURE CHEST	\$50	300	24,000
\$10 × 10	\$100	1,714	4,200
\$50 × 2	\$100	1,714	4,200
\$100	\$100	1,714	4,200
\$100 w/TREASURE CHEST	\$100	1,714	4,200
\$25 × 10	\$250	24,000	300
\$50 × 5	\$250	24,000	300
\$250	\$250	24,000	300
\$250 w/TREASURE CHEST	\$250	24,000	300
\$250 × 10	\$2,500	288,000	25
\$2,500	\$2,500	288,000	25
\$50,000	\$50,000	720,000	10
\$100,000	\$100,000	720,000	10

TREASURE CHEST (CHEST) = Win prize shown under it automatically. Prizes, including the top prizes, are subject to availability at the time of purchase.

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

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

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

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

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-626. Filed for public inspection April 14, 2006, 9:00 a.m.]

Pennsylvania Queen of Hearts Tripler Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Queen of Hearts Tripler.

2. *Price:* The price of a Pennsylvania Queen of Hearts Tripler instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Queen of Hearts Tripler instant lottery game ticket will contain two play areas. One play area will consist of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8." The second play area will consist of a "ROYAL BONUS" play area. The "GAME" play areas and the "ROYAL BONUS" play area have different game play methods. Each "GAME" is played separately. Each "GAME" features a "YOUR CARD" area, a "DEALER'S CARD" area, and a "PRIZE" area. The black play symbols located in the "YOUR CARD" areas are: 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), Ace of Spades (ACS), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC), King of Clubs (KGC) and Ace of Clubs (ACC). The red play symbols located in the "YOUR CARD" areas are: 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), Ace of Diamonds

(ACD), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH), Queen of Hearts (RQN), King of Hearts (KGH) and Ace of Hearts (ACH). The black play symbols located in the "DEALER'S CARD" area are: 2 of Spades (TWS), 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), 2 of Clubs (TWC), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC) and King of Clubs (KGC). The red play symbols located in the "DEALER'S CARD" areas are: 2 of Diamonds (TWD), 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH) and King of Hearts (KGH).

The black play symbols and their captions located in the "ROYAL BONUS" area are: 2 of Spades (TWS), 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), Ace of Spades (ACS), 2 of Clubs (TWC), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC), King of Clubs (KGC), Ace of Clubs (ACC) and a Castle (CASTLE). The red play symbols located in the "ROYAL BONUS" area are: 2 of Diamonds (TWD), 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), Ace of Diamonds (ACD), 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH), King of Hearts (KGH) and Ace of Hearts (ACH). Ace = 11, Jack, Queen and King = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" areas of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8," are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8," are: \$1, \$2, \$3, \$5, \$9, \$10, \$15, \$30, \$50, \$100, \$1,000 and \$25,000. The prize that can be won in the "ROYAL BONUS" play area is \$10. The player can win up to nine times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Queen of Hearts Tripler instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$25,000 (TWYFIVTHO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$30\$ (THIRTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$15\$ (FIFTN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets with a Castle (CASTLE) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize

play symbol of \$9⁰⁰ (NIN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$3⁰⁰ (THR DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$9.

(n) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$3⁰⁰ (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

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

<i>When Your Card Beats the Dealer's Card Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$1 x 2	\$2	21.43	448,000
\$2	\$2	18.75	512,000
\$1 x 3	\$3	75	128,000
\$1 w/RED QUEEN (RQN)	\$3	37.5	256,000
\$3	\$3	75	128,000
\$1 x 5	\$5	150	64,000
\$2 + \$3	\$5	150	64,000
\$5	\$5	60	160,000
\$1 x 7 + \$2	\$9	300	32,000
\$3 w/RED QUEEN (RQN)	\$9	300	32,000
\$9	\$9	300	32,000
\$10	\$10	500	19,200
ROYAL BONUS (CASTLE)	\$10	125	76,800
\$2 x 7 + \$1	\$15	1,500	6,400
\$3 x 5	\$15	1,500	6,400
\$5 w/RED QUEEN (RQN)	\$15	750	12,800
\$5 + ROYAL BONUS (CASTLE)	\$15	300	32,000
\$15	\$15	1,500	6,400
\$5 w/RED QUEEN (RQN) x 2	\$30	750	12,800
\$15 x 2	\$30	750	12,800
\$10 w/RED QUEEN (RQN)	\$30	750	12,800
\$10 x 2 + ROYAL BONUS (CASTLE)	\$30	750	12,800
\$30	\$30	750	12,800
\$50	\$50	300	32,000
\$5 x 6 + \$30 x 2 + ROYAL BONUS (CASTLE)	\$100	4,615	2,080
\$50 x 2	\$100	4,800	2,000
\$30 w/RED QUEEN (RQN) + ROYAL BONUS (CASTLE)	\$100	4,800	2,000
\$100	\$100	4,800	2,000
\$1,000	\$1,000	320,000	30
\$25,000	\$25,000	960,000	10

RED QUEEN (RQN) = Triples the prize for that game.

