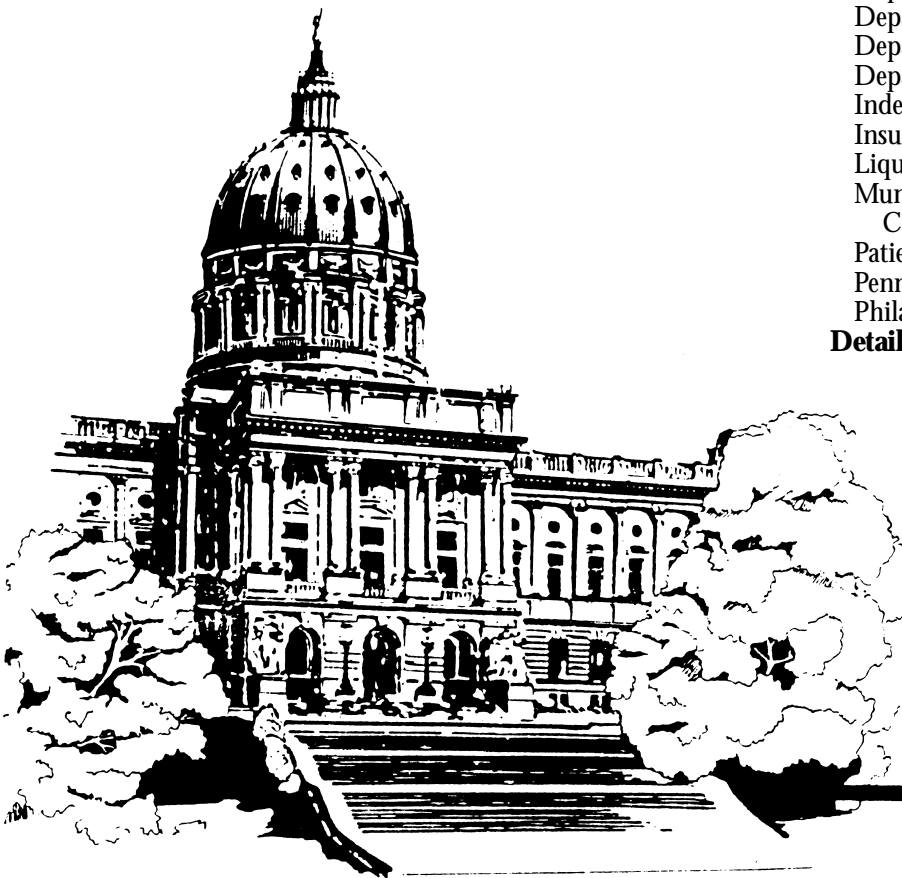


# PENNSYLVANIA BULLETIN

Volume 35  
Saturday, December 24, 2005 • Harrisburg, PA  
Number 52  
Pages 6883—6978

## Agencies in this issue:

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Municipal Police Officers' Education and Training  
Commission  
Patient Safety Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 373, December 2005**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

Copyright © 2005 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2005 regular session of the General Assembly . . . . . 6893

## THE COURTS

### LOCAL COURT RULES

#### Berks County

Administrative order relative to amendment of Berks County rules of criminal procedure; no. 98-8009 prothonotary; no. 1-MD-2005 clerk of courts (correction). . . . . 6897

#### Dauphin County

Promulgation of local rules; no. 1793 S 1989. . . . . 6897

#### Fayette County

Clerk of courts fee bill; 42 PCS 1725.4 (pursuant to Act 36-2000); no. 369 MD 2005 . . . . . 6898

#### Westmoreland County

Adoption of rule WC 570; no. 2 of 2005. . . . . 6898

#### York County

Increasing the schedule of fees for the prothonotary of York County, a third class county; misc. civil 2005-MI-00329-Y55 . . . . . 6899

### PHILADELPHIA RULES

#### Philadelphia County

Adoption of municipal court rule of criminal procedure 102—procedure in non-traffic summary cases; general court regulation no. 2005-01 . . . . . 6896

### RULES OF CIVIL PROCEDURE

Amendment of rules 1042.3(b) and 1042.8 governing the certificate of merit; no. 445 civil procedural rules; doc. no. 5. . . . . 6894

### RULES OF CRIMINAL PROCEDURE

Order amending rule 550; no. 334 criminal procedural rules; doc. no. 2. . . . . 6894

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Referendum order; Pennsylvania peach and nectarine research program . . . . . 6913

### DEPARTMENT OF BANKING

#### Notices

Action on applications. . . . . 6913  
Maximum lawful rate of interest for residential mortgages for the month of January 2006 . . . . . 6914

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Proposed Rulemaking

Manufactured housing improvement program. . . . . 6902

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices. . . . . 6915  
Availability of technical guidance . . . . . 6954  
Board and committee meeting schedules for 2006 . . . 6954  
Submission date for grant applications under the Solid Waste-Resource Recovery Development Act. . 6958

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information. . . . . 6973

### DEPARTMENT OF HEALTH

#### Notices

Application of Spartan Health Surgicenter for exception. . . . . 6960  
Infant Hearing Screening Advisory Committee meeting. . . . . 6960

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Hearts of Gold instant lottery game . . 6960  
Pennsylvania Lucky Millions instant lottery game . . 6963  
Realty transfer tax revised 2004 common level ratio; real estate valuation factor . . . . . 6966

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued . . . . . 6967  
Notice of filing of final rulemakings. . . . . 6967

### INSURANCE DEPARTMENT

#### Notices

Alleged violation of insurance laws; David Allan Johnson; doc. no. SC05-12-007. . . . . 6967  
Coal Mine Compensation Rating Bureau; Workers' Compensation loss cost filing; rate filing . . . . . 6968  
Liberty Mutual Fire Insurance Company; homeowners; rate filing . . . . . 6968  
Nationwide Mutual Insurance Company; private passenger automobile rate and rule revisions; rate filing. . . . . 6968

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases. . . . . 6969

### MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

#### Notices

2006 mandatory in-service training curriculum . . . . 6970

### PATIENT SAFETY AUTHORITY

#### Notices

Public meeting . . . . . 6970

---

**Now Available Online at <http://www.pabulletin.com>**

---

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Statements of Policy**

Implementation of the Alternative Energy Portfolio  
Standards Act of 2004. .... 6906

**Notices**

Insuring consistent application of 52 Pa. Code  
§ 56.12(7) equal monthly billing ..... 6970  
Service of notice of motor carrier applications. .... 6971  
Transfer by sale ..... 6972

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Condensed statement of changes in net assets ..... 6972

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

## 4 Pa. Code (Administration)

### Adopted Rules

1	6737
6	348, 5236, 5635, 5764, 6740, 6743
65	1663
161	3143
243	2275
249	2275

### Proposed Rules

241	4923
243	4922
249	5013

### Statements of Policy

1	358, 2116
9	20, 1223, 1584, 1775, 2315, 2414, 2753, 3147, 3426, 3946, 4198, 4925, 5811, 6248, 6325, 6438
58	5129
68	5129
114	1669

## 7 Pa. Code (Agriculture)

### Adopted Rules

130b	6504
145	5258

### Proposed Rules

128b (with correction)	3940, 4092
130b	2101
130e	6751
145	1772

## 12 Pa. Code (Commerce, Trade and Local Government)

### Proposed Rules

149	6902
-----	------

### Statements of Policy

123	5270
-----	------

## 22 Pa. Code (Education)

### Adopted Rules

7	6510, 6658
12	6510, 6658
73	1982
215	2276
403	3662

### Proposed Rules

4	6107, 6118
31	6242
49	5988

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

86	1663, 5775
89	5775
91	5796
92	5796
93 (with correction)	1197, 1762, 1885, 5806
121	2278
211	3406
401 (with correction)	2628, 4309
901	5005

## Proposed Rules

93	4734
252	519
901	5013, 6094
1021	2107
Unclassified	5520

## Statements of Policy

16	1223, 1890
----	------------

## 28 Pa. Code (Health and Safety)

### Adopted Rules

18	14
----	----

## 31 Pa. Code (Insurance)

### Adopted Rules

89	2729
----	------

## 34 Pa. Code (Labor and Industry)

### Proposed Rules

121	3807
123	3820

## 37 Pa. Code (Law)

### Adopted Rules

42	254
91	2279
93	2279
94	2279

### Proposed Rules

203	5690
-----	------

## Statements of Policy

97	3053
----	------

## 40 Pa. Code (Liquor)

### Adopted Rules

3	3547
---	------

### Proposed Rules

5	2112
11	2112
13	2112
17	2112

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

1	1763
7	6520
9	3923
13	1667, 6523
15	353
16	3019
21	6527, 6658
23	3220
25	3021
27	4711, 6531
33	2880, 2899
35 (with correction)	1567, 2630, 4711, 5119, 6532
37	4725
41	6230
42	2750

**Proposed Rules**

7 ..... 2400  
 11 ..... 1573  
 13 ..... 1208  
 15 ..... 2404  
 16 ..... 1210, 6127  
 18 ..... 1210, 5520, 6127  
 19 ..... 2408  
 21 ..... 1213, 5522  
 25 ..... 2639, 5523  
 27 ..... 1219  
 35 ..... 2411  
 37 ..... 258  
 39 ..... 2402  
 41 ..... 1582  
 47 ..... 1221, 2640, 5530  
 48 ..... 1221, 2640, 5525  
 49 ..... 1221, 2640, 5525, 5530

**Statements of Policy**

49 ..... 3150

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

53 ..... 3024  
 57 ..... 1886  
 59 ..... 1886  
 63 ..... 2289, 4597  
 101 ..... 3299

**Proposed Rules**

54 ..... 1421, 3146  
 57 ..... 1421, 3146  
 59 ..... 6775  
 63 ..... 6777  
 101 ..... 740  
 Unclassified ..... 6341

**Proposed Statements of Policy**

69 ..... 5272, 6906

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

297 ..... 1567  
 299 ..... 1567  
 1101 ..... 4309, 4811  
 1121 (with correction) ..... 4309, 4727, 4823  
 1123 ..... 4811  
 1149 ..... 4811  
 1150 ..... 4309  
 1151 ..... 4811  
 1153 ..... 4811  
 1187 ..... 4612, 5120, 6232  
 2600 (with correction) ..... 2499, 2752, 5985  
 2620 (with correction) ..... 2499, 2752  
 3040 ..... 3491  
 3041 ..... 3491

**Proposed Rulemaking**

1187 ..... 4191

**Statements of Policy**

3270 ..... 3665, 6662  
 3280 ..... 3665, 6662  
 3290 ..... 3665, 6662

**58 Pa. Code (Recreation)**

**Adopted Rules**

1 ..... 5259  
 21 ..... 5259  
 51 ..... 6434, 6533

53 ..... 5006  
 61 ..... 5007  
 63 (with correction) ..... 5006, 5008, 5261, 6434, 6533  
 65 ..... 2391, 5007, 5124, 5261, 6239, 6434  
 69 (with correction) ..... 5007, 5008, 5261  
 75 (with correction) ..... 5010, 5261  
 91 ..... 3308  
 103 ..... 6435  
 111 ..... 2392, 5125, 6435  
 133 ..... 6534  
 135 ..... 3924, 3926, 4825  
 137 ..... 6535  
 139 ..... 3927, 3928  
 141 (with correction) ..... 353, 2304, 2393, 3933, 4826, 6537  
 143 ..... 354, 3934, 3935, 4827, 6239  
 147 ..... 355, 356, 357, 2305, 2306, 3936, 6240  
 407 ..... 4828  
 423 ..... 4828

**Proposed Rulemaking**

51 ..... 3416, 3419  
 53 ..... 3416, 3419, 5683  
 61 ..... 2395  
 63 ..... 3419, 3421, 5127, 5268, 5683, 6539  
 65 ..... 2395, 2633, 2634, 3419, 5268  
 69 ..... 2395, 3421  
 75 (with correction) ..... 3425  
 77 ..... 5683  
 79 ..... 5683  
 103 ..... 3423  
 111 ..... 2394, 3423  
 133 ..... 4831  
 135 ..... 2310, 2311, 3229  
 137 ..... 4829, 6106  
 139 ..... 1766, 2312  
 141 ..... 2313, 3230, 4829  
 143 ..... 1765, 2313, 3231, 3550  
 147 ..... 1771, 3550

**Temporary Regulations**

401 ..... 4045, 5619, 6215, 6411  
 403 ..... 4045  
 405 ..... 6407  
 407 ..... 4045  
 421 ..... 4045  
 423 ..... 4045, 5619  
 427 ..... 4045, 5619  
 433 ..... 4045, 5619  
 435 ..... 4045, 6215, 6411  
 437 ..... 6411  
 439 ..... 6619  
 441 ..... 4543, 5619, 6407, 6410, 6411, 6619  
 443 ..... 4543, 5619, 6407, 6410  
 451 ..... 4045  
 461 ..... 4045, 6215  
 463 ..... 6619  
 471 ..... 4045  
 481 ..... 4045  
 491 ..... 4045  
 495 ..... 4045, 5619  
 497 ..... 4045  
 499 ..... 4045  
 501 ..... 4543, 5619

**Draft Temporary Regulations**

401 ..... 2569, 5221  
 403 ..... 2569  
 405 ..... 4699  
 407 ..... 2569  
 421 ..... 2569



423 ..... 2569  
 427 ..... 2569  
 431 ..... 2569  
 433 ..... 2569  
 435 ..... 2569, 5221  
 437 ..... 3199, 5221  
 439 ..... 5941  
 441 ..... 4699, 5221, 5621  
 443 ..... 4699  
 451 ..... 2569  
 461 ..... 2569  
 463 ..... 5621  
 465 ..... 6873  
 471 ..... 2569  
 481 ..... 2569  
 491 ..... 2569  
 495 ..... 2569  
 497 ..... 2569  
 499 ..... 2569  
 501 ..... 3199

**Statements of Policy**

**Adopted**  
 57 ..... 2416, 5133

**Proposed**

57 ..... 2417

**61 Pa. Code (Revenue)**

**Adopted Rules**

32 ..... 256  
 874 ..... 4187

**Proposed Rules**

31 ..... 6767  
 46 ..... 6767  
 91 ..... 6096

**64 Pa. Code (Securities)**

**Adopted Rules**

203 ..... 2307  
 303 ..... 2307  
 304 ..... 2307  
 404 ..... 2307

**67 Pa. Code (Transportation)**

**Adopted Rules**

65 ..... 6436  
 88 ..... 3938  
 171 ..... 3039

**Proposed Rules**

71 ..... 3145  
 105 ..... 6773  
 173 ..... 6769  
 491 ..... 2309

**70 Pa. Code (Weights, Measures and Standards)**

**Adopted Rules**

2 ..... 5985  
 10 ..... 5985  
 110 ..... 5985

**Proposed Rules**

2 ..... 2631  
 10 ..... 2631  
 110 ..... 2631

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**

19 ..... 5518

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 2095, 3542, 5091  
 71 ..... 1970, 2208, 2854, 4709  
 81 ..... 496, 497, 1972, 2386, 6640  
 82 ..... 349  
 83 ..... 1972, 2208, 3286, 5954, 6226, 6431  
 85 ..... 1656, 4301  
 87 ..... 1656, 4301  
 89 ..... 1656  
 91 ..... 1656, 4301  
 93 ..... 1656, 4301  
 99 ..... 2722  
 211 ..... 5092, 6746  
 303 (with correction) ..... 1508, 2599

**Proposed Rules**

71 ..... 6639  
 81 ..... 4300, 5638  
 83 ..... 6493  
 89 ..... 6493  
 91 ..... 6494  
 93 ..... 6493, 6494  
 303 ..... 198

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

33 ..... 6647  
 51 ..... 6318, 6647

**210 Pa. Code (Appellate Procedures)**

**Adopted Rules**

3 ..... 3897  
 17 ..... 5768  
 33 ..... 5768  
 63 ..... 2854, 5092  
 67 ..... 1880

**Proposed Rules**

3 ..... 2602

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

I ..... 2209  
 VIII ..... 8

**Proposed Rules**

I ..... 4179  
 IV ..... 3287  
 VI ..... 1330

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

100 ..... 4087, 4914  
 200 ..... 500, 3289, 4087, 6318  
 1000 ..... 349, 1416, 6318, 6894  
 1900 ..... 2994  
 1910 ..... 2994, 3216, 3900, 5643  
 2250 ..... 501  
 3000 ..... 6320

**Proposed Rules**

100 ..... 2602  
 200 ..... 9  
 1300 ..... 734, 2604  
 1910 ..... 5376, 5642  
 1915 ..... 5376

1920 ..... 5376  
 1930 ..... 5376  
 3000 ..... 2603

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1331, 2210, 2855, 3901, 5239  
 2 ..... 2210, 5678, 6087  
 4 ..... 2210, 3901, 4914  
 5 ..... 2210, 3901, 6089, 6894  
 6 ..... 2868, 3917  
 7 ..... 2855, 3217, 3543  
 9 ..... 2855, 5771  
 10 ..... 3901, 4914, 5239

**Proposed Rules**

1 ..... 1556, 5676, 5768  
 2 ..... 2861  
 4 ..... 2863  
 5 ..... 1558, 2865  
 6 ..... 2867  
 10 ..... 1416

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 2214  
 2 ..... 2214  
 3 ..... 2214  
 4 ..... 2214  
 5 ..... 2214  
 6 ..... 2214  
 8 ..... 2214

**Proposed Rules**

11 ..... 4561  
 12 ..... 4561  
 13 ..... 4561  
 14 ..... 4561

15 ..... 4561  
 16 ..... 4561  
 17 ..... 4561  
 18 ..... 4561

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

100 ..... 6228  
 200 ..... 10  
 300 ..... 10  
 400 ..... 3218  
 500 ..... 10

**Proposed Rules**

100 ..... 1974, 4306  
 200 ..... 1560, 2258, 5679  
 300 ..... 2258  
 400 ..... 245  
 500 ..... 2258

**249 Pa. Code (Philadelphia Rules)**

Unclassified ... 1334, 1880, 1975, 1977, 2096, 2272, 2605,  
 3290, 3404, 3658, 4088, 4179, 4182, 4186, 6091, 6896

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 1881, 2273

**255 Pa. Code (Local Court Rules)**

Unclassified ... 12, 246, 251, 350, 501, 505, 647, 654, 736,  
 1190, 1196, 1334, 1417, 1419, 1561, 1566, 1759,  
 1882, 1883, 1978, 1979, 2097, 2099, 2390, 2618,  
 2722, 2727, 2870, 2871, 2874, 2875, 2995, 3004,  
 3014, 3018, 3290, 3291, 3660, 3921, 3922, 4088,  
 4594, 4595, 4709, 4920, 5003, 5094, 5095, 5245,  
 5378, 5518, 5772, 5773, 5954, 5982, 5983, 5984,  
 6091, 6092, 6321, 6322, 6323, 6431, 6432, 6494,  
 6502, 6656, 6747, 6897, 6898, 6899

# THE GENERAL ASSEMBLY

## Recent Actions during the 2005 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2005 GENERAL ACTS ENACTED—ACT 079</b>					
079	Dec 13	H1057	PN3103	60 days	Retired Law Enforcement Identification Act—enactment

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 05-2362. Filed for public inspection December 23, 2005, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1000]

#### Amendment of Rules 1042.3(b) and 1042.8 Governing the Certificate of Merit; No. 445 Civil Procedural Rules; Doc. No. 5

##### Order

*Per Curiam:*

And Now, this 5th day of December, 2005, Pennsylvania Rules of Civil Procedure 1042.3(b)(2) and 1042.8 are amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation of the amendment is required in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1000. ACTIONS

#### Subchapter B. ACTION IN TRESSPASS

#### PROFESSIONAL LIABILITY ACTIONS

#### Rule 1042.3. Certificate of Merit.

\* \* \* \* \*

(b)(1) A separate certificate of merit shall be filed as to each licensed professional against whom a claim is asserted.

(2) If a complaint raises claims under both subdivisions (a)(1) and (a)(2) against the same defendant, the attorney for the plaintiff, or the plaintiff if not represented, shall file

(i) a separate certificate of merit as to each claim raised, or

(ii) a single certificate of merit stating that claims are raised under both subdivisions (a)(1) and (a)(2).

\* \* \* \* \*

#### Rule 1042.8. Certificate of Merit. Form.

The certificate required by Rule 1042.3(a) shall be substantially in the following form:

(Caption)

Certificate of Merit as to \_\_\_\_\_  
(Name of Defendant)

I, \_\_\_\_\_, certify that:  
(Attorney or Party)

an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside

acceptable professional standards and that such conduct was a cause in bringing about the harm;  
AND/OR

\* \* \* \* \*

#### Explanatory Comment

Rules 1042.3(b) and 1042.8 which govern certificates of merit required in professional liability actions have been amended to clarify their application in cases in which multiple claims are asserted against the same defendant.

New subdivision (b)(2) has been added to Rule 1042.3 advising the plaintiff who files a complaint raising claims against the same defendant under both subdivisions (a)(1) and (a)(2) that either (i) a separate certificate of merit must be filed as to each claim raised, or (ii) a single certificate of merit must be filed indicating stating that claims are raised under both subdivisions (a)(1) and (a)(2). The form of the certificate of merit set forth in Rule 1042.8 also has been amended by inserting the words "AND/OR" between paragraphs (1) and (2) which correspond to subdivisions (a)(1) and (a)(2) of Rule 1042.3.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 05-2363. Filed for public inspection December 23, 2005, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

#### Order Amending Rule 550; No. 334 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the December 9, 2005 changes to Rule of Criminal Procedure 550. The changes, which will be effective February 1, 2006, confirm that when jurisdiction in a court case is granted to magisterial district judges, their exercise of this jurisdiction is limited to those cases in which the defendant pleads guilty. The Final Report follows the Court's Order.

##### Order

*Per Curiam:*

Now, this 9th day of December, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 35 Pa.B. 2865 (May 14, 2005), and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 550 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2006.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 550. Pleas of Guilty Before [District Justice] Magisterial District Judge in Court Cases.

(A) In a court case in which a [district justice] magisterial district judge is specifically empowered by statute to exercise jurisdiction, a defendant may plead guilty before [an issuing authority] a magisterial district judge at any time up to the completion of the preliminary hearing or the waiver thereof.

(B) The [district justice] magisterial district judge may refuse to accept a plea of guilty, and the [district justice] magisterial district judge shall not accept such plea unless there has been a determination, after inquiry of the defendant, that the plea is voluntarily and understandingly tendered.

(C) The plea shall be in writing:

\* \* \* \* \*

(2) signed by the [district justice] magisterial district judge, with a certification that the plea was accepted after a full inquiry of the defendant, and that the plea was made knowingly, voluntarily, and intelligently.

(D) A defendant who enters a plea of guilty under this rule may, within 10 days after sentence, change the plea to not guilty by so notifying the [district justice] magisterial district judge in writing. In such event, the [district justice] magisterial district judge shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Rule 547, as though the defendant had been held for court.

(E) Ten days after the acceptance of the guilty plea and the imposition of sentence, the [district justice] magisterial district judge shall certify the judgment, and shall forward the case to the clerk of courts of the judicial district for further proceedings.

Comment

In certain cases, [provisions for taking a plea of guilty in] what would ordinarily be a court case within the jurisdiction of the court of common pleas [have] has been placed within the jurisdiction of [district justices] magisterial district judges. See Judicial Code, 42 Pa.C.S. § 1515(a)(5), (5.1), (6), (6.1), and (7). This rule provides the procedures to implement this expanded jurisdiction of [district justices to accept pleas of guilty under certain circumstances in certain specified misdemeanors] magisterial district judges. [See Judicial Code, 42 Pa.C.S. § 1515(a)(5), (6), (6.1), and (7).]

In those cases in which either the defendant declines to enter a plea of guilty before the magisterial district judge or the magisterial district judge refuses to accept a plea of guilty, the case is to proceed in the same manner as any other court case.

This rule applies whenever a [district justice] magisterial district judge has jurisdiction to accept a plea of guilty in a court case.

\* \* \* \* \*

Prior to accepting a plea of guilty under this rule, it is suggested that the [district justice] magisterial district judge consult with the attorney for the Commonwealth concerning the case, concerning the defendant's possible eligibility for ARD or other types of diversion, and concerning possible related offenses [which] that might be charged in the same complaint. See *Commonwealth v. Campana*, 452 Pa. 233, 304 A.2d 432 ([Pa.] 1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 455 Pa. 622, 314 A.2d 854 (1974).

Before accepting a plea:

(a) The [district justice] magisterial district judge should be satisfied of jurisdiction to accept the plea, and should determine whether any other related offenses exist [which] that might affect jurisdiction.

(b) The [district justice] magisterial district judge should be satisfied that the defendant is eligible under the law to plead guilty before a [district justice] magisterial district judge, and, when relevant, should check the defendant's prior record and inquire into the amount of damages.

(c) The [district justice] magisterial district judge should advise the defendant of the right to counsel. For purposes of appointment of counsel, these cases should be treated as court cases, and the Rule 122 ([Assignment] Appointment of Counsel) procedures should be followed.

(d) The [district justice] magisterial district judge should advise the defendant that, if the defendant wants to change the plea to not guilty, the defendant, within 10 days after imposition of sentence, must notify the [district justice] magisterial district judge who accepted the plea of this decision in writing.

(e) The [district justice] magisterial district judge should make a searching inquiry into the voluntariness of the defendant's plea. A colloquy similar to that suggested in Rule 590 should be conducted to determine the voluntariness of the plea. At a minimum, the [district justice] magisterial district judge should ask questions to elicit the following information:

\* \* \* \* \*

(6) that the defendant is aware that the [district justice] magisterial district judge is not bound by the terms of any plea agreement tendered unless the [district justice] magisterial district judge accepts such agreement; and

\* \* \* \* \*

See Rule 590 and the Comment thereto for further elaboration of the required colloquy. See also *Commonwealth v. Minor*, 467 Pa. 230, 356 A.2d 346 ([Pa.] 1976), overruled on other grounds in *Commonwealth v. Minarik*, 493 Pa. 573, 427 A.2d 623, 627 ([Pa.] 1981); *Commonwealth v. Ingram*, 455 Pa. 198, 316 A.2d 77 ([Pa.] 1974); *Commonwealth v. Martin*, 445 Pa. 49, 282 A.2d 241 ([Pa.] 1971).

\* \* \* \* \*

At the time of sentencing, or at any time within the 10-day period before transmitting the case to the clerk of courts pursuant to paragraph (E), the [ **district justice** ] **magisterial district judge** may accept payment of, or may establish a payment schedule for, installment payments of restitution, fines, and costs.

If a plea is not entered pursuant to this rule, the papers must be transmitted to the clerk of courts of the judicial district in accordance with Rule 547. After the time set forth in paragraph (A) for acceptance of the plea of guilty has expired, the [ **district justice** ] **magisterial district judge** no longer has jurisdiction to accept a plea.

Regardless of whether a plea stands or is timely changed to not guilty by the defendant, the [ **district justice** ] **magisterial district judge** must transmit the transcript and all supporting documents to the appropriate court, in accordance with Rule 547.

Once the case is forwarded as provided in this rule and in Rule 547, the court of common pleas has exclusive jurisdiction over the case and any plea incident thereto. The case would thereafter proceed in the same manner as any other court case, which would include, for example, the collection of restitution, fines, and costs; the establishment of time payments; and the supervision of probation in those cases in which the [ **district justice** ] **magisterial district judge** has accepted a guilty plea and imposed sentence.

**Official Note:** Rule 149 adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended August 22, 1997, effective January 1, 1998; renumbered Rule 550 and amended March 1, 2000, effective April 1, 2001; **amended December 9, 2005, effective February 1, 2006.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the December 9, 2005 changes to the rule clarifying the magisterial district judges' exercise of jurisdiction published with the Court's Order at 35 Pa.B. 6896 (December 24, 2005).**

#### FINAL REPORT<sup>1</sup>

##### *Amendments to Pa.R.Crim.P. 550*

#### **Pleas of Guilty Before Magisterial District Judge in Court Cases**

During the course of Committee's ongoing monitoring of new legislation and the legislation's interplay with the Criminal Rules, we reviewed Act No. 2004-177 that, inter alia, amends 42 Pa.C.S. § 1515 to provide magisterial district judges with jurisdiction over offenses under 75 Pa.C.S. § 3808 (relating to illegally operating a motor vehicle not equipped with ignition interlock) and increases the penalty level of Section 3808(a)(1) from a summary offense to a misdemeanor. This addition, unlike previous jurisdictional expansions, did not limit the magisterial district judges' jurisdiction to acceptance of guilty pleas in these cases. The broader scope of the jurisdiction is problematic from a procedural perspective because of

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

the nature of proceedings before the magisterial district judges, which currently are not courts of record and are non-jury.

The Committee, during our discussions of this addition to the magisterial district judges' jurisdiction, noted the Legislature has consistently limited any grant of jurisdiction to magisterial district judges in a court case to the situation in which the defendant intends to enter a plea of guilty, suggesting the Legislature's understanding of the procedural difficulties that would arise should trials in these cases be conducted at the magisterial district court level. In view of these considerations, the Committee agreed Rule 550 should continue to provide that the procedures for the magisterial district judges' exercise of their jurisdiction under 42 Pa.C.S. § 1515(a)(5), (5.1), (6), (6.1), and (7) are limited to the acceptance of guilty pleas. This limitation continues the expedited disposition of many of these cases by the magisterial district judges, while protecting the defendants' rights by providing them with the opportunity for a full trial in the court of common pleas. Accordingly, the Court approved the Committee's proposal to revise the Comment to Rule 550 to clarify that, under the rules, the magisterial district judges' exercise of their statutorily granted jurisdiction over misdemeanors continues to be restricted to acceptance of guilty pleas.

Rule 550(A) limits exercise of jurisdiction by a magisterial district judge to the acceptance of a guilty plea. Because the language of the first paragraph of the Comment may create the impression of unduly limiting the application of the rule, the revision removes the qualifying language "provisions for taking a plea of guilty" and explains that the rule applies to any statute that grants court case jurisdiction to magisterial district judges. The same paragraph also is revised to include a reference to new paragraph 5.1 of Section 1515 in the list of the sections providing the magisterial district judges with jurisdiction over certain misdemeanors that are cross-referenced in the Rule 550 Comment.

A new second paragraph is added to the Comment clarifying that in the event that a defendant declines to enter a guilty plea or a magisterial district judge refuses to accept a guilty plea, the case would go forward in the court of common pleas.

Additionally, pursuant to Act 207 of 2004 and the Order of the Supreme Court of Pennsylvania, 269 Judicial Administrative Docket No. 1 (January 6, 2005), the term "district justice" is replaced by "magisterial district judge" throughout the rule and Comment.

[Pa.B. Doc. No. 05-2364. Filed for public inspection December 23, 2005, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### **Adoption of Municipal Court Rule of Criminal Procedure 102—Procedure in Non-traffic Summary Cases; General Court Regulation No. 2005-01**

#### **Order**

*And Now*, this 6th day of December, 2005, the Board of Judges of Municipal Court having voted at the Board of

Judges' meeting held on November 18, 2005 to adopt Municipal Court Rule of Criminal Procedure 102, *It Is Hereby Ordered* that Municipal Court Rule of Criminal Procedure 102 is adopted as follows.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 105 and, as required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Clerk of Quarter Sessions, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

*By the Court*

LOUIS J. PRESENZA,  
*President Judge*

### **Rule of Criminal Procedure for the Philadelphia Municipal Court**

#### **Rule 102 Procedure in Non-traffic Summary Cases**

When a defendant commits a non-traffic summary offense the matter shall proceed according to Pennsylvania Rule of Criminal Procedure 1002 except that:

(A) In lieu of taking the defendant into custody the law enforcement officer may prepare, verify and transmit a citation electronically. The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Pennsylvania Rule of Criminal Procedure 403 and a notice to appear.

(B) When a defendant commits a non-traffic summary offense in any district that is within the jurisdiction of Community Court the procedure shall be as follows:

(1) during the regular operating hours of Community Court, Monday through Friday, the defendant shall be taken to the police district or an appropriate PARS processing location where the defendant will be issued a citation. The police shall then, without unnecessary delay, transport the defendant to Community Court for proceedings before a Municipal Court judge.

(2) during the hours when Community Court is closed, the defendant shall be processed as provided in subsection (B)(1) except that the defendant will be given a notice to appear in Community Court for proceedings before a Municipal Court judge on the next business day.

(3) if offered by the District Attorney, the defendant may enter a conditional guilty plea or a nolo contendere plea and the sentence imposed shall be consistent with the terms and conditions offered by the District Attorney and accepted by the defendant as a negotiated plea. The judge will then impose community service and/or rehabilitation conditions to be completed by the time of the defendant's next scheduled appearance. The defendant shall be given notice to return to Community Court for the status of the completion of the conditions. If at the status listing the defendant has successfully completed the conditions imposed, prosecution shall be withdrawn. If the conditions have not been completed, it is within the judge's discretion to allow the defendant additional time to comply. If the judge allows additional time and the

defendant again fails to successfully complete the conditions, the judge shall enter a guilty verdict and impose sentence.

(4) the defendant may enter a not guilty plea and receive a trial date in Community Court. Adopted by the Board of Judges on 18 November 2005; effective 1 February 2006.

[Pa.B. Doc. No. 05-2365. Filed for public inspection December 23, 2005, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **BERKS COUNTY**

[Correction]

#### **Administrative Order Relative to Amendment of Berks County Rules of Criminal Procedure; No. 98-8009 Prothonotary; No. 1-MD-2005 Clerk of Courts**

An error occurred in the document which appeared at 35 Pa.B. 6494, 6496 (December 3, 2005). The title of Rule 320 was incorrect. The correct version of this rule is as follows:

#### **Rule 320 Expungement of the Arrest Record upon Successful Completion of the A.R.D. Program**

(A) A Defendant presenting a motion for dismissal of the charges against him/her upon successful completion of the A.R.D. Program pursuant to Pa.R.Crim.P. 319 shall file with the motion a proposed order for expungement of his/her arrest record substantially in the form set forth in B.C.R.Crim.P. 320.2 The moving party shall also file an adequate number of copies of the proposed order for distribution.

(B) The moving party shall list in the proposed order all criminal justice agencies that will be served with a certified copy of the order for expungement.

[Pa.B. Doc. No. 05-2194. Filed for public inspection December 2, 2005, 9:00 a.m.]

### **DAUPHIN COUNTY**

#### **Promulgation of Local Rules; No. 1793 S 1989**

##### **Order**

*And Now*, this 8th day of December 2005, Dauphin County Local Rule 1920.51A is amended as follows:

#### **1920.51A. Filing Fee; Compensation of Master and Stenographer**

(1) Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other charges, an administrative fee in the amount of \$100.00.

(2) **A Motion for Appointment of Master and a proposed order shall be in the form prescribed by Pa.R.C.P. 1920.74 and shall be filed with the Prothonotary. Simultaneously with the filing of the Motion for Appointment of Master, an administrative fee of \$125.00 shall be paid to the**

**Prothonotary in addition to any other charges.** Divorce Masters shall be appointed by the Court **when the requirements of Dauphin County Local Rule 1920.51(a)(3) have been met.**

(3) Divorce Masters shall be compensated at a rate set by order of court.

(4) The Court shall pay an appearance fee by a stenographer who is hired to record the masters' proceedings. The cost of transcripts shall be borne by the parties.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 05-2366. Filed for public inspection December 23, 2005, 9:00 a.m.]

**FAYETTE COUNTY**

**Clerk of Courts Fee Bill; 42 PCS 1725.4 (Pursuant to Act 36-2000); No. 369 MD 2005**

Effective January 1, 2006 the fees to be charged and collected by the clerk of courts in counties of the second class A and third through eighth, or equivalent officer in home rule counties of the same class, shall be as listed on the attached Fee bill.

The amount of any fee or charge increased pursuant to paragraph (1) of 42 PCS § 1725.4 may be increased every three years, provided that the amount of the increase may not be greater than the percentage of increase of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the last increase in the fee or charge.

In addition to any other fee authorized by law, an automation fee of not more than \$5.00 may be charged and collected by the clerk of courts of counties of the second class A and the third through eighth class, including home rule counties of the same class, for the initiation of any action or legal proceeding. The automation fee shall be deposited into a special clerk of courts automation fund established in each county. Moneys in the special fund shall be used solely for the purpose of automation and continued automation update of the office of the clerk of courts.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

**FAYETTE COUNTY CLERK OF COURTS FEE BILL**

**Effective January 1, 2006**

<b>Criminal Filings (at Disposition):</b>	
Misdemeanor, Felony during or before trial	\$150.00
PFA Indirect Criminal Contempt	135.00
Non-Jury, Plea, ARD, PWOV	135.00
Summary	50.00
Courtesy Supervision Cases (APO supervising out of County individuals)	44.50
Summary Appeal	44.50

**Bail Bonds**

Percentage Cash Bail Administrative Fee: Thirty (30%) percent on amount paid	
Filing Qualifying Power of Attorney to act as agent	50.00
Bail Piece (Application & Order)	16.00
Bail Forfeitures	27.75
Posting property bond	25.00

**Filings**

Appeals (Higher Court; state fee not included)	55.50
Bench Warrants (issuance)	18.50
Constable Bond/Oath/Card	21.50
Deputy Constable Appointment/Card	21.50
Expungement (Miscellaneous Cases)	50.00
ARD Motion and Expungement	65.00
Miscellaneous Matters	21.50
Municipal School Tax Report	17.50
Petitions/Motions generally (following dispositions)	21.50
Petitions for Parole/Release etc.	21.50
Private Detective (Individual) Bond/License-2yrs	225.00
Private Detective (Corporate) Bond/License-2yrs	325.00
Revocation of ARD, PWOV, Probation/Parole	21.50
Roads (Including certification)	21.50
Summary Appeal (Non refundable filing fee)	44.50
Tax Collector Bond/Oath	21.50
Tax Collector Report	17.50

**Miscellaneous Fees:**

Certification	10.00
Copies	.50 per page
Clerks Automation Fee	5.00 per case
Computer Printouts	1.00 per page
Exemplification	21.50
Fax Fees	1.50 per page
License Suspension/Reinstatement	21.50
Monthly Payment Plan Fee	5.00
Postage (per case)	10.00
Record Search	10.00
Subpoena (sign/seal)	5.00

[Pa.B. Doc. No. 05-2367. Filed for public inspection December 23, 2005, 9:00 a.m.]

**WESTMORELAND COUNTY**

**Adoption of Rule WC 570; No. 2 of 2005**

**Order**

*And Now* this 8th day of December, 2005 *It Is Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC 570 is adopted effective March 1, 2006.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

**Rule WC 570 Pretrial Conference**

(a) The court administrator will schedule one Pretrial Conference for each case prior to that case being scheduled for trial. The court administrator will serve Notices and copies of the Pretrial Conference Order pursuant to Pa.R.Crim.P. 114(B) on the defendant, defendant's attorney, and the assigned attorney for the commonwealth.



(b) The parties will complete the following at least five (5) working days prior to the scheduled Pretrial Conference:

(1) Filing and service of any Motion for Relief pursuant to Pa.R.Crim.P. 572(C) regarding a request for a Bill of Particulars.

(2) Completing Pretrial Discovery pursuant to Pa.R.Crim.P. 573 including the filing and service of any Motion for Pretrial Discovery.