ROYAL BONUS (CASTLE) = Win \$10 instantly.

NOTE: Only the highest prize won by each GAME will be paid.

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

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

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

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

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

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-627. Filed for public inspection April 14, 2006, 9:00 a.m.]

Pennsylvania 333 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania 333.
2. *Price:* The price of a Pennsylvania 333 instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania 333 instant lottery game ticket will contain one play area, one "PRIZE" box and a "BONUS" area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE). The play symbols and their captions located in the "BONUS" area are: NO BONUS (TRY AGAIN), a DOUBLE symbol (DBL) and a TRIPLE symbol (TRPL).
4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" box are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$60\$ (SIXTY), \$90\$ (NINTY) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$20, \$30, \$60, \$90 and \$3,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania 333 instant lottery game.

7. Determination of Prize Winners:

- (a) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3,000 (THR THO) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$3,000.
- (b) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$90\$ (NINTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$90.
- (c) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$90.
- (d) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$60\$ (SIXTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$60.
- (e) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$60.
- (f) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$60.
- (g) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$30.
- (h) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$30.
- (i) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$30.
- (j) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$20.
- (k) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.
- (l) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$15.
- (m) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$10.⁰⁰ (TEN DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$5.⁰⁰ (FIV DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$9.⁰⁰ (NIN DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$9.

(q) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3.⁰⁰ (THR DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$9.

(r) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$6.⁰⁰ (SIX DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3.⁰⁰ (THR DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$2.⁰⁰ (TWO DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$5.⁰⁰ (FIV DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3.⁰⁰ (THR DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$3.

(w) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$3.

(x) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$2.⁰⁰ (TWO DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$1.

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

<i>Get Three 3's in Any Row, Column or Diagonal Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	10	1,200,000
\$1 w/DOUBLE	\$2	33.33	360,000
\$2	\$2	33.33	360,000
\$1 w/TRIPLE	\$3	75	160,000
\$3	\$3	75	160,000
\$5	\$5	75	160,000
\$2 w/TRIPLE	\$6	750	16,000
\$3 w/DOUBLE	\$6	750	16,000
\$6	\$6	1,500	8,000
\$3 w/TRIPLE	\$9	600	20,000
\$9	\$9	600	20,000
\$5 w/DOUBLE	\$10	600	20,000
\$10	\$10	600	20,000
\$5 w/TRIPLE	\$15	600	20,000
\$15	\$15	600	20,000
\$10 w/DOUBLE	\$20	600	20,000
\$20	\$20	600	20,000
\$10 w/TRIPLE	\$30	24,000	500
\$15 w/DOUBLE	\$30	24,000	500
\$30	\$30	24,000	500
\$20 w/TRIPLE	\$60	48,000	250
\$30 w/DOUBLE	\$60	48,000	250
\$60	\$60	48,000	250
\$30 w/TRIPLE	\$90	80,000	150

Get Three 3's in Any Row,
Column or Diagonal Win
With Prize(s) of:

	<i>Win</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$90	\$90	80,000	150
\$3,000	\$3,000	800,000	15

DOUBLE (DBL) = Doubles the prize won.

TRIPLE (TRPL) = Triples the prize won.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 333 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 333, prize money from winning Pennsylvania 333 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 333 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 333 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-628. Filed for public inspection April 14, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6-298	Department of Education Vocational Education 36 Pa.B. 560 (February 4, 2006)	3/6/06	4/5/06
4-84	Department of Community and Economic Development Manufactured Housing 36 Pa.B. 559 (February 4, 2006)	3/6/06	4/5/06

Department of Education Regulation #6-298 (IRRC #2520)

Vocational Education

April 5, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the February 4, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

1. Statutory Authority to promulgate regulations.

Senator Raphael Musto expressed the concern that the Department lacks the statutory authority to promulgate

these regulations. The Department responded to Senator Musto, citing several statutory provisions authorizing the Department to establish standards for vocational education and the State Board of Vocational Education to approve these standards. However, the Department has also noted that, pursuant to the Public School Code of 1949, 24 P. S. §§ 26-2603-B(k) and 2606-B, "the State Board of Education makes all rules and regulations and approves policy, standards, rules and regulations developed, modified by the Department of Education under the control of the board."

We agree with Senator Musto and share his concern. Promulgation of such standards as regulations must be undertaken by the State Board of Education. The authority to establish standards does not include the authority to promulgate regulations. Where the legislature intends

to authorize the promulgation of regulations, it has done so explicitly, *Main Line Health, Inc. v. CAT Fund*, 738 A.2d 66 (Pa. Cmwlth. 1999) affirmed 777 A.2d 1048 (Pa. 2001).

2. Minimum time requirements and funding.—Economic or fiscal impact; Reasonableness.

The House Education Committee, Senator Noah Wenger, Chairman of the Senate Appropriations Committee, Representative Lynn Herman and several commentators representing vocational education programs and agriculture education in particular have submitted comments on § 339.22(a)(10)(i). This section pertains to minimum time requirements and state funding.

Some commentators have questioned the reasonableness of increasing the minimum hour requirements for vocational education programs. In order for a school entity to qualify for state subsidy under existing regulations, a student in a vocational education program must complete 240 hours per year in ninth grade and 360 hours per year in tenth, eleventh and twelfth grade. The proposed rulemaking would require all high school students to meet the 360 hour requirement. In addition, language that allows students to count out-of-class time towards the hour requirement is being eliminated. Commentators argue that these changes, coupled with increased enforcement, would make it impossible for many programs, especially agriculture education programs, to meet the hour requirements. Thus, those schools would not receive reimbursement. The consequence of the loss of funding would be the elimination of vocational education programs from those schools.

We acknowledge the Department's difficult task of ensuring a quality vocational education system for all students in Pennsylvania and the necessity to do this. We understand that the minimum hour requirement is just one of several criteria used to ensure that vocational education programs meet a certain level of quality. However, we question the need to impose an hour requirement if a vocational education program is otherwise providing a quality program that is meeting the needs of the student and the local community.

We understand that the Department plans to reconsider the decision to delete provisions related to hours spent in supervised occupational and clinical experiences that currently count towards minimum hour requirements. The Department's intent to allow these experiences to count towards the minimum hour requirements should be included in the final-form regulation.

Finally, the existing time requirements found in the chart under Subsection (a)(4)(i) should be deleted.

VOCATIONAL EDUCATION STANDARDS

3. Section 339.1a. Definitions.—Clarity.

Concentrator

The last sentence of this definition states, "Only concentrator students are counted for vocational subsidies." This is a substantive provision that is not repeated in the body of the regulation. Substantive provisions in a definition are not enforceable. Therefore, the Department should delete this phrase from the definition and place it in the body of the regulation.

Diversified Occupations Program

The last sentence of this definition states, "A cooperative education certified teacher is required for such a program." This is a substantive provision that should be moved to the body of the regulation.

In addition, we recommend that the definition be redrafted with subparagraphs that list each of the characteristics of the diversified occupations program.

Participant

This term is defined but not used in the rest of Chapter 339. We recommend that it be deleted. If the Department chooses to retain this definition, we have two concerns. First, this definition identifies who is not a participant, but does not establish who is. The first sentence should be redrafted as follows: "A student enrolled in vocational education planned instruction for less than 360 hours per year."

Second, the last sentence of this definition states, "Participants do not qualify for vocational education subsidy." This is a substantive provision that should be moved to the body of the regulation. If this provision is moved, the definition should be retained.

SBVE—Standards-Based Vocational Education

This phrase is not used in Chapter 339. However, the term "standards-based" is used throughout the regulation. The Department should either use the defined term of SBVE or amend the definition to "standards-based."

In addition, the last two sentences of this definition state the following: "Occupational tasks reviewed by an occupational advisory committee provide the basis for instruction. The instructional system also incorporates and addresses attainment of academic standards (§ 4.12)." These sentences are substantive and should be moved to the body of the regulation.

School entity

This term is defined as follows: "Any local public education provider (such as public school, charter school, cyber charter school, AVTS, intermediate unit)." Would a technical institute be considered a school entity? If so, it should be added to the list of examples.

Technical institute

The last sentence of this definition states, "Technical institutes may not grant degrees, but are encouraged to develop articulation agreements with degree-granting institutions to facilitate transfer of student credit." We have two concerns. First, this sentence is substantive and should be moved to a section in the regulation that pertains to technical institutes.

Second, the phrase "are encouraged to develop articulation agreements with degree-granting institutions to facilitate transfer of student credit" is non-regulatory language which indicates that this phrase is optional. It is inappropriate to include optional provisions in a regulation. If the Department wants technical institutes to develop articulation agreements, it should use the term "shall" instead of "encourage."