(3) Filing and service of Notices of Alibi Defense or of Insanity or Mental Infirmity Defense and Disclosure of Reciprocal Witnesses as required by Pa.R.Crim.P. 573(C).

(4) Filing and service of any Omnibus Pretrial Motion pursuant to Pa.R.Crim.P. 578.

(5) Tendering by the commonwealth of any plea offer.

(6) Filing and service of any Motion for Continuing the Pretrial Conference.

(c) The following will occur at the Pretrial Conference:

(1) The parties will declare whether the commonwealth's plea offer has been accepted, whether the parties agree to the defendant entering the ARD or other pre-adjudication program, or whether the case will proceed to trial.

(2) The court will take pleas of "guilty", enter the defendant into the ARD or other pre-adjudication program, and decide whether to order nolle pros of any or all charges.

(3) The court will decide or Order argument on outstanding motions.

(4) The court will Order the court administrator to place the case on the trial list.

(d) The court may order sanctions for failure to comply with this Rule.

**IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY PENNSYLVANIA  
CRIMINAL DIVISION**

**PRETRIAL CONFERENCE ORDER**

It is HEREBY ORDERED that the Defendant, Defendant's Counsel, and the Attorney for the Commonwealth assigned to the case referenced in the enclosed Notice, report for a Pretrial Conference as instructed in the enclosed Notice, and that all parties will be prepared for the Pretrial Conference as required by Westmoreland County Rule of Criminal Procedure WC570.

Rule WC570 requires the following at least five (5) working days prior to the scheduled Pretrial Conference:

1. Filing and service of any Motion for Relief pursuant to Pa.R.Crim.P. 572(C) regarding a request for a Bill of Particulars.

2. Completing Pretrial Discovery pursuant to Pa.R.Crim.P. 573 including the filing and service of any Motion for Pretrial Discovery.

3. Filing and service of Notices of Alibi Defense or of Insanity or Mental Infirmity Defense and Disclosure of Reciprocal Witnesses as required by Pa.R.Crim.P. 573(C).

4. Filing and service of any Omnibus Pretrial Motion pursuant to Pa.R.Crim.P. 578.

5. Tendering by the commonwealth of any plea offer.

6. Filing and service of any Motion for Continuing the Pretrial Conference.

Pursuant to Rule WC570, the following will occur at the Pretrial Conference:

1. The parties will declare whether the commonwealth's plea offer has been accepted, whether the parties agree to the defendant entering the ARD or other pre-adjudication program, or whether the case will proceed to trial.

2. The court will take pleas of "guilty", enter the defendant into the ARD or other pre-adjudication program, and decide whether to order nolle pros of any or all charges.

3. The court will decide or Order argument on outstanding motions.

4. The court will Order the court administrator to place the case on the trial list.

The court may impose sanctions for failure to comply with this Order.

BY THE COURT:

\_\_\_\_\_  
John E. Blahovec J. \_\_\_\_\_ J.  
Richard E. McCormick, Jr.

\_\_\_\_\_  
Debra A. Pezze J. \_\_\_\_\_ J.  
Rita D. Hathaway

[Pa.B. Doc. No. 05-2368. Filed for public inspection December 23, 2005, 9:00 a.m.]

**YORK COUNTY**

**Increasing the Schedule of Fees for the Prothonotary of York County, a Third Class County; Misc. Civil 2005-MI-00329-Y55**

**Administrative Order and Approval**

*And Now, To Wit,* This 30th Day of November, 2005, *The Court* pursuant to Act #98-164 of the Pennsylvania Legislature, hereby approves the increase of fees effective January 3, 2006

**Prothonotary Fee Bill—Effective January 3, 2006**

**Prothonotary Automation Fee as Indicated in Act #98-164 is Included in All New Filing Fees  
PA CSA 42 § 21071 et seg. as amended**

	NEW FEE
ACKNOWLEDGEMENTS	
Of Sheriff or Treasurer Deeds	\$9.00
ANSWER ON AN NO CASE (JUDGMENT)	\$6.75
APPEALS	
District Justice	\$134.00
Superior Court Appeal: 2 separate checks required	
Prothonotary Fee	\$65.00
Appellate Court Fee	\$60.00
ARBITRATIONS	
Appointment of Arbitrator	\$32.00
Arbitration Appeal	\$34.00
Reimbursement to County for Arbitrator's Fees	\$240.00
ASSIGNMENTS	\$10.50

	NEW FEE		NEW FEE
BENCH WARRANTS	\$17.50	EXECUTIONS	
CERTIFICATES		Praeipe for Writ	\$31.50
Notary Public or Magistrate	\$4.00	Attachment Proceeding Each Garnishee	\$0.50
Duplicate Divorce Decree	\$9.50	Reissuance	\$9.50
Resumption of Prior Name subsequent to Divorce	\$6.50	Interrogatories & Answers	\$6.75
		Attachment Dissolution	\$10.50
		Sheriff's Determination of Ownership	\$9.00
CERTIFICATIONS		EXEMPLIFIED RECORDS	
First Page	\$6.00	Incoming Exemplified Records	\$36.50
Each Additional Page	\$2.00	Outgoing Exemplified Records (Specify In-State or Out-of State)	\$21.50
CHECKS RETURNED AS NON NEGOTIABLE	\$20.00	FAMILY COURT ACTIONS	
COMMENCEMENT OF CIVIL ACTION	\$134.00	Commencement of Divorce Action	\$195.00
COMPLAINT—CIVIL	\$134.00	Add for each count other than divorce	\$10.00
COMPLAINT—CUSTODY	\$130.00	Add for custody count included with divorce	\$16.50
COMPLAINT—DIVORCE	\$195.00	Discontinuance or withdrawal	\$10.50
Add \$10 for each additional count and \$16.50 for custody count		Custody (except when filed with a divorce action)	\$130.00
COMPLAINT IN CONFESSION OF JUDGMENT	\$43.25	Conciliator Appointment	\$125.00
CONFESSIONS OF JUDGMENT	\$36.50	Reactivation of case made inactive per Local Rule 6036	\$17.50
CONCILIATOR APPOINTMENT	\$125.00	Appointment of Master:	
COPIES		Whether for Fault Divorce, Equitable Distribution or Alimony	\$300.00
Public Printer (per page)	\$0.50	Modification of Alimony	\$200.00
Copies made by Prothonotary staff (per page)	\$1.00	Testimony over 2 full days (per day)	\$150.00
CUSTODY COMPLAINT (Except when filed with a divorce action) See family court section for details	\$130.00	Alimony Pendente Lite, Counsel Fees, Costs & Expenses	\$50.00
CUSTODY—REGISTER OUT OF STATE CUSTODY ORDER	\$16.50	FAXING	\$10.00
DEFAULT JUDGMENT	\$19.50	INTERROGATORIES	\$6.75
DIRECTIVE (Conciliator fee)	\$125.00	JUDGMENTS	
DISTRICT JUSTICE APPEAL	\$134.00	By Confession	\$36.50
DISTRICT JUSTICE JUDGMENT	\$36.25	With Complaint	\$43.25
DIVORCE DECREE CERTIFIED COPY	\$9.50	By Praeipe (Default), Stipulation, or Order	\$19.50
DIVORCE COMPLAINT (See family court section for details)	\$195.00	By Transcript (District Justice)	\$36.25
Commencement of Divorce Action (plus \$10.00 for each count other than divorce and \$16.50 when a custody count is included)	\$195.00	Incoming Exemplified Records	\$36.50
Discontinuance or withdrawal	\$10.50	Outgoing Exemplified Records (Specify In-State or Out-of State)	\$21.50
Appointment of Master:		Broker's Lien	\$36.50
Whether for Fault Divorce, Equitable Distribution or Alimony	\$300.00	Judgment Non Pros	\$19.50
Modification of Alimony	\$200.00	JUDICIAL SALE	\$16.50
Testimony over 2 full days (per day)	\$150.00	OBJECTIONS/EXCEPTIONS	
Alimony Pendente Lite, Counsel Fees, Costs & Expenses	\$50.00	LICENSE SUSPENSION APPEAL	\$134.00
		LIENS	
		Municipal or Federal	\$36.00
		Commonwealth	\$36.50
		MECHANICS LIENS	
		Claim (same as Commencement of New Action)	\$134.00
		Stipulation or Waiver	\$28.25
		MISCELLANEOUS FILINGS	\$16.50
		MORTGAGE FORECLOSURE—(This is a new complaint)	\$134.00
		MOTION TO STAY EXECUTION ON AN NO CASE	\$6.75

	NEW FEE		NEW FEE
MOTION TO STAY EXECUTION ON AN SU CASE	NO FEE	SUBPOENAS (Must be completed before submitted for signature and seal)	\$4.00
NAME CHANGE—resume maiden name after divorce (6.25 for change plus 6.50 for certified copy)	\$12.75	SUIT—Civil Complaint	\$134.00
NAME CHANGE—not divorce related must file Petition for Change of Name	\$44.00	TAX UPSET OBJECTIONS/EXCEPTIONS	\$16.50
NOTARY PUBLIC		WRIT OF EXECUTION	\$31.50
Registration of Signature	\$4.00	WRIT OF SUMMONS	\$134.00
Acknowledgment of Signature	\$4.00		
PETITION FOR CHANGE OF NAME (not divorce related)	\$44.00		
PETITIONS TO OPEN OR STRIKE JUDGMENTS			
If filed to NO#	\$134.00		
If filed to SU#	NO FEE		
PLEADINGS FILED TO AN NO OR MT CASE	\$6.75		
POWERS OF ATTORNEY			
Registration of first name	\$4.50		
Registration of additional name	\$1.00		
Revocation of first name	\$3.00		
Revocation of additional name	\$1.00		
PRAECIPE TO ENTER FINAL JUDGMENT	\$19.50		
PRAECIPE TO SATISFY/ DISCONTINUE/WITHDRAW CASE			
If filed prior to 1/2/97	\$10.50		
If filed on or after 1/2/97	NO FEE		
PROTECTION FROM ABUSE	\$123.00		
Copying charge (if copies are not provided)	\$23.50		
State Surcharge	\$25.00		
Issuance of a Bench Warrant	\$17.50		
REACTIVATION OF CASE MADE INACTIVE PER Rule 6036	\$17.50		
RELEASE, POSTPONEMENT, SUBORDINATION	\$10.50		
REMOVAL OR TRANSFER OF RECORD TO ANOTHER COURT	\$27.25		
REVIVALS			
Adverse Proceedings	\$49.00		
Amicable Proceedings	\$36.25		
SATISFACTIONS			
Cases filed prior to 1/2/97	\$10.50		
Cases filed on or after 1/2/97	NO FEE		
Commonwealth Satisfactions (filed prior to 1997)	\$11.00		

**NOTES**

York County does not use a civil cover sheet, but backers are required on all filings.

Judgments must be accompanied by 236 Notices.

Divorce finalizations require submission of a Divorce Information Sheet and the Social Security Information Sheet.

Failure to provide all required paperwork may result in returned filings.

The Prothonotary shall not be required to enter on the docket any suit or action nor order of court or enter any judgment thereon or perform any services whatsoever for any person or political subdivision of the Commonwealth until the requisite fee is paid.

Payment of all fees must be made by cash or business checks, certified checks, money orders, or travelers' checks payable to the Prothonotary of York County. A fee of \$20 will be charged for returned checks.

*It Is Further Ordered* that in accordance with Pa.R.C.P. the District Court Administrator shall:

(a) File 7 certified copies hereof with the Administrative office of Pennsylvania Courts.

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) File 1 certified copy hereof with the Civil Procedural Rules Committee, and 1 certified copy hereof with the Criminal Procedural Rules Committee.

(d) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 successive weeks at the expense of the County of York.

(e) Cause to be printed an adequate supply of the Rules hereby amended and promulgated for distribution to the Judges and the members of the Bar of this Court, and for sale at cost to any other interested parties, such printing to be done at the expense of the County of York in accordance with the provisions of the Act of July 9, 1976, P. L. 586, Sec. 2, 42 Pa.C.S.A. Section 3722.

(f) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

*By the Court*

JOHN H. CHRONISTER,  
*President Judge*

[Pa.B. Doc. No. 05-2369. Filed for public inspection December 23, 2005, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 149]

### Manufactured Housing Improvement Program

The Department of Community and Economic Development (Department), under section 5 of the Manufactured Housing Improvement Act (act) (35 P. S. § 1658.5), proposes to add Chapter 149 (relating to manufactured housing improvement program). This proposed rulemaking establishes an installation standard for new manufactured homes being installed in this Commonwealth; certifies manufactured home installers; provides training to manufactured home installers and installation inspectors; ensures the construction, installation and completion of new manufactured homes is consistent with the manufacturer's Design Approval Primary Inspection Agency (DAPIA) approved designs; establishes a mechanism to verify that manufactured homes are completed and installed by a Department certified installer and are compliant with the Manufactured Home Construction and Safety Standards and applicable building codes; establishes appropriate fees for education programs, testing and certification of manufactured home installers and inspectors; and establishes procedures under which the Department will issue warnings, suspensions, revocations or monetary fines for violations of the act or regulations.

#### *Introduction*

The Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426) provides for the establishment of practical, uniform and, to the extent possible, performance-based construction standards for manufactured homes. The act was passed in response to the amendments in 2000 that require each state to establish an installation program by December 27, 2005. The act requires the Department to promulgate regulations to establish an installation standard for new manufactured homes being installed in this Commonwealth, certify manufactured home installers and provide training to manufactured home installers and installation inspectors.

#### *Analysis*

Section 149.1 (relating to definitions) defines the terminology used in the proposed rulemaking.

Section 149.2 (relating to purpose) describes the purpose of the proposed rulemaking, which is to establish administrative procedures for the implementation of the act.

Section 149.3 (relating to installation standard) requires the manufacturer to provide DAPIA approved designs and installation instructions for all new manufactured homes. It also provides that all new manufactured homes be installed under the manufacturer's DAPIA approved designs for the particular home. This section prohibits a building code official from rejecting a manufacturer's approved design and provides a procedure to be followed if a building code official believes a design was approved by a DAPIA in error or questions the validity of a DAPIA approved design.

Under § 149.4 (relating to installer training and certification), the Department is required to develop or designate acceptable training curricula and approve trainers. This section requires training providers to provide the Department with a list of those successfully completing the training course along with the required fee for each participant. This section provides that the approved training curriculum will be published annually in the *Pennsylvania Bulletin* and can be obtained directly from the Department. This section provides that installer applicants must successfully complete the designated training curriculum and pay the required fee to the Department, in order to be certified as installers of new manufactured homes. This section establishes that certification will be valid for 1 year from the date of Department issuance and an installer will be required to successfully complete a specified training curriculum at least every 3 years. This section also permits those individuals who successfully completed a Department-approved training curriculum prior to the effective date of this chapter to be certified initially without taking additional training curriculum.

Section 149.5 (relating to building code official training) sets forth the requirement that building code officials who inspect new manufactured home installation must successfully complete a Department approved course or workshop and must do so every 3 years to continue inspecting new manufactured home installation.

Section 149.6 (relating to certificate of compliance) provides that an installer must complete a certificate of compliance upon completion of a new manufactured home installation. The section requires the certificate of compliance to be completed by the installer and forwarded to the Department within 5 calendar days of completion of the new manufactured home installation. This section prohibits a building code official from issuing a certificate of occupancy for a new manufactured home, unless he has received a completed copy of the certificate of compliance filed with the Department. This section also requires the new manufactured home installer to attach the original completed certificate of compliance to the installation instructions that remain with the home or hand deliver to the purchaser the certificate of compliance and installation instructions. If the manufacturer or retailer has not agreed in writing to be responsible to the purchaser for the new manufactured home installation before the execution of the sales documents, this section requires the manufacturer or retailer to provide the purchaser with a written statement that the home must be installed under § 149.3(b) and (c), and that the Certificate of Compliance shall be completed and signed by an installer certified under § 149.4(b). At the same time, the manufacturer or retailer shall provide the purchaser with a list of installers known to him or obtained from the Department. This section provides that by providing the list, the manufacturer or retailer does not warrant the quality of the installers' work, nor is the purchaser under any obligation to use any particular installer.

Section 149.7 (relating to fees) sets forth the fees for training providers who submit training curricula for evaluation by the Department; for each training participant; and for issuance of an individual installer certification. The section provides that by publication of a notice in the *Pennsylvania Bulletin*, the Department may change its fee schedule.

Section 149.8 (relating to penalties) provides that the Department may suspend or revoke the certification of any person who violates the provisions of the act or the regulations or from whom the Department receives adverse performance information and sets forth the procedures for these actions. This section also permits the Department to impose a civil penalty of up to \$1,000 on any person who violates the act or regulations.

*Fiscal Impact*

(a) *Commonwealth.* The impact upon the Commonwealth is minimal. The Department will incur costs associated with the creation, printing and processing of applications and certificates of compliance by existing Department staff. Fees generated from the regulation will be sufficient to address any additional clerical or recordkeeping costs to the Department.

(b) *Political subdivisions.* There will be no fiscal impact on political subdivisions.

(c) *Public.* Upon submission of training curricula for evaluation by the Department, training providers shall submit a fee to the Department of \$400. Also, a training provider shall submit a fee of \$50 per enrollee. A person seeking certification as a manufactured home installer shall submit an annual fee of \$150 and successfully complete a designated training program every 3 years.

*Paperwork*

The proposed rulemaking will require manufactured home installers to complete an application form for submittal to the Department. Upon completion of each new home installation, a certificate of compliance will be submitted to the building code official, the Department and the homeowner.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 22, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce Committee and the Senate Community and Economic Development Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Effective Date/Sunset Date*

The proposed rulemaking will become effective 60 days after final-form publication in the *Pennsylvania Bulletin*. The regulations will be monitored on a regular basis and updated as needed.

*Contact Person*

Interested persons are invited to submit comments, suggestions or objections regarding this proposed rulemaking to Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7314; and Mark Conte, Chief, Housing Standards

Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7416.

DENNIS YABLONSKY,  
*Secretary*

**Fiscal Note:** 4-82. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT**

**PART V. COMMUNITY AFFAIRS AND DEVELOPMENT**

**Subpart C. COMMUNITY DEVELOPMENT AND HOUSING**

**CHAPTER 149. MANUFACTURED HOUSING IMPROVEMENT PROGRAM**

Sec.	
149.1.	Definitions.
149.2.	Purpose.
149.3.	Installation standard.
149.4.	Installer training and certification.
149.5.	Building code official training.
149.6.	Certificate of Compliance.
149.7.	Fees.
149.8.	Penalties.

**§ 149.1. Definitions.**

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

*Act*—The Manufactured Housing Improvement Act (35 P. S. §§ 1658.1—1658.6).

*Attachment*—Wind storm protection accomplished by one of the following:

(i) Securing the manufactured home to the foundation.

(ii) An alternative system, which is approved for use by the manufacturer through its DAPIA approved design, to secure the manufactured home to the foundation.

(iii) Other requirements of the manufacturer necessary to provide an integrated, fully compliant manufactured home.

*Building code official*—As defined in section 3 of the act (35 P. S. § 1658.3).

*Certificate of Compliance*—A form developed by the Department which bears the signature of the installer of a new manufactured home and certifies that the new manufactured home was installed in accordance with the manufacturer's approved design and complies with all nonconstruction requirements of the Uniform Construction Code, relating to the installation of a new manufactured homes, which are not addressed by the Manufactured Home Construction and Safety Standards.

*Construction code official*—As defined in section 103 of the Pennsylvania Construction Code Act (35 P. S. § 7210.103).

*DAPIA*—The Design Approval Primary Inspection Agency, as defined in the Manufactured Home Procedural and Enforcement Regulations (24 CFR 3282.361 (relating to Design Approval Primary Inspection Agency (DAPIA))).

*Department*—The Department of Community and Economic Development of the Commonwealth.

*HUD*—The United States Department of Housing and Urban Development.