4. Section 339.2. Operation.—Clarity.

This section uses the word "rigorous" to describe certain vocational programs. The Pennsylvania Code and Bulletin *Style Manual* discourages the use of indefinite terms (§ 6.16(b)(6)). "Rigorous" is such a term. Therefore, it should be defined or deleted and replaced with a term or phrase that is definitive and measurable. ("Rigorous" also appears in § 339.4(d)(1)(i)(C)(I).)

In addition, this section uses the phrase "career and technical education vocation programs" and "technical education programs." It is our understanding that these

terms mean the same thing. We recommend that one term be used in this section and throughout the remainder of the regulation.

5. Section 339.4. Program approval.—Implementation procedures; Clarity.

Subsection (a) General rule

Subsection (a)(2) states that reapproval will take place between September 1, 2005, and June 30, 2010. This conflicts with Section 339.4(d)(2), which states that school entities shall submit for reapproval at least every five years. If reapproval on a five-year cycle is the goal of the Department, the date of June 30, 2010, should be deleted.

Subsection (b) Application for approval or reapproval

Subsection (b)(2) requires "Evidence that the program prepares students for high priority occupations or other occupations supported by local labor market information and is supported by local employers." Other paragraphs of Subsection (b) also require "assurance" or "evidence," but those paragraphs do not indicate how to meet those requirements. The final-form regulation should include specific requirements for all paragraphs under Subsection (b) that would allow the regulated entity to know if it is meeting its compliance requirements.

Subsection (b)(4) references the undefined terms of "industry-based standards" and the "Pennsylvania Skills Certificate." We recommend that the Department either define these terms or provide a cross-reference to where the meaning of these terms can be found.

Subsection (b)(8) pertains to assurances that support or special services are available to students when disadvantaged, disabled or limited English-speaking students are enrolled as required by Chapters 14 and 15 of 22 Pa. Code. The Education Law Center submitted comments on their behalf and on the behalf of the Disabilities Law Project, The ARC of Pennsylvania, and Pennsylvania Protection Advocacy, Inc. The comments touch on several sections of the proposed rulemaking and include language that they believe would assure access to vocational education for students with disabilities and avoid future litigation. We encourage the Department to consider each of the concerns raised by these commentators to ensure that students with disabilities are served and to ensure the Department is meeting its statutory and regulatory duties.

Subsection (b)(13) requires evidence of joint planning with sending schools "around academic and other needs of attending students." The phrase "other needs" imposes a vague requirement that would be difficult to meet. The "other needs" should be listed in the final-form regulation.

Subsection (c) Documentation

This subsection requires the maintenance of documents, but does not specify how long the documents should be kept. The final-form regulation should specify how long records should be kept after the compliance review is complete.

Subsection (d) Retain approval

Subsection (d)(1)(i) pertains to accountability standards. It requires school entities to implement the standards which will be subject to review by the Department. We have two concerns with Subsection (d)(1)(i)(A), which references "industry assessment," "industry credentials," "certification," "State assessment" and "occupational competency evaluation." Similar to our recommendation above, we recommend that the Department either define these terms or provide a cross-reference to where the

meaning of these terms can be found. Second, this Subsection states that a student's level of occupational achievement will be measured by the Pennsylvania Skills Certificate or "other approved industry certification." Who decides which method will be used to measure competency?

Subsection (d)(1)(i)(D) directs local entities to conduct studies. We have two questions. First, what is a local entity? Second, how often must the studies be conducted?

Subsection (d)(2) requires school entities to submit for reapproval "at least" every five years. The Department has indicated that reapproval is also required if the content of a program changes. Since the phrase "at least" is non-regulatory language that cannot be enforced, it should be deleted. The final-form regulation should include language that instructs school entities to submit for reapproval every five years and when changes to a program have occurred.

Subsection (d)(3) states the following:

In addition, the Department will notify, in writing, each school entity that does not meet or exceed expectations of the standards set by the Secretary, and will require the school to submit a compliance plan to the Bureau of Career and Technical Education. Each noncomplying school entity shall develop a compliance plan and document all corrective actions taken pursuant to it. Upon its approval of the plan, the Department will continue to review the program and provide technical assistance.

We have three concerns. First, the phrase "In addition" is not needed. Second, this section should include a time frame for completion of the duties imposed on the Department and the noncomplying school. Third, the phrase "does not meet or exceed" is problematic. A school might meet the standards but be in noncompliance because it did not exceed the standards. Therefore, the phrase "or exceed" should be deleted.

PLANNING

6. Section 339.15. Minutes.—Clarity.

This section requires minutes of the advisory, occupational advisory and administrative committee meetings to be kept for five years. Section 4.33, pertaining to advisory committees, addresses requirements of advisory committees. We recommend that record-keeping requirement be placed in § 4.33. We note that administrative committees are not referenced in this part of Chapter 339. If the Department retains § 339.15, the reference to administrative committees should be deleted.