*Installation*—As defined in section 3 of the act.

*Installer*—As defined in section 3 of the act.

*Manufactured Home Construction and Safety Standards*—As defined in section 3 of the act

*Manufactured housing or manufactured home*—As defined in section 3 of the act

*Manufacturer*—A person engaged in manufacturing or assembling manufactured homes, including a person engaged in importing manufactured homes for resale.

*Manufacturer's approved design*—

(i) As defined in section 3 of the act.

(ii) The term includes drawings, instructions, illustrations, documentation or procedures submitted by a manufacturer and approved by the manufacturer's DAPIA, which assures that the new manufactured home, or any part thereof, including the support, stabilization and assembly, is in compliance with the Manufactured Home Construction and Safety Standards.

*Purchaser*—The first person purchasing a new manufactured home for purposes other than resale.

*Retailer*—A person engaged in the sale, leasing or distribution of a new manufactured home directly to a purchaser.

*UCC—Uniform Construction Code*—The Uniform Construction Code adopted under section 301 of the Pennsylvania Construction Code Act (35 P. S. § 7210.301).

*Utility connections*—Connections not provided by the manufacturer of the new manufactured home which connect the new manufactured home to the utility service provider.

#### § 149.2. Purpose.

This chapter interprets and makes specific the provisions of the act. This chapter establishes administrative procedures for the implementation of the act. The procedures comply with the Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426) and the Manufactured Home Construction and Safety Standards. More specifically, this chapter is intended to achieve the following objectives:

(1) Designate appropriate training programs for those persons that install new manufactured homes, to provide them with a thorough understanding of manufactured home construction and to assure that the manufactured homes they install comply with the act, the Manufactured Home Construction and Safety Standards and the UCC, as applicable.

(2) Establish a system to certify those persons who successfully complete the training program as installers of new manufactured homes.

(3) Provide training for those persons who inspect new manufactured home installations under the act, the Manufactured Home Construction and Safety Standards and the UCC.

(4) Provide that new manufactured home construction, installations and completion onsite be performed in a manner consistent with the home manufacturer's DAPIA approved designs.

(5) Establish a mechanism to verify to the Department, building code officials and purchasers that new manufactured homes are completed and installed by an installer of manufactured homes who was certified by the Depart-

ment and that the homes comply with the Manufactured Home Construction and Safety Standards and applicable building codes.

(6) Establish appropriate fees for the educational programs, testing and certification of installers of manufactured homes, as well as those who inspect the installation of manufactured homes.

(7) Establish procedures for the Department to issue warnings, suspensions, revocations or monetary fines against persons who violate the act or this chapter.

#### § 149.3. Installation standard.

(a) In accordance with the Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426), a manufacturer of a new manufactured home shall provide a copy of the manufacturer's approved design, which includes instructions for the installation of the new manufactured home, to the purchaser, retailer or installer of the new manufactured home.

(b) In accordance with the Manufactured Housing Construction and Safety Standards Act of 1974, a new manufactured home shall be installed consistent with the manufacturer's approved design.

(1) The manufacturer's approved design must be current, complete, easily understood and compatible with the home being installed.

(2) The manufacturer's approved design must fully address the support, attachment, assembly and all other aspects of manufactured home construction and installation to assure that the manufactured home performs as a fully integrated structure and complies with all elements of the Manufactured Home Construction and Safety Standards.

(c) A design other than the manufacturer's approved design may not be utilized in the installation of a new manufactured home without authorization of the manufacturer and evaluation and approval by the manufacturer's DAPIA.

(d) A building code official may not reject a manufacturer's approved design for any reason, including, but not limited to, the fact that the material was not reviewed, approved, sealed or certified by an engineer, architect or similar person licensed in this Commonwealth. If a building code official believes a manufacturer's approved design was approved by a DAPIA in error or questions the validity of a manufacturer's approved design, the building code official should contact the Department, which will investigate the matter.

#### § 149.4. Installer training and certification.

(a) *Training.*

(1) The Department will develop or designate acceptable training curricula for individuals seeking certification as an installer. The Department will annually review the training curricula.

(2) Those desiring to provide training shall submit an application to the Department. The application must contain the application fee, the proposed curriculum and any other information the Department requests to evaluate the submittal.

(3) Upon approval of a training curriculum, a training provider shall coordinate the scheduling of courses with the Department. A training provider shall set the tuition for the training, after consultation with the Department. Upon completion of each course, a training provider shall submit to the Department a list of course participants

and the required fee for each participant. A training provider shall indicate on the list of course participants which participants successfully completed the course.

(4) The Department will publish annually a list of approved curriculum in the *Pennsylvania Bulletin*. Individuals seeking certification as an installer may also contact the Department to obtain a listing of the approved curriculum.

(b) *Certification.*

(1) Individuals seeking certification as an installer shall successfully complete the designated training curriculum; provide evidence of the successful completion of the designated training curriculum at the time of application; and pay the required fee to the Department. An individual does not qualify as and may not represent himself to be an installer until the individual has received written certification from the Department.

(2) Certification as an installer is valid for 1 year from the date of issuance by the Department. Installers shall reapply for certification each year.

(3) An installer is required to successfully complete a specified training curriculum at least every 3 years.

(4) A person who has successfully completed a training curriculum approved by the Department as described in paragraph (1), prior to \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), may apply for certification as an installer in the manner provided in this section without successfully completing an additional training curriculum. If the training curriculum was successfully completed more than 2 years before \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), the applicant has 12 months to comply with paragraph (3).

**§ 149.5. Building code official training.**

Building code officials who inspect the installation of new manufactured homes shall successfully complete a course or workshop approved by the Department and shall do so every 3 years to continue inspecting the installation of new manufactured homes.

**§ 149.6. Certificate of Compliance.**

(a) Upon completion of the installation of a new manufactured home, an installer shall complete a certificate of compliance. An installer is not required to complete a certificate of compliance for installation of items such as, but not limited to, a porch or steps, if the items are not part of the manufacturer's approved design or covered by the Manufactured Home Construction and Safety Standards.

(b) Within 5 calendar days of completion of the installation of a new manufactured home, the installer of the new manufactured home shall forward the Certificate of Compliance to the Department.

(c) A building code official may not issue a certificate of occupancy for a new manufactured home until the official has received a completed copy of the Certificate of Compliance filed with the Department.

(d) The installer of a new manufactured home shall attach the original completed certificate of compliance to the installation instructions that remain with the home or hand deliver the certificate of compliance and the installation instructions to the purchaser.

(e) If the manufacturer or retailer has not agreed in writing to be responsible to the purchaser for the installation of the new manufactured home prior to the execution of the sales documents, the manufacturer or retailer shall provide the purchaser with a written statement that the home shall be installed as described in § 149.3(b) and (c) (relating to installation standard), and that the certificate of compliance shall be completed and signed by an installer certified under § 149.4(b) (relating to installer training and certification). At that same time, the manufacturer or retailer shall provide the purchaser with a list of installers known to him or obtained from the Department. By providing the list, the manufacturer or retailer does not warrant the quality of the installers' work, nor is the purchaser under any obligation to use any particular installer.

**§ 149.7. Fees.**

(a) The Department will charge training providers the following fees:

(1) \$400 for each curriculum evaluated by the Department payable upon submission of the application.

(2) \$50 for each person registered to participate in an approved training curriculum.

(b) The Department will charge installers an annual fee of \$150 for the issuance of an individual installer certification.

(c) The Department may change the fee schedule by publication of a notice in the *Pennsylvania Bulletin*.

**§ 149.8. Penalties.**

(a) *General.*

(1) The Department may suspend or revoke the certification of any person who violates the act or this chapter or for whom the Department receives one or more of the following:

(i) Homeowner complaints.

(ii) Complaints from building code officials regarding performance of duties.

(iii) Evidence of a conviction of moral turpitude or similar crime.

(iv) Information that indicates a repeated failure to properly install manufactured homes.

(v) Evidence of fraud.

(vi) Evidence of loss of licensure or certification issued by another state or the Department of Housing and Urban Development.

(vii) Evidence of a violation of the Manufactured Home Procedural and Enforcement Regulations.

(2) Before the Department suspends or revokes a certification, the Department will provide written notification to the certified person. The Department will specify in the notification the reason for the suspension or revocation and a time and place for a hearing on the matter, to be held within 30 days of notification.

(b) *Civil penalties.* Additionally, the Department may impose a civil penalty of up to \$1,000 on any person who violates the act or this chapter. The Department may impose the penalty only after affording the accused party the opportunity for a hearing, as provided in 2 Pa.C.S. (relating to administrative law and procedure).

[Pa.B. Doc. No. 05-2370. Filed for public inspection December 23, 2005, 9:00 a.m.]

# STATEMENTS OF POLICY

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00051865]

### Implementation of the Alternative Energy Portfolio Standards Act of 2004

The Pennsylvania Public Utility Commission, on November 10, 2005, adopted a proposed policy statement order which provides guidance to developers, regulated industries and the general public as to what types of projects the Commission believes fall outside the definition "public utility," thus removing roadblocks to the development of viable alternative energy products in this Commonwealth.

Public Meeting held  
November 10, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli, concurring in result, statement follows; Terrance J. Fitzpatrick, dissenting statement follows

*Implementation of the Alternative Energy Portfolio  
Standards Act of 2004; Doc. No. M-00051865*

### Proposed Policy Statement

#### Order

*By the Commission:*

On November 30, 2004, Governor Edward G. Rendell signed Act 213 of 2004, 73 P.S. §§ 1648.1—1648.8 (Purdon's Supp. 2005) ("Act 213" or "the Act") into law. Act 213, which took effect on February 28, 2005, established alternative energy portfolio standards for Pennsylvania. Generally, the Act requires that an annually increasing percentage of electricity sold to retail customers in Pennsylvania by Electric Distribution Companies (EDCs) and Electric Generation Suppliers (EGSs) be derived from alternative energy sources, as defined in the Act. The Commission has been charged with using its general powers to carry out, execute, and enforce the provisions of the Act. The Department of Environmental Protection (DEP) has been specifically charged with ensuring compliance with all environmental, health and safety laws, and standards relevant to the Act's implementation. The Commission and the DEP are jointly to monitor compliance with the Act and the costs of the alternative energy market, oversee and foster the development of the alternative energy market, and conduct an ongoing alternative energy planning assessment. The Commission and the DEP are to report their findings and any recommendations for changes to the Act to the General Assembly on a regular basis.

Act 213's directive to the Commonwealth's electric distribution companies and suppliers clearly reflects a strong policy goal of supporting and encouraging the development of alternative energy resources in Pennsylvania. The Act defines an alternative energy source as one of the following, for the production of electricity:<sup>1</sup>

"Tier I alternative energy source." Energy derived from:

- (1) Solar photovoltaic energy;
- (2) Wind power;
- (3) Low-impact hydropower;
- (4) Geothermal energy;
- (5) Biologically derived methane gas (including landfill gas);
- (6) Fuel cells;
- (7) Biomass energy;
- (8) Coal mine methane.

"Tier II alternative energy source." Energy derived from:

- (1) Waste coal;
- (2) Distributed generation systems;
- (3) Demand-side management;
- (4) Large-scale hydropower;
- (5) Municipal solid waste;
- (6) Generation of electricity utilizing by-products of the pulping process and wood;
- (7) Integrated combined coal gasification technology.

While it appears that many alternative energy developers may look to produce electricity from the alternative energy source and sell the output into the wholesale grid, others may find it more economically attractive to supply the energy directly to a limited number of end-user customers. They may choose to do this either by using the alternative energy source to generate electricity on-site for their own use and for the use of a limited number of end-users located at or close by the facility, or by producing energy in some other form (e.g., methane gas, artificial gas, or steam) and delivering the energy to an end-user customer for heating or a manufacturing process, thereby displacing the use of electric generation or conventional natural gas supply. For example, both landfill/methane gas projects and Integrated Gasification Combined Cycle Technology ("IGCC") projects—both included in the definition of an alternative energy source—may find it more economical to produce energy in the form of gas and deliver the gas to an end-user via a pipeline, rather than use the gas to manufacture electricity for sale at wholesale or directly to end-users.

Regardless of how the alternative energy developer displaces conventional energy production, the benefits of the use of these alternative energy sources will accrue to the Commonwealth. For example, when Governor Rendell signed Act 213 into law, he cited results of a Black & Veatch Corporation study that found considerable economic benefits from promoting the development of alternative energy sources listed in the legislation. The benefits as described by the report included \$10 billion in increased economic output for Pennsylvania, \$3 billion in additional earnings and between 3,500 and 4,000 new jobs for residents over the next 20 years. The study also indicated that for every 1% decrease in conventional natural gas demand there would be a corresponding \$140 million in savings to natural gas and electricity consumers.<sup>2</sup> Accordingly, encouragement of alternative energy development will not only provide environmental and

<sup>1</sup> Act of November 30, 2004, P.L. \_\_\_\_\_, No. 213, § 2, 73 P.S. § 1648.2.

<sup>2</sup> The Black & Veatch Report is available at: <http://www.bv.com/energy/eec/renewpenstudy.htm>.



economic development benefits, but also potentially will lessen the need to increase the rates of electric and natural gas service from conventional sources, a longstanding goal of this Commission.

As a result, the Commission believes that Pennsylvania's energy industry and the ratepayers of the state will all benefit from policies that promote the development and use of alternative energy projects. Therefore, in the proposed policy statement the Commission will articulate the circumstances under which it will consider an alternative energy project to be exempt from the definition of "public utility" under the Public Utility Code.

Generally, entities that offer a "public utility" service "to or for the public for compensation," as defined in section 102 of the Public Utility Code, are found to be public utilities within the Commission's jurisdiction. Such entities are required to obtain a certificate of public convenience pursuant to section 102 of the Code, prior to providing service to a customer, and to comply with traditional regulatory requirements such as tariffs, reports, affiliated interest filings, compliance with service adequacy standards, assessments, and the like.

The Commission has often been faced with determining whether a particular utility project constitutes jurisdictional public utility service under the Code. In some cases, the project developer seeks to be jurisdictional and in others the project developer desires the project to be non-jurisdictional. There are numerous decisions in which this Commission and reviewing courts have reviewed the term "public utility."

Those developers arguing in favor of non-jurisdictional status assert that compliance with regulation would not only be time consuming and expensive but restrict their ability to offer innovative pricing or service arrangements needed to make their product competitive with conventional alternatives. Some have asserted that the mere prospect that a project could be found subject to Commission regulation would serve to render a potentially beneficial project uneconomic or operationally infeasible by interested developers.

The Commission has a declaratory order process by which a developer may request a declaration that a particular project does or does not constitute a public utility subject to the jurisdiction of the Commission.<sup>3</sup> Developers have used this process in the past to determine, at the outset, whether a project was subject to the Commission's jurisdiction.<sup>4</sup> Others may believe the time and expense associated with such an effort may well serve to act as an impediment to potential development. The Commission is concerned that the mere prospect of having to obtain a declaration from the Commission as to whether the sale of energy directly to an end-user customer, or a group of such customers, will result in the developer (or the project itself) being found to be a public utility could dissuade the developer from going forward with the project.

Therefore, to encourage and support the development of alternative energy projects in Pennsylvania, we believe it proper to provide additional guidance to developers, the regulated industries, and to the general public as to what types of projects the Commission believes fall outside the definition of "public utility" and, thus, not subject to Commission regulation. By setting forth this guidance,

consistent with prior Commission and court determinations, potential roadblocks to the development of viable alternative energy projects in the Commonwealth will be removed. This will help to advance the goals of the General Assembly in enacting Act 213, as well as the Commission's duty to encourage use of Pennsylvania's alternative energy sources.

The Commonwealth Documents Law defines a statement of policy as "any document, except an adjudication or a regulation, promulgated by an agency which sets forth substantive or procedural personal or property rights, privileges, immunities, duties, liabilities or obligations of the public or any part thereof, and includes, without limiting the generality of the foregoing, any document interpreting or implementing any statute enforced or administered by such agency."<sup>5</sup> The Pennsylvania Supreme Court described the critical distinction between a duly promulgated regulation ("substantive rule") and a statement of policy as follows:

The critical distinction between a substantive rule and a general statement of policy is the different practical effect that these two types of pronouncements have in subsequent administrative proceedings. A properly adopted substantive rule establishes a standard of conduct which has the force of law. . . . The underlying policy embodied in the rule is not generally subject to challenge before the agency.

A general statement of policy, on the other hand, does not establish a "binding norm". . . . A policy statement announces the agency's tentative intentions for the future. When the agency applies the policy in a particular situation, it must be prepared to support the policy just as if the policy statement had never been issued.<sup>6</sup>

By issuing the proposed policy statement, we intend to reduce or eliminate the need for an alternative energy project developer to seek a declaration or other determination from this Commission that it is not required to obtain a certificate of public convenience before beginning service to an end-user customer or group of end-user customers. We note that our Supreme Court stated in *Bethlehem Steel Corp. v. Pennsylvania Public Utility Commission* that "where the main activity which occurs is negotiation concerning the *possibility* of public utility activity, there has been no public utility activity. To hold otherwise would unreasonably restrict the right of those engaged in business to discuss with others and to explore the possibilities of legitimate business activity."<sup>7</sup>

Any claims that an alternative energy source project constitutes a Commission-jurisdictional public utility would likely be made by the filing of a formal complaint pursuant to sections 701—703 of the Code.<sup>8</sup> Given the clear legislative intent to promote the use of alternative energy sources, we shall look with particular disdain on effectively anti-competitive efforts by jurisdictional public utilities to delay, discourage, or prevent alternative energy source projects by the filing of complaints based merely on the anticipated loss of sales of public utility service. Arguments that a proposed alternative energy source project: (1) would be contrary to the historic roots and purpose of public utility regulation (including the

<sup>3</sup> 66 Pa.C.S. § 331(f); see also 52 Pa. Code § 5.42.

<sup>4</sup> See *Petition of Granger Energy of Honey Brook, LLC for a Declaratory Order*, Docket No. P-00032043, Order entered August 19, 2004, 2004 Pa. LEXIS 33; *Petition of East Stroudsburg Area Sch. Dist. for Declaratory Order*, Docket No. P-900442, Order entered Aug. 13, 1990.

<sup>5</sup> Commonwealth Documents Law, Act of July 9, 1976, P.L. 877, No. 160, § 1, 45 Pa.C.S. 501 et seq. ("statement of policy").

<sup>6</sup> *Pa. Human Relations Comm'n v. Norristown Sch. Dist.*, 473 Pa. 334, 350, 374 A.2d 671, 679 (1977) (quoting *Pacific Gas & Electric Co. v. FPC*, 506 F.2d 33, 38 (D.C. Cir. 1974)).

<sup>7</sup> *Bethlehem Steel Corp. v. Pa. Pub. Util. Comm'n*, 552 Pa. 134, 143-44, 713 A.2d 1110, 1114 (1998) (emphasis in original).