CURRICULUM

7. Section 339.22. Program content.—Possible conflict with existing regulations; Clarity.

Subsection (a)(2) references the academic standards of "mathematics, language arts and science." Has the Department considered adding the standards for reading, writing, speaking and listening? Chapter 4, relating to academic standards, does not include language arts as a specific standard. What is meant by this term?

Similar to our concern under Section 339.4(d)(1)(i)(A), the terms or phrases found in Subsection (b)(6), which pertains to industry standards, are not defined. In order for the regulated community to meet the industry standards, they must have a clear understanding of what those standards are. Therefore, we recommend defining or providing appropriate cross-references for all of the terms used in this subsection.

Subsection (d) pertains to postsecondary education and training. It “encourages” articulation of secondary programs with postsecondary programs. The term “encourages” is non-regulatory language which indicates that compliance is optional. It is inappropriate to include optional provisions in a regulation. If the goal of the Department is to require a plan for articulation between secondary and post-secondary institutions, then this section should be rewritten to impose that mandate. In the alternative, this section should be deleted.

8. Section 339.29. Cooperative vocational education.—Implementation procedures.

This section requires compliance with guidelines published by the Department. Guidelines are not binding on either the Department or the regulated community. In order for the guidelines to be enforceable, they must be included in the regulation. In the alternative, this provision should be deleted.

FACILITIES

9. Section 339.51. Learning environment.—Clarity.

Paragraph (1) requires shop laboratories to meet standards of State licensing boards, accreditation providers and industry certification standards and also to take into consideration the recommendations of the occupational advisory committee. In order to assist the regulated community in complying with this requirement, the final-form regulation should list or cross-reference the boards, providers and certification standards that shop laboratories are expected to meet.

10. Section 339.53. Contemporary equipment.—Clarity.

This section requires equipment and facilities to be comparable to industry standards or reimbursement from the Department may be withheld if the standards are not met. As noted above, the final-form regulation should list the industry standards that will be applied. In addition, the term “comparable” is vague and unenforceable. Since funding may be denied if this requirement is not met, the first sentence of this section should be amended to state, “The equipment and facilities must meet industry standards.”

TECHNICAL INSTITUTES

11. Section 339.56. Technical Institutes.—Implementation procedures; Clarity.

All of the goals, requirements and standards of technical institutes are contained in this one section. In order to highlight the various requirements pertaining to technical institutes and make the regulation clearer to the regulated community, the Department should break certain subject areas into separate sections. Suggested section titles are: scope, authority, definitions, eligibility and reimbursement.

Subsection (e) pertains to funding. Subsection (e)(8) requires a technical institute to have a compliance plan as required by formal compliance review conducted by the Department. In order for technical institutes to meet the binding standards of this subsection and remain eligible for funding, they must know what those standards are. Therefore, the Department should explain what standards must be met during a formal compliance review and when that review will take place.

Subsection (e)(9) requires “contemporary equipment.” As noted above, the Pennsylvania Code and Bulletin *Style Manual* discourages the use of indefinite terms (§ 6.16(b)(6)). The final-form regulation should include a more definitive standard related to equipment that will allow a technical institute to know if it is in compliance.

Under Subsection (e)(10), a Technical Institute (TI) must be recognized by an accrediting agency to receive funding. It is our understanding that accreditation is only granted after an institution has been operating. How will the Department implement this provision?

Subsection (f) states the following: “Once a favorable vote takes place, a proposal to establish a TI shall be presented to the State Board for Vocation Education for its approval.” Subsection (c) requires a “majority vote.” This subsection references a “favorable vote.” Since “favorable” is an indefinite term, we recommend that it be replaced by “majority.” This would provide consistency between both subsections.

Subsection (j) pertains to cost and reimbursement. We have three concerns. First, what is an “out of school youth”? Would a student that dropped out or an expelled student be eligible for enrollment? At what age is a person no longer a youth? We recommend that this term be defined. Second, does the reference to an “approved budget” pertain to the budget of the Department or the technical institute? Third, do the phrases “current expense per student” and “per student cost for current expense” mean the same thing? If so, one term should be used and defined. If not, both terms should be defined.

Subsection (k) states, “TIs are not degree-granting institutions, but can offer technical certificates.” The phrase “are not degree-granting institutions, but can” is non-regulatory language that should be deleted.

The term “TI board” is used in Subsection (k). This term is not defined. Clarity would be improved if this term was defined and used consistently throughout the regulation.

12. Miscellaneous clarity.

The definition of cluster vocational education in § 339.1a. references § 339.22(k). Subsection (k) does not exist. In addition, this definition is not used in the remaining text of Chapter 339. Therefore, it should be deleted.

The phrase “but not be limited to” in § 339.4(b) and § 339.32(2) is non-regulatory language that should be deleted.

The citation contained in § 339.4(b)(5) is incorrect. It should be § 339.22(a)(10)(i).

Section 339.22(c)(i)(A) is a repeat of § 339.22(a)(2).

The reference to § 4.3 under § 339.29 is incorrect. Section 4.3 relates to definitions. The correct citation is § 4.33, relating to advisory committees.

Section 339.23(6) refers to the “Industrial Board.” The correct reference is the Department of Labor and Industry.

Under Section 339.56, the phrase “as required” should be inserted between the word “Commonwealth” and “§ 40.2.”

Department of Community and Economic Development Regulation #4-84 (IRRC #2521)

Manufactured Housing

April 5, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the February 4, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Community and Economic Development to respond to all comments received from us or any other source.

Section 143.15. Fees.—Clarity.

The fees for “Follow-up inspection or monitoring services” and “Administrative services associated with follow-up inspection or monitoring services” both include a day and an hourly rate. The Department has indicated that it intends for the manufacturer or retailer to pay the lesser of the two fees in all situations. Therefore, for clarity, the Department should add “whichever is less” after “per hour” in both of these fees.

Also, the Department should add a cross reference to where the manufacturer or retailer can find the current rates for “Travel and per diem expenses.”

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-629. Filed for public inspection April 14, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. Note that the time and date of the meeting is tentative and interested parties are encouraged to contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us to confirm that information. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-435	Department of Revenue Terminal-Based Lottery Games	4/5/06	5/4/06

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-630. Filed for public inspection April 14, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Allied Services Continuing Care Retirement Community has applied for a continuing care provider Certificate of Authority to operate a facility located in Scranton, PA. The initial filing was received on March 28, 2006, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-631. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application and Request for a Certificate of Authority

Synergy Comp Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial filing was received on April 4, 2006, and was made under 15 Pa.C.S. §§ 1101—1110 (relating to the Business Corporation Law of 1988). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department’s (Department) order approving this Certificate of Authority are invited to submit a written statement to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-632. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application for Approval of a Certificate of Authority

Geisinger Quality Options, Inc., a domestic for-profit corporation, has applied for a Certificate of Authority to operate as a preferred provider organization that is not a licensed insurance company in this Commonwealth. The filing was made under the requirements set forth in the applicable insurance laws, including 40 P. S. §§ 764a and 991.1401—991.1413. Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-633. Filed for public inspection April 14, 2006, 9:00 a.m.]

Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 36 Pa.B. 784 (February 11, 2006) soliciting comments to the export list published at 35 Pa.B. 3270 (June 4, 2005). Consideration was given to all comments received. The Commissioner proposes to amend the June 4, 2005, list to add "real-estate environmental impairment coverage."

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the June 4, 2005, list remains in effect.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-635. Filed for public inspection April 14, 2006, 9:00 a.m.]

Erie Insurance Exchange; Homeowners Rate and Rule Revision; Rate Filing

On March 22, 2006, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 6.2% decrease amounting to \$17.471 million annually, to be effective August 1, 2006, for new and renewal business.

Unless formal administrative action is taken prior to April 21, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-634. Filed for public inspection April 14, 2006, 9:00 a.m.]

First Priority Health; Blue Care HMO; Rate Filing

On April 5, 2006, the Insurance Department (Department) received from First Priority Health a filing requesting to extend the currently approved index factor (2.93%) through the 4th quarter of 2006 and to offer new copayment options for inpatient and outpatient mental health benefits for groups enrolled in the Blue Care HMO product. The new mental health copayment options are consistent with the medical copayment options currently approved for inpatient and outpatient services. With these new mental health copayment options, the group must adopt the same copay level for inpatient mental health and inpatient acute care (\$0, \$100, \$240, \$250, \$300 or \$500 per admission or \$0, \$100 or \$250 per day) and the same copay level for outpatient mental health and outpatient specialist office visits (\$0, \$5, \$10, \$15, \$20, \$25, \$30 or \$40 per visit).

The proposed effective date is July 1, 2006. These mental health copay changes will impact all subscribers who have mental health benefits.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-636. Filed for public inspection April 14, 2006, 9:00 a.m.]

Jonathan D. Gomberg, M. D.; Prehearing**Appeal of Jonathan D. Gomberg, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-03-023**

On or before April 20, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 14, 2006, 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 May 11, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 5, 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 April 27, 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 May 4, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-637. Filed for public inspection April 14, 2006, 9:00 a.m.]