<sup>8</sup> 66 Pa.C.S. §§ 701—703.

argument that regulation has as a goal the spreading of significant capital costs associated with public utility facilities over "the widest customer base"); (2) must compete on a "level playing field" with public utilities; (3) would cause a public utility to lose margins from the loss of an existing customer or customers; and (4) would be just the "tip of the iceberg," causing other public utilities to experience losses of customer load from other such projects, are misplaced. As our Supreme Court held in *Bethlehem Steel*:

The lower tribunals appear to be concerned that the business activity of Energy Production and Bessie 8 may undermine or in some way threaten the integrity of the public utility system in Pennsylvania. The concurring opinion in the PUC finds it ominous that the joint venturers attempted to avoid government regulation and that some of them are affiliated with public utilities in Pennsylvania and New Jersey. The PUC in its brief contends that it is not in the public interest to allow Bessie 8 to place its pipeline in public rights of way outside the regulatory purview of the PUC. These concerns are misplaced. It is for the legislature, not the PUC or this court to determine what business activity comes within the purview of the PUC. Because the legislature has determined that businesses which do not provide service to or for the public are not public utilities, and the businesses at issue in this case do not provide service to or for the public, we are constrained to determine that they are not subject to regulation by the PUC. If the legislature determines that such businesses should, in fact, be regulated by the PUC, it can always amend the Public Utility Code to that effect.<sup>9</sup>

As noted, the Act establishes the policy of the Commonwealth to encourage the development of alternative energy sources, as defined in the Act, and empowers the Commission to "establish an alternative energy credits program as needed to implement this act."<sup>10</sup> In addition section 7 of the Act requires the Commission to:

conduct an ongoing alternative energy resources planning assessment for this Commonwealth. This assessment will, at a minimum, identify current and operating alternative energy facilities, the potential to add future alternative energy generating capacity, and the conditions of the alternative energy marketplace. The assessment will identify needed methods to maintain or increase the relative competitiveness of the alternative energy market within this Commonwealth.<sup>11</sup>

We conclude from these provisions that the General Assembly has entrusted the Commission with the responsibility and duty to encourage and enhance the development of alternative energy resources in Pennsylvania. Providing this guidance as to how we intend to rule when faced with a request to determine the public utility status of an alternative energy source project provides such positive support and is therefore in the public interest.

#### *What Constitutes a Public Utility under the Public Utility Code*

Numerous Commission and court decisions have analyzed the factual circumstances that result in a determination that an entity is not providing service to or for "the public" and therefore is not a "public utility" within

the meaning of section 102 of the Code. *In Re Certification of Resellers of Telecommunications Services*,<sup>12</sup> the Commission provided a succinct statement of the circumstances which, if present, will cause the Commission to find that the project is not a jurisdictional public utility:

The question of what constitutes utility service "for the public" is not defined by statute but has been the subject of extensive Commission and appellate review:

"The public or private character of the enterprise does not depend . . . upon the number of persons by whom it is used, but upon whether it is open to the use and service of all members of the public who may require it . . ." *Drexelbrook Associates v. Pennsylvania Public Utility Commission*, 418 Pa. 430, 435, 60 PUR3d 175, 212 A.2d 237, 239 (1965); *Borough of Ambridge v. Public Service Commission*, 108 Pa. Super. Ct. 298, 304, PUR1933D 298, 165 Atl. 47, 49 (1933). "[T]he test is whether or not such person holds himself out expressly or impliedly, as engaged in the business of supplying his product or service to the public, as a class, or to any limited portion of it, as contradistinguished from holding himself out as serving or ready to serve only particular individuals." *Drexelbrook; Merchants Parcel Delivery, Inc. v. Pennsylvania Public Utility Commission*, 150 Pa. Superior Ct. 120, 28 A.2d 340 (1942); *Masgai v. Public Service Commission*, 124 Pa. Superior Ct. 370, 188 Atl. 599 (1936).

\* \* \*

After thorough review, the two factors which have been determined by the Commission and the courts to be relevant to consideration of whether the service provider holds himself out to serve the public or a limited portion thereof are: 1) whether the utility service being provided is merely incidental to non-utility business with the customers which creates a nexus between the provider and the customer. *Drexelbrook* (a landlord providing fixed utility service to its tenants is not for the public); *Aronimink Transportation Co. v. Public Service Commission*, 111 Pa. Superior Ct. 414, 5 PUR NS 279, 170 Atl. 375 (1934) (a landlord providing bus service to its tenants is not for the public); and 2) whether the utility facility was designed and constructed only to serve specific individuals such that the resulting service is not properly considered to be for the public. *Borough of Ambridge* (the selling of excess water by a manufacturer to a neighboring manufacturer through a line designed solely for that purpose is not for the public); *Re Hazelton Associates Fluidized Energy, Inc.*, 62 Pa. PUC 619 (1986) (a hot temperature water system designed and constructed specifically to serve three customers is not for the public).

Although not addressed explicitly in court cases or Commission orders, a third factor which has been considered by the Commission from a policymaking standpoint is whether a utility service provider is only serving a small number of customers in the immediate geographic vicinity of a production facility.<sup>13</sup>

<sup>12</sup> *Re Certification of Resellers of Telecommunications Services*, 73 Pa. P.U.C. 124 (1990), aff'd, *Waltman v. Pa. Pub. Util. Comm'n.*, 596 A.2d 1121 (Pa. Cmwith. 1991), aff'd per curiam, 533 Pa. 304, 621 A.2d 994 (1993).

<sup>13</sup> *Re Certification of Resellers of Telecommunications Services*, 73 Pa. P.U.C. at 131. The Pennsylvania Supreme Court in *Bethlehem Steel* determined that "[b]y definition, a single user is not 'the public.'" 552 Pa. at 142 n.8, 713 A.2d at 1114 n.8; accord *Peter Daniels Realty, Inc. v. Northern Equity Investors Group, Inc.*, 829 A.2d 721 (Pa. Super. 2003).

<sup>9</sup> *Bethlehem Steel*, 552 Pa. at 144, 713 A.2d at 1115. To the same effect, see *Drexelbrook Associates v. Pa. Pub. Util. Comm'n.*, 418 Pa. 430, 440-441, 212 A.2d 237, 242-243 (1965).

<sup>10</sup> Act 213, § 3(e), 73 P.S. § 1648.3(c).

<sup>11</sup> *Id.*, § 7, 73 P.S. § 1648.7.

Furthermore, as our Supreme Court explained in the seminal case of *Drexelbrook Associates v. Pennsylvania Public Utility Commission*,<sup>14</sup> service to a “defined, privileged, and limited group” is private in nature if the provider reserves its right to select its customers by contractual arrangement such that no one among the public outside of the selected group is privileged to demand service.<sup>15</sup> Elucidating this rule, Justice Nigro in his concurring opinion in *Bethlehem Steel*<sup>16</sup> cited *Aronimink Transportation Co. v. Public Service Commission*,<sup>17</sup> *Dunmire Gas Co. v. Pennsylvania Public Utility Commission*,<sup>18</sup> and *Waltman v. Pennsylvania Public Utility Commission*.<sup>19</sup>

More recently, the Commission found that a project which provides landfill-derived methane gas (a Tier I source under the Act) to a limited number of customers did not constitute public utility service:

Having determined that landfill gas service can reasonably be considered as a public utility service under 66 Pa.C.S. § 102, we nonetheless recognize that regulation of this service may slow the growth of the evolving landfill gas market. The Commonwealth and this Commission support the use of alternate fuels especially renewable resources such as landfill gas. We understand that some form of disposal of landfill gas is necessary for safety and environmental reasons, and that the utilization of landfill gas as a fuel converts a pollutant into a beneficial energy source. (Granger St. 2 at 7-9). While large scale landfill gas service may be subject to our Code and Regulations, we recognize that it is a unique fuel source and wish to regulate this industry in a manner which encourages growth and development of the market for this renewable resource.

The facts presented in this case, where service will be provided to four sophisticated industrial customers that wish to receive landfill gas, knowing that jurisdictional natural gas service is also available, warrants a determination that Granger is not subject to our regulation except with regard to pipeline safety. In the past, we have held that utility service to a limited number of customers constitutes service to the public. However, we base our determination here on the unique facts of this case. There are a limited number of customers, the identities of these industrial customers are known, and regulation of landfill gas would inhibit the growth of a still developing renewable resource.<sup>20</sup>

Using the Commission’s and the appellate courts’ established precedents, clear standards may be ascertained as to when an alternative energy project will not be considered a public utility and thus not subject to the jurisdiction of the Commission. We intend this guidance to apply to any energy project that is listed as an alternative

energy source pursuant to section 3 of the Act without regard to whether the source is being used to produce electricity.

We believe that encouraging the development of the alternative energy sources listed in the Act will create significant energy conservation and environmental benefits, as well as significant job-creation opportunities, whether the energy from the project is used to produce electricity or to provide energy in some other form directly to an end-user, thereby displacing or reducing the end-user’s demand for electric energy or conventional natural gas (as opposed to methane gas produced from landfills or gas from a coal gasification project, two alternative energy sources listed in Act 213).

A project will not be considered a public utility if it satisfies one or more of the following criteria:

- 1) The service being provided by the alternative energy source is merely incidental to non-utility business with the customer which creates a nexus between the provider and the customer;
- 2) The facility is designed and constructed only to serve specific individuals or entities, and others cannot feasibly be served without a significant revision to the project;
- 3) The service is provided to a single customer or to a defined, privileged, and limited group of customers where the provider reserves its right to select its customers by contractual arrangement such that no one among the public outside of the selected group is privileged to demand service, and resale of the service is prohibited;
- 4) Any other factors indicate an intention, express or implied, to serve private entities as opposed to the general public.

Our proposed policy would permit a project to qualify as a non-public utility under these standards even though the limiting contractual provisions permit the developer to substitute customers if a customer goes out of business, for example. It would also permit the developer to rearrange the project, and revise the customer group if, for example, the actual output from the alternative energy source proves to be materially less than or greater than projected levels. We believe that these clarifications are consistent with generally applicable Commission precedents, as well as relevant appellate cases. Moreover, there is little chance that a project, once constructed, could be reconfigured to such a degree that it would cause it to lose its non-public utility status.<sup>21</sup> The output of most alternative energy sources is limited in the first instance and could not, in any event, sustain a service that is open to the public in general.

We hasten to clarify that the issuance of the proposed policy statement does not preclude a determination of non-public utility status for projects that are not included in the Act’s definition of an alternative energy source. It is especially appropriate to provide this advance declaration for alternative energy sources so as to enhance the potential that developers will go forward with projects that utilize these sources, thereby advancing the specific goals of the Commonwealth as recently expressed in Act 213.

<sup>21</sup> See *Hazleton Associates Fluidized Energy, Inc.*, 62 Pa. P.U.C. 619 (1986) (the provider “physically would not be able to serve any significant, additional load without a major overhaul and upgrading of its system’s capacity”).

<sup>14</sup> *Drexelbrook Associates v. Pa. Pub. Util. Comm’n*, 418 Pa. 430, 435, 212 A.2d 237, 239 (1965).

<sup>15</sup> *Drexelbrook Associates*, 418 Pa. at 436, 212 A.2d at 239-240 (landlord-tenant relationship established the only persons who could demand utility service); *Bethlehem Steel*, 552 Pa. at 147, 713 A.2d at 1116 (Nigro, J., concurring) (“Like in *Drexelbrook*, the only one who can demand utility service from Bessie 8 is Bethlehem Steel—the entity with a contractual relationship with Bessie 8”).

<sup>16</sup> 552 Pa. at 145–147, 713 A.2d at 1115–1116 (Nigro, J., concurring).

<sup>17</sup> *Aronimink Transp. Co. v. Pub. Serv. Comm’n*, 111 Pa. Super 414, 170 A. 375 (1934) (landlord-tenant relationship established the only persons who could demand utility service).

<sup>18</sup> *Dunmire Gas Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 473 (1980) (no special relationship because the company “provided gas service to the extent of its capacity to an indefinitely open class of customers”).

<sup>19</sup> *Waltman v. Pa. Pub. Util. Comm’n*, 596 A.2d 1221 (Pa. Cmwlth. 1991), aff’d, 533 Pa. 304, 621 A.2d 994 (1993) (no special relationship because service was made available to any and all commercial customers who demanded service).

<sup>20</sup> *Petition of Granger Energy of Honey Brook, LLC for a Declaratory Order*, Docket No. P-00032043, Order entered August 19, 2004, 2004 Pa. LEXIS 33 at \*17-18.

All interested parties are invited to submit comments on the proposal set forth in Annex A. We propose to amend Chapter 69 by adding 52 Pa. Code § 69.1401 as set forth in Annex A, which establishes a policy statement defining the public utility status of alternative energy source projects under 66 Pa.C.S. § 102. Accordingly, pursuant to section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law, 45 P.S. § 501 et seq., and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we propose to amend the regulations at 52 Pa. Code Chapter 69 as previously noted and as set forth in Annex A; *Therefore, It Is Ordered That:*

1. The proposed statement of policy to 52 Pa. Code Chapter 69, as set forth in Annex A, is issued for comment.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 within 30 days from the date this order is published in the *Pennsylvania Bulletin*.

5. A copy of this order shall be posted on the Commission's website and served on the Office of Consumer Advocate and Office of Small Business Advocate.

6. The contact person for this matter is Patricia Krise Burket, Assistant Counsel, Law Bureau, (717) 787-3464, pburket@state.pa.us.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-243. No fiscal impact; (8) recommends adoption.

**Dissenting Statement of Commissioner  
Terrance J. Fitzpatrick**

**Implementation of the Alternative Energy Portfolio Standards Act of 2004; Public Meeting November 10, 2005; NOV-2005-C-0011\*; Doc. No. M-00051865**

This matter involves the Commission's adoption of a proposed policy statement that attempts to establish "clear standards" as to when an alternative energy project that provides electricity or fuel directly to customers will *not* be considered a public utility because the service is not "to or for the public." 66 Pa.C.S. § 102 (definition of "public utility"). Because I believe that the proposed policy statement attempts to oversimplify an analysis that requires the Commission to weigh the facts of each case, I respectfully dissent.

The proposed policy statement provides that an alternative energy source will not be considered a public utility if it satisfies *one or more* of the following criteria:

- 1) The service being provided by the alternative energy source is merely incidental to non-utility business with the customers which creates a nexus between the provider and customer;
- 2) The facility is designed and constructed only to serve a specific group of individuals or entities, and others cannot feasibly be served without a significant revision to the project;

3) The service is provided to a single customer or to a defined, privileged, and limited group when the provider reserves its right to select its customers by contractual arrangement such that no one among the public, outside of the selected group, is privileged to demand service, and resale of the service is prohibited.

4) Other factors indicate an intention, express or implied, to serve private entities as opposed to the general public.

(Annex A, proposed § 69.1401(a)(1-4)). The proposed policy statement order states that the intent here is to set forth "clear standards" that will "reduce or eliminate the need for an alternative energy project developer to seek a declaration or other determination from this Commission that it is not required to obtain a certificate of public convenience before beginning service to an end-user customer or group of end-use customers." (p. 6)

My disagreement with the proposed policy statement does not mean that I am eager to regulate alternative energy sources as public utilities. In fact, I concluded in a previous case that an alternative energy developer was not a public utility where the developer proposed to provide landfill gas via a pipeline to four industrial customers. *Petition of Granger Energy of Honey Brook, LLC*, Dkt. No. P-00032043 (Order entered September 8, 2004, 2004 Pa. PUC Lexis 33). (Hereinafter cited as "Granger"). My concurring opinion in that case, however, clarified that this conclusion was based upon all the circumstances. In addition, I stated that in making a determination whether a proposed utility service is public in nature "[t]here is no bright line test, and the facts of each case must be considered." *Granger* 2004 Pa. PUC Lexis 33.

In a nutshell, I believe that the proposed policy statement attempts to do something that can only be accomplished by a legislative amendment—to establish a bright line test for when service will not be considered "public" in nature. While I agree that the four criteria listed above are relevant to a decision on this issue—each of them has some basis in prior decisions of the courts or this Commission—I disagree that it is possible to analyze a project under any one of these factors and, in a vacuum, conclude that the service is not public in nature.

To illustrate this point, the first standard provides that the Commission lacks jurisdiction over utility service that is "merely incidental to non-utility business with the customers." This is derived from cases where the utility service was deemed incidental to a landlord/tenant relationship. *Drexelbrook Associates v. Pa. PUC*, 418 Pa. 430, 212 A.2d 237 (1965). However, it is unclear what other types of business relationships might warrant the application of the incidental exception, and I do not believe a conclusion could be reached on this issue without examining all the facts.

In addition, the third standard provides that the Commission lacks jurisdiction over utility service to "a single customer or to a defined, privileged, and limited group" of customers. Again, this language has a basis in prior decisions, but it cannot be used to form a conclusion separate from the facts of a particular situation. For example, what if a developer wanted to serve twenty customers—would that still be a "defined, privileged, and limited group" of customers? Moreover, this standard does not address the intent of the developer—even service to a

single customer might constitute service to the public if the developer intends to make the service available to others.<sup>22</sup>

Finally, I question whether the Commission may adopt a policy for determining the “public utility” status of alternative energy providers that does not also apply to conventional energy sources. The Commission attempts to justify this disparate treatment on public interest grounds, citing the policy underlying the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.1 et seq. However, as the Order also recognizes, the courts have explained that a determination whether service is public in nature is not driven by public interest considerations. *Bethlehem Steel Corp. v. Pa. PUC*, 552 Pa. 134, 144, 713 A.2d 1110, 1115.

Accordingly, alternative energy developers would be taking a risk if they relied exclusively on this statement of policy to determine their legal obligations. It would be more prudent for them to examine past decisions of the courts and the Commission, and to seek a declaratory order from the Commission if there is reasonable doubt as to their legal status.

For the reasons set forth above, I respectfully dissent.

**Statement of Commissioner Kim Pizzingrilli**

**Implementation of the Alternative Energy Portfolio Standards Act of 2004; Public Meeting November 10, 2005; NOV-2005-C-0011; Doc. No. M-00051865**

Today, the majority of the Commission releases a proposed policy statement intending to provide guidance on when the Commission will exempt an alternative energy project from the definition of “public utility” under the Public Utility Code. 66 Pa.C.S. § 102. Specifically, the proposed policy statement identifies criteria upon which the Commission would determine the non-utility status of alternative energy projects. The Commission would not review these operations absent a formal complaint being filed by another party. While I do not object to the initiation of a discussion on these matters, I will concur in result only and reserve judgment on the merits of the proposed policy statement until after reviewing all filed comments.

The successful development of alternative energy technologies in the Commonwealth is undoubtedly of paramount importance to all us - Commissioners, jurisdictional utilities, electric generation suppliers, consumer and environmental representatives, entrepreneurs - indeed all Pennsylvanians. Clearly, Act 213 marks not only a significant change in how retail electric service will be provided in Pennsylvania but an important step in encouraging the development of new cleaner generation sources.

I have supported and continue to support the development of new technologies, particularly in light of the passage of Act 213. In August 2004, the Commission unanimously approved a motion I offered in *Petition of Granger Energy of Honey Brook, LLC for a Declaratory Order*<sup>23</sup>. After completing a thorough review of Granger’s Petition for Declaratory Order the Commission permitted Granger to initiate the provision of landfill gas service to a limited number of identified customers finding that Granger’s proposed operations did not constitute “service to or for the public.” However, the Commission placed limitations on the service, namely, that the service be

limited to the identified commercial customers; that the customers are not permitted to resell the landfill gas and that Granger is subject to regulation by the Commission’s Gas Safety Division. By its decision in *Granger* the Commission signaled that it is cognizant that new technologies present new issues for the Commission to consider and responded by striking a balance between the needs of the alternative technology provider and the public interest.

Therefore I offer the following issues for consideration by interested parties as they prepare their comments:

- Will the issuance of a policy statement on these matters provide greater certainty to potential developers than the existing case law?
- Past decisions on whether a particular utility service met the definition of a “public utility” per the Public Utility Code were largely decided on fact specific findings. What specific facts should any Commission policy statement on this matter contain to ensure adherence to prior decisions?
- What impact, if any, will the proposed policy statement have on the ability of Electric Distribution Companies and Electric Generation Suppliers to meet Act 213 Tier I standards? (i.e., use of landfill gas for direct sales rather than for electric generation and AEPs compliance)
- Should the force majeure provision of Act 213 and the Commission’s future implementation of said provision be integrated into any potential policy statement on this topic?
- Are safeguards warranted to ensure that any proposed project by an alternative energy developer provide the Commission with sufficient knowledge of and information on the project’s operations and that the project will not unduly impose a risk to the public?

I continue to support the Commission’s efforts to strike such a balance and therefore offer my support of the commencement of a discussion on the issues raised in the proposed policy statement.

**Fiscal Note:** 57-243. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES**

**IMPLEMENTATION OF THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT OF 2004**

**§ 69.1401. Nonpublic utility status of alternative energy source projects.**

(a) *General.* The Commission will interpret 66 Pa.C.S. § 102 (relating to definitions) as not applying to utility service produced by an alternative energy source when the alternative energy source satisfies one or more of the following criteria:

(1) The service being provided by the alternative energy source is merely incidental to nonutility business with the customers which creates a nexus between the provider and customer.

<sup>22</sup> The Commission dealt with this concern in *Granger* by accepting the developer’s commitment to seek Commission approval if it wished to substitute or add a customer. *Granger, slip op. p. 19.*

<sup>23</sup> Docket No. P-00032043 (Order entered August 19, 2004).

(2) The facility is designed and constructed only to serve a specific group of individuals or entities, and others cannot feasibly be served without a significant revision to the project.

(3) The service is provided to a single customer or to a defined, privileged and limited group when the provider reserves its right to select its customers by contractual arrangement so that no one among the public, outside of the selected group, is privileged to demand service, and resale of the service is prohibited.

(4) Other factors indicate an intention, express or implied, to serve private entities as opposed to the general public.

(b) *Coverage.* Alternative energy sources covered by this section will be those defined by section 2 of the Alternative Energy Portfolio Standards Act (73 P. S. § 1648.2), except that an otherwise qualified alternative energy source shall be covered by this section, even if the

output of the alternative energy project is not used for the production of electricity, so long as the output is used as an energy source by an end-user customer for some or all of its energy needs.

(c) *Modifications.* An alternative energy project qualifies as a nonpublic utility under subsection (a) and is not a public utility subject to the Commission's jurisdiction notwithstanding the fact that the relevant contractual provisions:

(1) Permit the alternative energy developer to substitute customers or to rearrange the project.

(2) Revise the customer group as a result of a material change in circumstances, including an instance when the actual output from the alternative energy source proves to be materially less than or greater than projected levels.

[Pa.B. Doc. No. 05-2371. Filed for public inspection December 23, 2005, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Referendum Order; Pennsylvania Peach and Nectarine Research Program

A referendum vote will be held to determine whether to increase the Pennsylvania Peach and Nectarine Research Program (Program) assessment fee to \$8 per acre effective in Fiscal Year 2006. No hearing is scheduled for this referendum unless a producer requests one in writing. To request a hearing, notify Ron Walker in writing at the Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110-9408 within 7 days of publication date of this notice.

I. The Program was established under 3 Pa.C.S. §§ 4501—4513 (act) (relating to Agricultural Commodities Marketing Act). The act requires that the Secretary of Agriculture (Secretary) call a referendum of affected producers any time there is a proposed change to the Program order. This referendum vote for the Program will determine whether or not a majority of those voting desire the requested Program change.

II. *Referendum Period:* The referendum period shall be December 19, 2005, until 4 p.m. on January 3, 2006. Completed ballots shall be mailed or hand delivered to Ron Walker, Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand delivered ballots must be received by 4 p.m. on January 3, 2006. Ballots that are mailed must be postmarked no later than January 3, 2006, and received no later than January 9, 2006.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than December

16, 2005, to all affected producers whose names appear on the list of peach and nectarine producers in this Commonwealth maintained in the Office of the Secretary. Additional copies of the same materials shall be made available at the Office of the Secretary.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is September 30, 2005. Peach and nectarine producers who grow a total of 500 or more peach and/or nectarine trees of all ages are eligible to vote.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary. The counting of the ballots will begin at 10 a.m., Tuesday, January 10, 2006, in the Department of Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary not later than 7 calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 05-2372. Filed for public inspection December 23, 2005, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending December 13, 2005.

### BANKING INSTITUTIONS

#### Conversion Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-7-05	The Manor National Bank Manor Westmoreland County	43 Race Street Manor Westmoreland County	Approved
	<i>To:</i> Manor Bank Manor Westmoreland County		
	Represents conversion from a National bank to a Pennsylvania-chartered commercial bank.		

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-8-05	Keystone Nazareth Bank & Trust Company, Bethlehem, and The Trust Company of Lehigh Valley, Allentown Surviving Institution— Keystone Nazareth Bank & Trust Company, Bethlehem	Bethlehem	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-7-05	Orrstown Bank Shippensburg Cumberland County	201 South Cleveland Avenue Hagerstown Washington County, MD	Filed
12-9-05	First Commonwealth Bank Indiana Indiana County	6999 Crider Road Mars Butler County	Approved
12-12-05	Woodlands Bank Williamsport Lycoming County	1980 West Fourth Street Williamsport Lycoming County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-7-05	AmeriServ Financial Bank Johnstown Cambria County	<i>Into:</i> 1383 Shoemaker Street Nanty Glo Cambria County  <i>From:</i> 928 Roberts Street Nanty Glo Cambria County	Approved
12-8-05	Hudson United Bank Mahwah Bergen County, NJ	<i>To:</i> 400 East Market Street West Chester Chester County, PA  <i>From:</i> 1 North High Street West Chester Chester County, PA	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-7-05	Freedom Credit Union, Philadelphia, and FBC Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Approved

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-2373. Filed for public inspection December 23, 2005, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2006**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January 2006 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.



Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.68 to which was added 2.50 percentage points for a total of 7.87 that by law is rounded off to the nearest quarter at 7 1/4%.

A. WILLIAM SCHENCK, III,  
Secretary

[Pa.B. Doc. No. 05-2374. Filed for public inspection December 23, 2005, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0053716	Jeffrey and Lori Scott 800 North Tower Road Quakertown, PA 18951-3122	Bucks County West Rockhill Township	UNT to Butler Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0086819 (SEW)	Donald L. Collier 1534 Millers Corner Road Clearville, PA 15535	Bedford County Southampton Township	Wilson Run/13-A	Y
PA0081931 (SEW)	Shawnee Valley Ambulance Association P. O. Box 8 Schellsburg, PA 15559-0008	Bedford County Napier Township	UNT Shawnee Run/11-C	Y
PA0088668 (SEW)	Metal Township Municipal Authority P. O. Box 216 Willow Hill, PA 17271-0216	Franklin County Metal Township	Conocheague Creek/13-C	Y
PA0084034 (SEW)	West Perry School District Carroll Elementary 2606 Shermans Valley Road Elliptsburg, PA 17024	Perry County Carroll Township	UNT Shermans Creek/7-A	Y
PA0080730 (SEW)	West Perry School District Blain Elementary 2606 Shermans Valley Road Elliptsburg, PA 17024	Perry County Blain Borough	UNT Shermans Creek/7-A	Y
PA0086754 (SEW)	East Penn Manufacturing Company Deka Road Lyon Station, PA 19536-0147	Berks County Richmond Township Maxatawny Township	Sacony Creek/3-B	Y
PA0082511 (SEW)	Roxbury Holiness Camp, Inc. Box 28 Roxbury, PA 17251	Franklin County Letterkenny Township	Conodoguinet Creek/7-B	Y
PA0082333 (SEW)	Conestoga Hills Community Robert Harnish 1230 Stoney Lane Conestoga, PA 17516	Lancaster County Conestoga Township	UNT Stehman Run/7-J	Y
PA0086274 (SEW)	Saxton Congregation of Jehovah's Witnesses 122 Pioneer Trail Lane Saxton, PA 16678-9718	Bedford County Liberty Township	UNT Sugar Camp Run/11-D	Y
PA0080055 (SEW)	Conewago Industrial Park Water & Sewer Authority P. O. Box 332 Lemoyne, PA 17043-0332	Lancaster County West Donegal Township	Conewago Park/7-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0223026	St. Petersburg Borough Water Treatment Plant P. O. Box 235 St. Petersburg, PA 16054-0235	Richland Township Clarion County	UNT to Clarion River Watershed 17-B	Y

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

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

**No. PA0056642**, Industrial Waste, SIC 5171, **Meenan Oil Company, Inc.**, 8301 Lansdowne Avenue, Upper Darby, PA 19082. This application is for renewal of an NPDES permit to discharge treated stormwater from an oil/water separator in Upper Darby Township, **Delaware County**. This is an existing discharge to Naylor's Run Creek.

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

There is no public water supply intake from the point of discharge to the Pennsylvania State line.

The proposed effluent limits for Outfall 001, based on an average storm event, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons			Monitor and Report
Diesel Range Organics			Monitor and Report

Other Requirements:

1. Nuisance Clause.
2. Change of Ownership.
3. Sludge Disposal.
4. Product Contaminated Stormwater Runoff.
5. Additional Requirements.
6. PPC Plan.
7. Other Wastewater Discharges.
8. Definitions.

The EPA waiver is in effect

**PA0058980**, Industrial Waste, SIC 3273, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Activity: The discharge of stormwater from a Ready-Mix Concrete Batch Plant property. This property is located at 861 North Easton Road, Doylestown, PA 18901.

The receiving stream, Pine Run, is in the State Water Plan Watershed 2F and is classified for TSF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek. This discharge is not expected to impact the water supply.

The proposed effluent limits for Outfalls 001 and 002 are based on stormwater discharge.

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

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

1. Implement Stormwater BMPs.
2. Adopt Remedial Measures.
3. Small Stream Discharge.
4. Proper Disposal of Solids.
5. Applicable BMPs.

**PA0058971**, Industrial Waste, SIC 3273, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Middletown Township, **Bucks County**.

Description of Proposed Activity: The discharge of stormwater from a Ready-Mix Concrete Batch Plant property. This property is located at Maple Avenue (Route 213) and Railroad, Langhorne, PA 19047.

The receiving stream, Mill Creek (Stream Code 2916) is in the State Water Plan watershed 2F and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for AQUA, PA Bristol is located on the Delaware River. This discharge is not expected to impact the water supply.

The proposed effluent limits for Outfalls 001 and 002 are based on stormwater discharge are as follows:

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

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

1. Implement Stormwater BMPs.
2. Adopt Remedial Measures.
3. Small Stream Discharge.
4. Proper Disposal of Solids.
5. Applicable BMPs.

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

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

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

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

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

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

**PA0026107**, Sewage, **Wyoming Valley Sanitation Authority**, P. O. Box 33A, Wilkes-Barre, PA 18703-1333. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Activity: NPDES Permit renewal to discharge 32 mgd of treated sewage to the North Branch Susquehanna River.

The receiving stream, North Branch Susquehanna River, is in the State Water Plan watershed No. 5B and is classified for WWF. The nearest downstream public water supply intake for Danville Water Company is located on the North Branch Susquehanna River.

The proposed effluent limits are based on a design flow of 32.0 mgd.

*Outfall 001 (Secondary Plant Effluent Prior to Chlorination):*

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Ammonia-N	Report		
Kjeldahl-N	Report		
Nitrite-N/Nitrate-N	Report		
Total Nitrogen	Report		
Total Phosphorus	Report		
Total Nitrogen	Annual Mass Load of 662,396 lbs/year limit for year 4 and year 5 of the permit.		
Total Phosphorus	Annual Mass Load of 82,800 lbs/year limit for year 4 and year 5 of the permit.		

*Outfall 001 (Chlorine Contact Tank Effluent):*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.50		1.20

*Outfalls 059 and 060 (Stormwater)\*:*

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

Permittee has the option to perform an annual inspection of facilities in lieu of annual monitoring.

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

Point Sources 002 through 58 (except 014, 027, 041, 047, 048 and 050) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or treatment plant. In accordance with the Department of Environmental Protection's EPS approved CSO strategy, a special permit requirement is included in Part C of this Permit.

*Other Conditions:* Sludge disposal, pretreatment operating and reporting requirements, combined sewer overflows, WETT, the Chesapeake Bay Tributary Nutrient Strategy and stormwater.

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

The EPA waiver is not in effect.

\*Permittee has the option to perform annual inspection of facility in lieu of monitoring.

**PA-0060801**, Sewage, **Montrose Municipal Authority**, P. O. Box 306, Montrose, PA 18801. This proposed facility is located in Bridgewater Township, **Susquehanna County**.

Description of Proposed Activity: renewal of NPDES Permit to discharge treated sewage.

The receiving stream, Pettis Creek, is in the State Water Plan watershed 4D and is classified for WWF. The nearest downstream public water supply intake for Danville Water Supply is located on North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.820.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	2.0 6.0		4.0 12.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.02		0.05
Ammonia-N	Monitor and Report		
Kjeldhal-N	Monitor and Report		
Nitrate-Nitrite-N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Nitrogen	14,612 lbs/yr.	Year 1 through 3 Year 4 and 5	
Total Phosphorus	1,827 lbs/yr.	Year 4 and 5	

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

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

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

**Application No. PA 0080624**, Industrial Waste, SIC Code 0161, **B & W Quality Growers, Inc.**, 17825 79th Street, Fellsmere, FL 32948. This facility is located in South Middleton Township, **Cumberland County**.

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

The receiving stream, Letort Spring Run, is in Watershed 7-B and classified for exceptional value, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water Company located on the Conodoguinet Creek, approximately 18.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed requirements for the outfalls are listed as follows:

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. Maintain straw bales or silt fence at cress bed outlets during planting or harvesting to minimize sediment discharges.
3. Limit pesticide use to Dipel, Malathion, Induce, Safer Insecticidal Soap, Neemix and Kocide without prior Department of Environmental Protection (Department) approval.
4. Cease discharging from cress beds if there is a potential for a pollution incident.
5. Submit monthly reports indicating pesticides used, application rates and acres treated.
6. Operate a trout maintenance facility at Bonny Brook Bed No. 3.

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

The EPA waiver is in effect.

**Application No. PA 0248029**, Sewage, **Hustontown Joint Sewage Authority**, P. O. Box 606, Hustontown, PA 17229. This facility is located in Dublin and Taylor Townships, **Fulton County**.

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

The receiving stream, UNT Lamberson Branch, is in Watershed 12-C and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata, less than 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.028 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Total Annual (lbs/yr)</i>
CBOD <sub>5</sub>	10	15	20	
Total Suspended Solids	10	15	20	
NH <sub>3</sub> -N				
(5-1 to 10-31)	1.4		2.8	
(11-1 to 4-30)	4.2		8.4	
Total Nitrogen	Monitor and Report			682
Total Phosphorus	Monitor and Report			85
Total Residual Chlorine	ND			
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0 to 9.0 inclusive			
Fecal Coliform	200/100 ml as a geometric average			

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

The EPA waiver is in effect.

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

**PA0002275**, Sewage, **Keystone Coal Mining Corporation**, P. O. Box 219, Shelcta, PA 15774. This application is for renewal of an NPDES permit to discharge treated sewage from Keystone Cleaning Sewage Treatment Plant in Plumcreek Township, **Armstrong County**.

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

*Outfall 001:* existing discharge, design flow of 0.0018 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 <sub>5</sub>	20			40
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	6.0			12.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0094536**, Sewage, **Forest Hills School District**, P. O. Box 158, Sidman, PA 15955-0158. This application is for renewal of an NPDES permit to discharge treated sewage from Forest Hills Middle School STP in Croyle Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of South Fork Little Conemaugh, which are classified as a CWF 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 Blairsville Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.019 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 <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	7.0			14.0
(11-1 to 4-30)	14.0			28.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10- to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.2			2.7
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0095681**, Sewage, **Casciola Homes, Inc.**, 17 Ridgewood Drive, McDonald, PA 15057. This application is for renewal of an NPDES permit to discharge treated sewage from Casciola Homes Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Miller Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority located on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.0245 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 <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	15.0			30.0
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			
Total Residual Chlorine	1.4			3.3
PH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0097781**, Sewage, **NBI Properties, Inc.**, 850 23rd Avenue, Suite D, Longmont, CO 80501. This application is for renewal of an NPDES permit to discharge treated sewage from Belle Vernon Holiday Inn STP in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cedar Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport.

*Outfall 001*: existing discharge, design flow of 0.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
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			
Total Residual Chlorine	1.0			2.4
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204951**, Sewage, **Advanced Commerce Group, Inc.**, 100 Legacy Drive, Sewickley, PA 15143. This application is for renewal of an NPDES permit to discharge treated sewage from The Woodlands Plan of Lots Sewage Treatment Plant in Sewickley Hills Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Kilbuck Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority on the Ohio River.

*Outfall 001*: existing discharge, design flow of 0.01 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	2.5			5.0
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			
Total Residual Chlorine	0.03			0.06
Dissolved Oxygen	not less than 6 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.*

**PA0027138-Amendment No. 1**, Sewage. **Riverside Drive, Sharon, PA** 16146. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Activity: Renewal expansion of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA American Water Company, New Castle District intake located on the Shenango River approximately 22 miles below point of discharge.

The receiving stream, the Shenango River, is in watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.5 mgd.



## INTERIM LIMITS

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>	938	1,501	25	40	50
Total Suspended Solids	1,126	1,689	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	563		15		30
(11-1 to 4-30)	XX		XX		
Fecal Coliform					
(5-1 to 9-30)		200/100ml as a geometric average			
(10-1 to 4-30)		24,000/100ml as a geometric average			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfall 001 are based on a design flow of 8.66 mgd.

## FINAL LIMITS

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>	1,806	2,889	25	40	50
Total Suspended Solids	2,167	3,250	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	722		10		20
(11-1 to 4-30)	XX		XX		
Fecal Coliform					
(5-1 to 9-30)		200/100ml as a geometric average			
(10-1 to 4-30)		2,000/100ml as a geometric average			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 standard units at all times			

XX—Monitor and report on monthly DMRs.

*Special Conditions:*

- Supersede previous limits in Water Quality Management permits.
- Total Residual Chlorine minimization.
- Requirement to perform Whole Effluent Toxicity testing for the NPDES renewal.
- Continued implementation of the Federal Pretreatment Program.
- Stormwater, Best Management Practices for the treatment plant site.
- Prohibition of Sanitary Sewer Overflows.

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)

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

**WQM Permit No. 6505409**, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. This proposed facility is located in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a 40-lot, residential sewage treatment plant.

**WQM Permit No. 6505410**, Sewerage, **Unity Township Municipal Authority**, P. O. Box 506, Pleasant Unity, PA 15676. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage collection, conveyance and treatment system.

**WQG Permit No. WQG016118**, Sewerage, **Scott Marker**, 840 Pioneer Road, Rockwood, PA 15557. This proposed facility is located in Milford Township, **Somerset County**.

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

**WQG Permit No. WQG016115**, Sewerage, **Thomas Recupero**, P. O. Box 134, Eighty Four, PA 15330. This proposed facility is located in North Bethlehem Township, **Washington County**.

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

**WQM Permit No. 6505408**, Sewerage, **Carol Brode**, 1000 Small Road, Jeannette, PA 15644. This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application 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. 2505201**, Industrial Waste, **Youngstown Ohio YMCA, Camp Fitch**, 17 North Champion Street, Youngstown, OH 44501. This proposed facility is located in Springfield Township, **Erie County**.

Description of Proposed Action/Activity: This project is for construction of a microfiltration plant and associated equipment including industrial wastewater disposal system for microfiltration backwash.

**WQM Permit No. 1005409**, Sewerage, **Frank Shipley**, 8037 Rowan Road, Cranberry Township, PA 16066. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment system to serve Wilson's Ridge, Walnut Square and Hidden Acres developments.

**WQM Permit No. 3705403**, Sewerage, **Steven M. Zoccoli, Zoccoli's Mobile Home Park**, R. R. 1, Box 215, Edinburg, PA 16116-9801. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for necessary repairs to an existing sewage treatment facility.