William J. Hammer, M. D.; Prehearing**Appeal of William J. Hammer, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-03-010**

On or before April 6, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 14, 2006, 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 April 27, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 21, 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 April 13, 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 April 20, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-638. Filed for public inspection April 14, 2006, 9:00 a.m.]

Richard C. Meltz, D. O.; Prehearing**Appeal of Richard C. Meltz, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-03-024**

On or before April 26, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 24, 2006, 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 May 17, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 11, 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 May 3, 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 May 10, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-639. Filed for public inspection April 14, 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 hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Elizabeth Williams; file no. 05-188-11911; U.S. Auto Insurance Company; Doc. No. P06-03-008; May 2, 2006, 10 a.m.

Appeal of Michael and Lori Groover; file no. 06-188-14973; Travelers Insurance Co.; Doc. No. P06-03-028; May 17, 2006, 10 a.m.

Appeal of Wayne E. Bradley; file no. 05-119-11391; First National Insurance Company; Doc. No. P06-03-031; May 18, 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 Alvin D. Smith; file no. 06-266-13913; Geico Indemnity Company; Doc. No. PH06-03-006; May 30, 2006, 2 p.m.

Appeal of David M. and Sandra L. Chryszczanavicz; file no. 06-119-13394; Erie Insurance Exchange; Doc. No. P06-03-030; May 30, 2006, 4 p.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 Joseph E. Williams, Jr.; file no. 05-188-12210; Nationwide Insurance Co.; Doc. No. P06-03-027; July 13, 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. 06-640. Filed for public inspection April 14, 2006, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.9—Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended March 7, 2006.

Management Directive No. 205.10—Financial Disclosures Required by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 7, 2006.

Management Directive No. 205.12—Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 7, 2006.

Management Directive No. 245.14—Wireless Antenna Tower Management, Amended March 8, 2006.

Management Directive No. 245.15—Statewide Public Safety Radio System, Amended March 7, 2006.

Management Directive No. 245.16—Pennsylvania Justice Network (JNET) Governance Structure, Amended March 7, 2006.

Management Directive No. 315.1—Calculation and Payment of Statutory Salaries, Amended March 3, 2006.

Management Directive No. 515.10—Selection and Appointment to Non-Civil Service Positions, Amended February 16, 2006.

Management Directive No. 535.2—Physicians and Related Occupations Specialty Board Certification Payments, Amended February 21, 2006.

Management Directive No. 570.6—Optional Membership in the State Employees' Retirement System, Amended February 22, 2006.

Management Directive No. 570.9—Reinstatement into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed, Amended February 17, 2006.

Management Directive No. 570.12—Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions, Amended February 17, 2006.

Management Directive No. 580.21—Veterans' Preference on Classified Service Employment Lists, Amended March 6, 2006.

Management Directive No. 590.1—Labor Relations, Amended February 16, 2006.

Management Directive No. 590.2—Confidential Positions and Employees, Amended March 8, 2006.

Administrative Circular No. 06-05—Closing Instruction No. 1, Fiscal Year 2005-2006 Submission of Purchasing Documents, Dated February 23, 2006.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 06-641. Filed for public inspection April 14, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5169, 1935 Fairmount Avenue, Philadelphia, PA 19130.

Lease Expiration Date: June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of 20th Street and Fairmount Avenue, Philadelphia.

Proposals due: May 5, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 06-642. Filed for public inspection April 14, 2006, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on June 7, 2006, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on June 30, 2006, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 28, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 28, 2006, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on May 2, 2006, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 16, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on May 30, 2006, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on April 25, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 06-643. Filed for public inspection April 14, 2006, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water and Drinking Water State Revolving Fund Programs; Public Meeting on Federal Fiscal Year 2006 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2006 Intended Use Plans (IUPs) which include a list of drinking water and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from Federal FY 2006 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs.

The projects to be considered for a loan from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed in the FY 2006 IUPs are on the Commonwealth's FY 2006/2007 Project

Priority Lists (PPLs) and are expected to proceed with design and engineering or to construction in the near future.

The DWSRF will be capitalized with approximately \$27.7 million of Federal FY 2006 funds and approximately \$5.5 million of State funds. Some \$8.6 million of the Federal funds will be set aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. The DWSRF IUP also includes a narrative Work Plan that describes how these set-aside funds will be used.

The CWSRF will be capitalized with approximately \$34.7 million of Federal funds and approximately \$6.9 million of State funds. Some \$1.7 million of the Federal funds will be set aside for program administration costs.