---

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

---

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

---

#### **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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505086	Simmers Builders, Inc. Englewood Subdivision 1035 West Lincoln Highway Coatesville, PA 19320	Chester	West Clan and Honeybrook Townships	Pequea Creek (HQ, CWF)
PAI011505087	The Cutler Group, Inc. Soltys Seven Stars Road Subdivision 5 Apollo Road Plymouth Meeting, PA 19462	Chester	East Vincent Township	Stony Run (HQ, TSF)
PAI011505088	Cornerstone Communities, Inc. 771 East Lancaster Avenue Villanova, PA 19085	Chester	Wallace Township	Marsh Creek (HQ, TSF, MF)
PAI012305007	Middletown Township P. O. Box 157 27 N. Pennell Road Lima, PA 19037	Delaware	Middletown Township	Rocky Run (HQ, CWF)

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

*Wayne County Conservation District: 648 Park St., Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026405008	Roy Denmark United States Army Corps of Engineers Philadelphia District	Wayne	Prompton Borough	West Branch of Lackawanna River HQ-TSF, MF HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051105004	Allegheny Ridge Wind Farm, LLC One South Broad Street 20th Floor Philadelphia, PA 19107	Cambria	Cresson, Portage and Washington Townships Cambria County Greenfield and Juniata Townships Blair County	Bens Creek (EV) Bobs Creek (HQ-WWF)

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

*Butler Conservation District, 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061005002	Oberg Industries Building Addition Brent Thomas 100 Independence Lane Butler, PA 16001	Butler	Buffalo Township	Buffalo Creek HQ-TSF

*Elk Conservation District, Elk County Courthouse Annex, 300 Center Street, P. O. Box 448, Ridgway, PA 15853.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062405005	Elcam, Inc. 189 West Creek Road St. Marys, PA 15857	Elk	City of St. Marys	West Creek HQ-CWF

*Jefferson Conservation District, 1514 Route 28, Brookville, PA, 15825, (814) 849-7463.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063305003	Clearfield Jefferson Counties Regional Airport Authority	Jefferson	Washington Township	Keys Run and UNT Horn Run CWF Wild Trout Kyle Run Tributary Falls Creek 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**

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

**Permit No. 0605522**, Public Water Supply.  
 Applicant **Berkleigh Heights, Inc.**  
 Municipality Richmond Township  
 County **Berks**  
 Responsible Official William J. Keller  
 1329 Richmond Rd.  
 Fleetwood, PA 19522  
 Type of Facility Public Water Supply  
 Consulting Engineer Bruce W. Haigh, P. E.  
 Whittemore and Haigh  
 Engineering, Inc.  
 200 Bethlehem Drive  
 Morgantown, PA 19543  
 Application Received Date 11/18/2005  
 Description of Action Reactivation of Well No. 2 as a source for the public water supply.

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

**Permit No. 5505501**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 Township or Borough Penn Township  
 County **Snyder**  
 Responsible Official Thomas J. Roberts  
 Vice President, Network  
 700 West Sproul Road  
 Springfield, PA 19064  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer William A. LaDieu, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received Date December 7, 2005  
 Description of Action Permitting of replacement well and well station and repainting of water storage tank. Pennsview Well No. 3.

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

**Application No. 2505505**, Public Water Supply  
 Applicant **Youngstown YMCA Camp Fitch**  
 Township or Borough Springfield Township  
**Erie County**  
 Responsible Official William Lyder, Exec. Director

Consulting Engineer Scott M. Hoffman, P. E.  
 Project Mgr.  
 MS Consultants, Inc.  
 Airport Ofc Park 4  
 333 Rouser Rd.  
 Coraopolis, PA 15108-2773

Application Received Date 12/07/2005

Description of Action Water treatment plant system improvements to include filtration, disinfection and finished water storage.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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

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

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

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

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

**Pennsylvania Army National Guard—Lock Haven Armory**, Woodward Township, **Clinton County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of the Department of Military and Veterans Affairs, Environmental Section, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with benzene, ethylbenzene, cumene, naphthalene, toluene, fluorene and phenanthrene. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in *The Express* on November 30, 2005.

**Suburban Heating Oil Partners—Towanda Facility**, Wysox Township, **Bradford County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110 on behalf of Suburban Heating Oil Partners, P. O. Box 4833, Syracuse, NY 13221-4833 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel and unleaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standard requirements.

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

**Pauls Chrome Plating Mars**, Adams Township, **Butler County**. Joseph Scalamongna, Core Compliance Group, Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066 has submitted a Notice of Intent to Remediate. Site Soil and Groundwater contamination resulted from two separate releases of chrome plating liquids from plating tanks in 1997. Future property use is intended to be commercial. NIR was published in the *Butler Eagle* November 17, 2005.

#### **DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

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

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

**General Permit Application No. WMGM015D001. Emery Tree Service, Inc.**, No. 1, Hershey Road, Indianola, PA 15051.

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a determination of applicability (DOA) under the Municipal Waste General Permit No. WMGM015 for the Wood and Yard Debris Recycling facility, located in Indiana Township, Allegheny County. This general permit is for the processing and beneficial use of wood and timber waste (such as tree stumps, limbs, clean wood, untreated and unpainted wood and pallets) to create mulch for commercial purposes. The Department determined the DOA application to be administratively complete on December 8, 2005.

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

#### **DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

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

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

**General Permit Application No. WMGR003D002. Post Precision Castings, Inc.** P. O. Box A, Strausstown, PA 19559-0100.

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a determination of applicability under the General Permit No. WMGR003. The General Permit No. WMGR003D002 is for beneficial use of spent fired colloidal silica waste from a ferrous iron foundry using lost wax casting process as a fine aggregate or roadbed and pipe bedding materials. The Department determined the application to be administratively complete on December 8, 2005.

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

## **AIR QUALITY**

### **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.**

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

**18-315-001B: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) for modification of a paper towel and tissue manufacturing facility by increasing the usage of paper additives and adhesives so that the VOC emissions from the facility will increase by as much as 33.18 tons per year in Castanea Township, **Clinton County**.

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

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

**46-0011D: ISG Plate, LLC** (900 Conshohocken Road, Conshohocken, PA 19428) for installation of a new cartridge filter dust collector in Plymouth Township, **Montgomery County**. This installation of the cartridge filter dust collector may result in the emissions of 4.12 tons per year of particulate matter. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**36-05017D: Conestoga Wood Specialties Corp.** (245 Reading Road, East Earl, PA 17519) for construction of new laboratory coating spray booth and modification to operations in existing Spray Room No. 1 to improve efficiency and increase production in East Earl Township, **Lancaster County**. This Plan Approval has a potential to increase the facility's VOC emissions by 29.3 tons per year. This is subject to new source review in accordance with 25 Pa. Code, Subchapter E, and also subject to VOC emission offset as per 25 Pa. Code §§ 127.205, 127.210 and 127.211, which require the company to buy 80 tons of VOC emission reduction credits. The facility's major sources of emissions include woodworking operations controlled by dust collectors and coating booths, which primarily emit VOCs. This Plan Approval will be incorporated into the facility's Title V operating permit number 36-05017 in accordance with 25 Pa. Code § 127.450 (Administrative Amendment). The Title V operating permit number 36-05017 will contain the emissions restrictions, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within the applicable air quality requirements.

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

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

**39-00081: Insulation Corp. of America** (2571 Mitchell Avenue, Allentown, PA 18013) for a State-only (Synthetic Minor) Operating Permit for a plastic foam products manufacturing facility in the City of Allentown, **Lehigh County**. The facility sources include: one batch pre-expander, one block mold and one natural gas fired boiler. These sources have the potential to emit major quantities of VOCs (pentane) above Title V emission thresholds. The facility shall use control equipment (boiler) to burn the pentane and maintain VOC emissions under the Title V limit. The proposed State-only Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**54-00002: Honeywell International, Inc.** (98 Westwood Road, Pottsville, PA 17901-1834) for a State-only (Synthetic Minor) Operating Permit for a plastics, film and sheet manufacturing facility in Norwegian Township, **Schuylkill County**. The facility sources include: eight film extrusion lines, three pellet die equipment sources, one coater, two ovens, two oil heaters, one pelletizer/powder conveyor system and one pelletizer conveyor table. These sources have the potential to emit major quantities of VOC above Title V emission thresholds. The facility is taking a limitation on production throughput to keep VOCs under the Title V limit. The proposed State-only Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**06-03065: Tube City IMS Corp.** (1155 Business Center Drive, Horsham, PA 19044) for an air quality permit for their International Mill Service, Inc. steel slag processing operations in Muhlenberg Township, **Berks County**, on the Hartman Tract of Carpenter Technology. The 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.

**06-03098: Ralph Good, Inc.** (306 East Main Street, P. O. Box 924, Adamstown, PA 19501) for an air quality permit for their potato chip manufacturing facility in Spring Township, **Berks County**. The 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.

**31-05014: AGY Huntingdon, LLC** (1200 Susquehanna Avenue, Huntingdon, PA 16652-1946) for operation of their glass fiber yarn production facility in Huntingdon Borough. The facility is a major source that primarily emits VOC and HAP through the operation of the South and Main Forming areas in which glass fiber yarn is produced. The Title V operating permit will contain appropriate material through put limitations, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements. To limit emissions, the facility has accepted a raw material throughput limitation in the South & Main Forming production areas. This is a renewal of a renewal of their Title V operating permit and will include the equipment installations and raw material through put increases approved under Plan Approval No. 31-309-029B.

**36-03115: Prospect Aggregates, Inc.** (P. O. Box 7, East Petersburg, PA 17520) for operation of a crushed and broken limestone processing operation in West Hempfield Township, **Lancaster County**. This action is a renewal of the State-only Operating Permit issued in 2000.

**67-03070: Lower Allen Township Authority** (120 Limekiln Road, New Cumberland, PA 17070) for operation of its waste water treatment facility in Fairview Township, **York County**. This is a renewal of their State-only Operating Permit issued in 2001.

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

**08-00014: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for operation of an asphalt pavement production facility (Towanda Plant) in Wysox Township, **Bradford County**.

The facility incorporates a 150 ton per hour batch mix asphalt plant and associated aggregate, liquid asphalt and fuel oil handling and/or storage equipment as well as a concrete batch plant and a solvent parts cleaner. The PM emissions including PM10 from the asphalt plant are controlled by a knock out box and a fabric collector operating in series and the PM/PM10 emissions from two cement storage silos incorporated in the concrete batch plant are controlled by two fabric collectors. The PM10, SOx and CO emissions from the facility will be limited to 100 tons per year of each and the emission of NOx, VOCs and HAPs are not expected to exceed 21.66, 6.54 and 1.39 tons per year, respectively.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 8-303-003, issued on September 20, 1993, and amended on September 28, 2004.

These previously-established conditions include:

- A condition limiting the asphalt plant's production to no more than 361,032 tons of product during any 12-consecutive month period.

- A condition limiting the fuel fired in the asphalt plant to gas (natural or liquefied petroleum), virgin No. 2 fuel oil and recycled/reprocessed oil.

- A condition limiting the content of certain contaminants in the recycled/reprocessed oil fired in the asphalt Plant to:

- arsenic—5 parts per million (by weight)
- cadmium—2 parts per million (by weight)
- chromium—10 parts per million (by weight)
- lead—100 parts per million (by weight)
- total Halogens—1,000 parts per million (by weight)
- polychlorinated biphenyls (PCBs)—none detectable (detection limit no greater than 2 parts per million, by weight)
- sulfur—1.0% (by weight)

- A condition prohibiting the facility from accepting any shipment of recycled/reprocessed oil which contains contaminant contents in excess of those specified in the permit or for which contaminant contents are unknown.

- A condition specifying the specific analytical procedures to be employed in determining the contaminant contents in recycled/reprocessed oil.

- A condition requiring the permittee to take a representative sample of each shipment of recycled/reprocessed oil received and save it for at least 2 years for possible analysis.

- A condition requiring spare fabric collector bags to be kept on hand.
- A condition prohibiting the manufacture of asbestos-containing asphalt paving material.
- A condition prohibiting the asphalt plant from being used to decontaminate soil or any other material contaminated with gasoline, oil, and the like.
- A condition requiring the maintenance and periodic submission, of records of the amount of asphalt paving material produced each month, the quantity of each type of fuel used each month and the delivery date, quantity, supplier identification and contaminant contents for each shipment of recycled/reprocessed oil received.

The Department additionally proposes to incorporate into the operating permit to be issued a number of new conditions including:

- A condition requiring the performance of particulate matter stack testing on the asphalt plant within 2.5 years of operating permit issuance.
- A condition prohibiting the recycled/reprocessed oil used in the asphalt plant from having a flash point less than 100°F.
- Conditions requiring the permittee to test each shipment of recycled/reprocessed oil received for total halogen content and to perform a complete analysis for all regulated contaminants on at least one out of every 15 shipments of such oil.
- A condition specifying the conditions which must be met to take a "representative sample" of recycled/reprocessed oil.
- A condition requiring the maintenance and periodic submission, of records of the results of all recycled/reprocessed oil analyses performed.
- A condition prohibiting the permittee from putting any waste oil or waste materials into any storage tank used for the storage of fuel.
- A condition requiring the maintenance of records of the vapor pressure of the contents of the liquid asphalt storage tanks.

**08-00026: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for operation of a sand and gravel processing facility (Sheshequin Plant) in Sheshequin Township, **Bradford County**.

The facility incorporates various pieces of sand and gravel crushing, screening, conveying, and the like, equipment as well as a solvent parts washer. Control of fugitive PM from the gravel crushing, screening, conveying, and the like, equipment is provided by the inherent moisture content of the material being processed. The facility is not expected to emit more than 9.41 tons of PM per year, of which no more than 5.09 tons per year are expected to be PM10 and .039 ton of VOCs per year.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance will all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 8-310-003, issued on November 21, 2000.

These previously-established conditions include:

- A condition requiring the crushing, screening, conveying etc. equipment (with the exception of one specific feeder, one specific screen, one specific crusher and five specific conveyors) to be operated wet (meaning the application of enough water to render the material being processed dust-free).
- A condition limiting the operation of the plant to 3,000 hours per calendar year.
- A condition requiring an operable water truck equipped with a pressurized spray mechanism to be kept onsite and filled with water at all times the plant is operating.
- A condition allowing the replacement of any piece of crushing, screening, conveying, and the like equipment provided it is of equal or smaller size and equivalent design and function to the piece of equipment being replaced and provided the Department is notified within 1 week of replacement.

The Department additionally proposes to incorporate into the operating permit to be issued a new condition requiring the maintenance of records of the number of hours the plant is operated each month.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining



which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the

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

#### *Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 4072SM11 and NPDES Permit No. PA0248886, Penn Coal Land, Inc.,** P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Summit Township, **Somerset County**. Receiving streams: UNT to Miller Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005.

**Permit No. 4075SM12 and NPDES Permit No. PA0248860, Penn Pocahontas Coal Company,** P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Summit Township, **Somerset County**. Receiving stream: UNT to Casselman River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005.

**Permit No. 4072SM22 and NPDES Permit No. PA0248894, Penn Coal Land, Inc.,** P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Somerset Township, **Somerset County**. Receiving stream: UNT to Kimberly Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005.

**Permit No. 3366BSM84 and NPDES Permit No. PA0248797, Penn Pocahontas Coal Company,** P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Brothersvalley Township, **Somerset County**. Receiving streams: Buffalo Creek and Tubs Run classified for the following uses: CWF and CWF. There are no potable

water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005.

**Permit No. 4072SM2 and NPDES Permit No. PA0248878, Penn Coal Land, Inc.,** P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving streams: UNT to Meadow Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. NPDES renewal application received December 5, 2005.

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

**26000103 and NPDES Permit No.0202878. J Construction Co.** (R. R. 2, Box 626, Farmington, PA 15437). Renewal application for reclamation only to a bituminous surface mine, located in Fairchance Borough and Georges Township, **Fayette County**, affecting 7 acres. Receiving stream: Muddy Run, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 7, 2005.

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

**17010109 and NPDES No. PA0243116. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), revision of an existing bituminous surface mine to add 3.3 acres of support area to the existing surface mine permit in Bigler Township, **Clearfield County**, affecting 165.0 acres. Receiving streams: Banian Run, Muddy Run and Clearfield Creek. Application received: December 2, 2005.

#### *Noncoal Applications Received*

##### *Effluent Limits*

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

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

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

A settleable solids instantaneous maximum limit of 0.5 mg/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.*

**Permit No. 32900301 and NPDES Permit No. PA0598712. Edward C. Griffith Quarrying, Inc.**, 14472 Route 119 Highway North, Rochester Mills, PA 15771, renewal of NPDES Permit, North and East Mahoning Townships, **Indiana County**. Receiving streams: UNT to Little Mahoning Creek classified for the following use: HQ. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 1, 2005.

**Permit No. 4275SM19 and NPDES Permit No. PA0599204, New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664-0077, renewal of NPDES Permit, Spruce Creek and Warriors Mark Townships, **Huntingdon County**. Receiving streams: Little Juniata River, UNTs to Little Juniata River, Gensimore Run classified for the following uses; TSF; WWF and WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 2, 2005.

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

**14050302 and NPDES No. PA0256285. Raducz Stone Corporation** (284 Rockdale Road, Butler, PA 16002). Commencement, operation and restoration of a large noncoal industrial minerals operation for mining sandstone in Howard Township, **Centre County**, affecting 117.5 acres. Receiving streams: Lick Run (HQ-CWF) to Bald Eagle Creek (WWF) (Sayers Dam). There are no potable water supply intakes within 10 miles downstream of the proposed permit. Application received: September 14, 2005.

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

**7175SM2C5 and NPDES Permit PA0124061. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Washington and Jackson Townships, **Dauphin County**, receiving streams: UNT to Wiconisco and Armstrong Creeks, classified for the following use: CWF. Application received November 23, 2005.

**13760301C4 and NPDES Permit PA0124214. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Towamensing Township, **Carbon County**, receiving stream: UNT to Aquashicola Creek, classified for the following use: CWF. Application received November 28, 2005.

**6478NC3C4 and NPDES Permit PA0123218. Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oxford Township, **Adams County**, receiving stream: UNT to South Branch Conewago Creek, classified for the following use: WWF. Application received November 30, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-889. Delaware River Joint Toll Bridge Commission**, 11 Wood Street, Morrisville, PA 19067, Morrisville City, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the rehabilitation of Trenton-Morrisville Toll Bridge Project located between the Borough of Morrisville, Bucks County, PA and the City of Trenton, Mercer County, NJ (Trenton West, PA-NJ USGS Quadrangle N: 15.2 inches; W: 2.5 inches):

1) To rehabilitate and widen the superstructure of the existing US Route 1 bridge and its approach roadways over Delaware River (WWF, MF).

2) To rehabilitate and widen the existing US Route 1 bridge over the Pennsylvania Canal (TSF), on the east side, impacting 0.03 acre of wetlands (PEM/PFO).

**E15-748. Chester County Radio Inc**, 105 W. Gay Street, West Chester, PA 19380, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a Radio Station (WCHE) transmission tower and appurtenances within the FEMA delineated 100-year floodway of Taylor's Run (TSF-MF) and adjacent wetlands (PEM). Proposed activities with impacts associated with the project include:

1) Construction of approximately 100 anchor concrete bases in the soil around the proposed tower in a circle connected to guide radial wires.

2) Excavation and minor fill in the wetlands to accommodate the foundations of the tower concrete pads and the concrete anchor bases.

3) Minor grading and clearing to facilitate the construction of access driveway to the tower footprint areas.

4) Construction of a 6-foot high chain-linked fence for tower protection within wetlands and the floodway.

The project will temporarily impact 0.78 acre of wetland and permanently impact 0.003 acre of wetlands in the 100-year floodway of Taylor's Run. The project site is located approximately 350 feet East of the intersections of Route 322 and Business Route 322 (Unionville PA, Quadrangle N: 16.55 inches; W: 0.83 inch).

**E15-747. Pulte Homes of PA**, 1100 Northbrook Avenue, Suite 200, Trevoise, PA 19053, East and West Brandywine Townships, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Overlook Road Farm Project, a mixed-use residential and golf course community, within the Beaver Creek (TSF) and Culbertson Run (HQ) watersheds.