A public meeting will be held. After the public meeting and assessment of comments received, the Final FY 2006 IUPs will be completed, and potentially, they may include other projects from the PPLs. A project must appear on a PENNVEST-approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

Federal guidance on development of the IUPs requires that they be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

The Department has scheduled a public meeting for May 24, 2006, at 1 p.m. in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the Federal FY 2006 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the set-aside Work Plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Infrastructure Grant Administration Section at the address or telephone number listed at the end of this notice or by e-mail to amaisano@state.pa.us by 4 p.m. on May 23, 2006. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside Work Plan or the IUP list of projects. Interested persons may submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Infrastructure Grant Administration Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs, as well as the Federal FY 2006/2007 PPLs, and the narrative portion of the IUPs

and set-aside Work Plan may be requested from or are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website: www.depweb.state.pa.us/water_supply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=30198.

Department of Environmental Protection
Bureau of Water Standards and Facility Regulation
Division of Technical and Financial Assistance
Infrastructure Grant Administration Section
11th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101
(717) 787-0122

PENNVEST
22 S. Third Street
4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority

and

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority
[Pa.B. Doc. No. 06-644. Filed for public inspection April 14, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition of Real Property

A-121850F0013. National Fuel Gas Distribution Corporation. Application of National Fuel Gas Distribution Corporation for approval of the acquisition of real property located at SR 6 and Abraham Hollow Road, Brokenstraw Township, Warren County, PA, currently owned by Country Trails Bus Company, 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 May 1, 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: National Fuel Gas Distribution Corporation
Through and By Counsel: Christopher M. Trejchel,
Esquire, P. O. Box 2081, Erie, PA 16512

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-645. Filed for public inspection April 14, 2006, 9:00 a.m.]

Merger

A-310503F0004. AT&T, Inc., BellSouth Corporation and BellSouth Long Distance, Inc. Joint application of AT&T, Inc., BellSouth Corporation and BellSouth Long Distance, Inc. for approval of a merger between AT&T, Inc. and BellSouth Corporation.

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 May 1, 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: AT&T, Inc., BellSouth Corporation and BellSouth Long Distance, Inc.

Through and By Counsel: Daniel P. Delaney, Esquire, Kirkpatrick & Lockhart, Nicholson, Graham, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-646. Filed for public inspection April 14, 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 with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 8, 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-00122554. Patsy L. Pruitt (234 Springville Road, Kinzers, Lancaster County, PA 17535)—persons, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return.

A-00122566. Black Diamond Cab Company, Inc. (212 West Independence Street, Shamokin, Northumberland County, PA 17872), a corporation of the Commonwealth—persons, upon call or demand, in the Boroughs of Frackville, Mahanoy City, Ringtown and Shenandoah, and within an airline distance of 10 statute miles of the limits of said boroughs, all in Schuylkill County.

Applications of the following for the approval of the transfer of stock as described under each application.

A-00116227, F. 5000. Limo Van, Inc. t/a Limo Van Express (4644 Huckleberry Road, Orefield, Lehigh County, PA 18069), a corporation of the Commonwealth—for the approval of the transfer of 100 shares of issued and outstanding shares held by Richard W. Muller, Sr. (deceased) to Thomas Muller. *Attorney:* Craig A. Doll, Esquire, 25 West Second Street, P. O. Box 403, Hummels-town, PA 17036.

A-00116860, F. 5000. Best Rate Limousine Service, Ltd. (1005 Westwood Drive, Clarks Summit, PA 18411), a limited liability company of the Commonwealth—ownership transfer—for the approval of the transfer of all (100%) membership interest of the issued and outstanding membership interest from Timothy C. Morgan (50%) and Carl Reynolds (50%) to John Nasser (100%). *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512-2614.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-647. Filed for public inspection April 14, 2006, 9:00 a.m.]

Transfer of Stock and Rights

A-122250F5000. Equitable Resources, Inc. and The Peoples Natural Gas Company d/b/a Dominion Peoples. Joint application of Equitable Resources, Inc. and The Peoples Natural Gas Company d/b/a Dominion Peoples for approval of the transfer of all stock and rights of The Peoples Natural Gas Company d/b/a Dominion Peoples to Equitable Resources, Inc. and for the approval of the transfer of all stock of Hope Gas, Inc. d/b/a Dominion Hope to Equitable Resources, 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 May 1, 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: Equitable Resources, Inc. and The Peoples Natural Gas Company d/b/a Dominion Peoples

Through and By Counsel: Charles E. Thomas, Jr., Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500 and William T. Hawke, Esquire, Hawke, McKeon, Sniscak & Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-648. Filed for public inspection April 14, 2006, 9:00 a.m.]

Water Service

A-212285F0133. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Plymouth Township, Montgomery County.

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 May 1, 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: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-649. Filed for public inspection April 14, 2006, 9:00 a.m.]