1. 12' wide by 23' long timber pedestrian trail bridge crossing of a UNT of Beaver Creek located adjacent to and north of the proposed golf hole No. 6.

2. 12' wide by 162' long timber golf cart bridge crossing of a UNT of Beaver Creek and adjacent wetlands located east of the proposed golf hole No. 5.

3. 12' wide by 64' long timber golf cart bridge crossing of a UNT of Beaver Creek located south of the proposed golf hole No. 5.

4. 12' wide by 61' long timber golf cart bridge crossing of Beaver Creek and adjacent wetlands located west of the proposed golf hole No. 4

5. 12' wide by 91' long timber golf cart bridge crossing of a wetland, adjacent to Activity No. 4.

6. 12' wide by 50' long timber pedestrian trail bridge crossing of Beaver Creek, located at the terminus of Road C-B.

7. 12' wide x 49' long timber pedestrian bridge crossing of a UNT of Beaver Creek and adjacent wetlands located east of proposed unit 42.

8. 12' wide by 26' long timber golf cart bridge crossing of a UNT of Beaver Creek located north of the proposed golf hole No. 7.

9. 98 linear feet of twin 36" RCP culvert along a UNT of Beaver Creek for proposed road "C."

10. 12' wide by 25' long timber pedestrian trail bridge crossing of a UNT of Beaver Creek located downstream of the proposed terminus of road "C" culvert as noted.

11. To construct 8" sanitary sewer utility line across a UNT of Beaver Creek located downstream of the road "C" culvert as noted.

12. 12' wide by 135' long timber golf cart bridge located north of the existing dam across an existing wetland area.

13. 12' wide by 44' long timber golf cart bridge located north of the existing dam.

14. 12' wide by 50' long timber trail bridge across Beaver Creek near the intersection of East Reeceville and Zynn Roads.

15. To construct a utility line across Beaver Creek, located southeast of the intersection of East Reeceville and Zynn Roads.

16. 12' wide by 38' long timber golf cart bridge crossing Beaver Creek located southeast of the intersection of East Reeceville and Zynn Roads.

17. 12' wide by 55' long timber golf cart bridge crossing Beaver Creek located southeast of the proposed basin "G" and near golf hole No. 10.

18. To construct a utility line across Beaver Creek adjacent to proposed basin "G" and near golf hole No. 10.

19. 12' wide by 85' long timber golf cart bridge crossing Beaver Creek adjacent to the proposed golf hole No. 7.

20. 12' wide by 35' long timber golf cart bridge crossing Beaver Creek adjacent to the proposed golf hole No. 16.

21. To place fill in 0.01 acres of wetland associated with road and lot grading near proposed golf hole No. 16.

22. 61 linear feet of twin 36" RCP culvert along Beaver Creek for the golf cart path located between golf hole Nos. 16 and 17 for the proposed road "H."

23. To construct a utility line across Beaver Creek adjacent to golf hole No. 14.

24. 12' wide by 60' long timber golf cart bridge crossing Beaver Creek located south of the proposed golf hole No. 14.

25. 12' wide by 65' long timber golf cart bridge crossing Beaver Creek located southeast of the proposed golf hole No. 14.

26. 12' wide by 70' long timber golf cart bridge crossing Beaver Creek located southeast of the proposed golf hole No. 10.

27. 12' wide by 22' long timber golf cart bridge crossing Beaver Creek located northwest of the proposed golf hole No. 11.

28. To construct a utility line across crossing Beaver Creek located northwest of the proposed golf hole No. 11.

29. To construct a sanitary sewer line across a wetland located adjacent to proposed road "M."

30. 24' wide by 6' high bottomless arch culvert impacting 0.07 acre of wetland located near the proposed road "R" and Bondsville Road.

31. To construct a utility line across Beaver Creek at the existing culvert east of the intersection of East Reeceville and Bondsville Roads.

32. To construct a water main utility line across Beaver Creek near the southeast intersection of East Reeceville and Bondsville Roads.

33. To construct a utility line across Beaver Creek for water main near the southeast intersection of East Reeceville and Bondsville Roads.

34. 4' high by 18' wide box culvert across a UNT to Beaver Creek located at southeast portion of the site.

35. 12' wide by 68' long timber golf cart bridge across Beaver Creek located southeast portion of the site.

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

**E35-394. IH Land Development, Inc.,** P. O. Box 1307, Marshalls Creek, PA 18335-1307, in Spring Brook Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a road crossing through 0.14 acre of EV wetlands within the Six Springs Creek watershed (HQ-CWF) for the purpose of providing access to Tranquility Woods Residential Development and to construct and maintain a driveway crossing through 0.04 acre of EV wetlands within the Six Springs Creek watershed (HQ-CWF) for the purpose of providing access to Lot No. 15 of the Tranquility Woods Residential Development. The project is located immediately south of the intersection of SR 0690 and Maple Lake Road (T-324). (Moscow, PA Quadrangle N: 13.4 inches; W: 10.7 inches).

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

**E67-784: Scott A. and Mary L. Clinton,** 1788 Long Level Road, Wrightsville, PA 17368 in Lower Windsor Township, **York County**, ACOE Baltimore District.

To maintain a 4-foot wide by 15-foot long concrete bulkhead and a 20-foot wide by 41-foot long dock system in the Susquehanna River (WWF) located just east of Route 624 (Safe Harbor, PA Quadrangle N: 17.8 inches, W: 16.6 inches) in Lower Windsor Township, York County.

**E36-803: Paradise Sportsmen's Association,** 339 South Belmont Road, Paradise, PA 17652 in Paradise and Leacock Townships, **Lancaster County**, ACOE Baltimore District.

Paradise Sportsman's Association proposes to restore approximately 6,015 feet of impacted stream in a 2.18-mile segment of Pequea Creek for Phase III of the Pequea Creek Watershed Restoration project administered through the Department of Environmental Protection grant funds. The project will take place between an area just upstream of North Belmont Road (40° 00' 53" N, 76° 07' 54" W) to Old Leacock Road (40° 00' 43" N, 76° 06' 27" W) in Paradise and Leacock Townships, Lancaster County. The project will include regrading and stabilizing eroded stream banks at selected locations, the use of in-stream habitat and flow control structures, and the establishment of a riparian buffer on both sides of the stream with trees and shrubs.

**E29-092: Taylor Township Supervisors,** P. O. Box 627, Hustontown, PA 17229 in Taylor Township, **Fulton County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a concrete bridge with a clear span of 50 feet on a 83° skew with a minimum underclearance of 9.5 feet across Wooden Bridge Creek (HQ-CWF) and associated improvements on T-447 (Taylor Township Bridge No. 2) to improve the traffic safety condition of the road located about 1 mile from its confluence with Sideling Hill Creek (Hustontown, PA Quadrangle N: 17.9 inches; W: 2.0 inches) in Taylor Township, Fulton County.

**E21-379: Williams Grove Associates, LP,** 20 Erford Road, Suite 215, Lemoyne, PA 17043 in Monroe Township, **Cumberland County**, ACOE Baltimore District.

To replace mobile homes with mobile homes or double wide homes, to maintain existing utilities and to construct and maintain support pads in the Williams Grove Mobile Home Park located within the floodway of the Yellow Breeches (CWF), immediately upstream of William Grove Road Bridge (Mechanicsburg, PA Quadrangle Latitude: 40° 09' 06"; Longitude: 77° 01' 48") in the Monroe Township, Cumberland County.

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

**E02-1512. Echo Real Estate Services, Inc.** 701 Alpha Drive, Pittsburgh, PA 15238. To construct a culvert in Richland Township, **Allegheny County**, Pittsburgh ACOE District. (Valencia, PA Quadrangle N: 2.93 inches; W: 9.21 inches and Latitude: 40° 38' 28"—Longitude: 79° 56' 29"). The applicant proposes to construct and maintain a culvert in West Branch Deer Creek (CWF) located on Grandview Crossing Drive, to place and maintain fill in 0.08 acre of wetlands and to place and maintain fill in a total of 680 linear feet of stream channel (440 ft. of UNT 2 and 240 ft. of UNT 2A) for the purpose of constructing the Grandview Crossing Shopping Plaza. The project is located on the west side of SR 8, just west from the intersection of SR 8 and Grandview Drive and will impact 0.08 acre of wetlands and 850 linear feet of stream channel.

**E26-332. Turnpike Commission,** P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51E1 of the Mon/Fayette Expressway in Redstone Township, **Fayette County**, Pittsburgh ACOE District. The applicant proposes to construct:

1. A 390-foot long, 48-inch RC pipe stream enclosure in a UNT to Colvin Run (WWF) located at Brownsville

Connector, Station 177+00, (Latitude: 39° 59' 55.4"; Longitude: 79° 51' 3.8"; and New Salem, PA Quadrangle N: 22.45 inches; W: 14.15 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream.

2. A 1285-foot long, 48-inch RC pipe stream enclosure in a UNT to Colvin Run (WWF) located at SR 43, Station 540+09, (Latitude: 39° 59' 44.8"; Longitude: 79° 50' 55.9"; and New Salem, PA Quadrangle N: 21.90 inches; W: 13.91 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream.

3. A 903-foot long placement of fill in a UNT to Colvin Run (WWF) located at Brownsville Connector, Station 196+00, (Latitude: 39° 50' 34.2"; Longitude: 79° 50' 56.6"; and New Salem, PA Quadrangle N: 21.37 inches; W: 13.94 inches).

4. A 305-foot long channel relocation of a UNT to Colvin Run (WWF) SR 43, Station 447+00, (Latitude: 39° 59' 40.3"; Longitude: 79° 50' 48.9"; and New Salem, PA Quadrangle N: 21.67 inches; W: 13.64 inches).

5. A 427-foot long placement of fill in a UNT to Colvin Run (WWF) located at SR 43, Station 542+00, (Latitude: 39° 59' 47.9"; Longitude: 79° 50' 57.1"; and New Salem, PA Quadrangle N: 21.18 inches; W: 13.82 inches).

6. A 374-foot long placement of fill in a UNT to Colvin Run (WWF) located at Brownsville Connector, Station 173+90, (Latitude: 39° 59' 55.7"; Longitude: 79° 51' 6.4"; and New Salem, PA Quadrangle N: 22.46 inches; W: 14.3 inches).

7. A 500-foot long, 54-inch RC pipe stream enclosure in a UNT to Colvin Run (WWF) located at SR 43, Station 509+00, (Latitude: 39° 59' 31.2"; Longitude: 79° 50' 19.1"; and New Salem, PA Quadrangle N: 21.81 inches; W: 12.49 inches). This structure includes a temporary stream relocation to construct the 54-inch RC pipe, a temporary stream crossing, and a 450-foot long stream relocation of said stream.

8. A 300-foot long, 60-inch RC pipe stream enclosure in a UNT to Colvin Run (WWF) located at Colvin Run Road Connector, Station 23+00, (Latitude: 39° 59' 31.5"; Longitude: 79° 50' 13.1"; and New Salem, PA Quadrangle N: 21.19 inches; W: 12.25 inches). This structure includes a temporary stream relocation of said stream.

9. A 125-foot long placement of fill in a UNT to Colvin Run (WWF) located at SR 43, Station 500+00, (Latitude: 39° 59' 25.2"; Longitude: 79° 50' 8.4"; and New Salem, PA Quadrangle N: 20.88 inches; W: 12.1 inches).

10. A 313-foot long channel relocation of a UNT to Colvin Run (WWF) SR 43, Station 495+00, (Latitude: 39° 59' 31.5"; Longitude: 79° 50' 4.98"; and New Salem, PA Quadrangle N: 20.71 inches; W: 12.0 inches). This stream relocation includes a temporary 60-foot long 36-inch stream enclosure of said stream.

11. A 420-foot long placement of fill in a UNT to Colvin Run (WWF) located at SR 43, Station 491+00, (Latitude: 39° 59' 22.4"; Longitude: 79° 50' 3.71"; and New Salem, PA Quadrangle N: 20.72 inches; W: 11.91 inches).

12. A 460-foot long, 66-inch RC pipe stream enclosure in Colvin Run (WWF) located at SR 43, Station 500+19, (Latitude: 39° 59' 26.9"; Longitude: 79° 50' 9.3"; and New Salem, PA Quadrangle N: 20.92 inches; W: 12.11 inches). This structure includes a temporary stream relocation, two temporary stream crossings and a 60-foot long stream relocation of said stream.

13. A 260-foot long, 72-inch RC pipe stream enclosure in Colvin Run (WWF) located at Colvin Run Road Connector, Station 19+50, (Latitude: 39° 59' 30.3"; Longitude: 79° 50' 8.9"; and New Salem, PA Quadrangle N: 21.1 inches; W: 12.1 inches). This structure includes a temporary stream relocation of said stream.

14. A 35-foot long, 42-inch RC pipe stream enclosure in a UNT to Dunlap Creek (WWF) located at Brownsville Connector, Station 152+50, (Latitude: 40° 0' 5.04"; Longitude: 79° 51' 37"; and Fayette City, PA Quadrangle N: 0.198 inches; W: 15.49 inches).

15. A 42-foot long channel relocation of a UNT to Redstone Creek (WWF) Brownsville Connector, Station 121+00, (Latitude: 40° 0' 34.7"; Longitude: 79° 51' 50.8"; and Fayette City, PA Quadrangle N: 1.724 inches; W: 15.99 inches).

16. A 230-foot long temporary stream channel relocation of a UNT to Colvin Run (WWF) SR 43 Station 549+00, (Latitude: 39° 59' 48.5"; Longitude: 79° 51' 5.33"; and New Salem, PA Quadrangle N: 22.1 inches; W: 12.095 inches).

17. Fill and maintain a total of 0.897 acre of wetland from sites extending over the project area.

This project is associated with the construction of Section 51E1 (a mile long section) of the Mon/Fayette Expressway and a Brownsville connection road centered approximately 2 miles east of Brownsville. The proposed project has a total of 6,369 feet of stream and 0.897 acre of wetland impacts.

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

**E16-128, Salem Township**, P. O. Box 70, 50 Community Rd., Suite 2, Lamartine, PA 16375. T-336 Bittersweet Road Across Beaver Creek, in Salem Township, **Clarion County**, ACOE Pittsburgh District (Knox, PA Quadrangle N: 41°, 14', 49"; W: 79°, 34', 43").

To remove the existing bridge and to install and maintain a 12.098 meter long precast reinforced concrete box culvert having a 6.706 meter wide by 1.834 meter high waterway opening in Beaver Creek (HQ-CWF) on T-336, Bittersweet Road, approximately 1.6 kilometers north of SR 208.

**E25-705, Robert Minich**, 140 Sunset Beach Road, North East, PA 16428. Retaining Wall Modification and Home Construction, in North East, **Erie County**, ACOE Pittsburgh District (North East, PA-NY Quadrangle N: 21.1 inches; W: 11.2 inches).

The applicant proposes to conduct the following activities within the floodway of Sixteenmile Creek at the property located at 140 Sunset Beach Road: 1) to reconstruct and maintain a damaged 36-foot long by 8-foot high retaining wall with new dimensions of 36-foot long by 10-foot high and consisting of 2-foot by 2-foot by 6-foot concrete blocks; and 2) to remove the existing house and to construct and maintain house and deck having dimensions of approximately 90 feet by 22 feet within the approximate footprint and same hydraulic shadow location of the existing structure. This permit application is the result of an enforcement action, and the structures have already been constructed. The retaining wall was damaged during the hurricane related floods of 2004. Sixteenmile Creek is a perennial stream classified as a WWF and MF. The project proposes to directly impact approximately 50 feet of stream and approximately 2,000 square feet of floodway.

**ENVIRONMENTAL ASSESSMENTS**

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

**D15-077EA. Heritage Building Group Inc.**, 2500 York Road, Jamison, PA 18929 Parkesburg Borough, **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Crystal Springs Dam across a tributary to Buck Run (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 linear feet of stream channel. The dam is located approximately 2,500 feet north of the intersection of SR 10 and SR 372 (Parkesburg, PA Quadrangle N: 16.65 inches; W: 5.6 inches).

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

**D31-060EA. Borough of Huntingdon**, 530 Washington Street, Huntingdon, PA 16652. Huntingdon Borough, **Huntingdon County**, ACOE Baltimore District.

Project proposes to breach and remove Standing Stone Dam across Standing Stone Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 450 linear feet of stream channel. The dam is located approximately 250 feet northwest of the intersection of Penn Street and Stone Creek Ridge Road approximately 500 feet upstream from the confluence of Standing Stone Creek and the Juniata River (Huntingdon, PA Quadrangle N: 19.35 inches; W: 0.55 inch).

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS222202	Bestway Enterprises, Inc. 3877 Luker Road Cortland, NY 13047	Monroe County Barrett Township	Cranberry Creek (1E)	Y
PA-0062596 (Minor Sewage)	Laceyville Borough Joint Municipal Authority R. R. 2, Box 2270 Laceyville, PA 18623	Laceyville Borough, Wyoming County	Little Tuscarora Creek (4D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0094111 Sewage	Rimco Properties, Inc. 100 Sandune Drive Pittsburgh, PA 15239	Westmoreland County Washington Township	Tributary of Thorn Run	Y
PA0205249 Sewage	Timber Creek Farms Homeowners Association P. O. Box 186 Warrendale, PA 15086-0186	Allegheny County Marshall Township	UNT of Big Sewickley Creek	Y
PA0092878 Sewage	Trader's Path Homes, Inc. 100 Lorraine Drive Lower Burrell, PA 15068	Westmoreland County City of Lower Burrell	Chartiers Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0098329	Hawthorn Area Water Authority P. O. Box 241 Hawthorn, PA 16230-0241	Redbank Township Armstrong County	Redbank Creek 17-C	Y
PA0101273	B.H.B. Industries 133 Railroad Street Cambridge Springs, PA 16403-1060	Cambridge Springs Borough Crawford County	French Creek 16-A	Y
PA0100048	Spectrum Control, Inc. 8061 Avonia Road Fairview, PA 16415-2899	Fairview Township Erie County	UNT to Brandy Run 15	Y

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

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

**NPDES Permit No. PA0053392**, Industrial Waste, **United Parcel Service**, 1 Hog Island Road, Philadelphia, PA 19153. This proposed facility is located in Tincum Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the amendment to include monitoring for propylene glycol once per month when deicing operations commence.

**NPDES Permit No. PA0050423**, Sewage, **Sisters, Servants of the Immaculate Heart of Mary**, 1140 King Road, Immaculata, PA 19345-00200. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to Ridley Creek in Watershed 3G.

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

**NPDES Permit No. PA0025674-A3**, Sewage, **Franklin Township Municipal Sanitary Authority**, 3001 Meadowbrook Road, Murrysville, PA 15668. This proposed facility is located in the municipality of Murrysville, **Westmoreland County**.

Description of Proposed Action/Activity: Amendment to reflect an increase in the discharge rate from 4.2 mgd to 4.9 mgd.

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

**NPDES Permit No. PA0239607**, Sewage, **James Kapp, Rocky River Development**, 8100 Ohio River Boulevard, Pittsburgh, PA 15202. This proposed facility is located in Perry Township, **Clarion County**.

Description of Proposed Action/Activity: This project is authorized to discharge to a UNT to Allegheny River.

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

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

**WQG Permit No. WQG016117**, Sewerage, **Rodney Jeannette**, 1249 Valleyview Road, Lawrence, PA 15055. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant.

**WQG Permit No. WQG016114**, Sewerage, **Daniel Brenner**, 451 Glen Eden Road, Rochester, PA 15074. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505001	Jim Schlier P. O. Box 471 Tannersville, PA 18372	Monroe	Pocono Township	UNT to Scot Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805008	Grove Manitowac Crane Group 1565 Buchanan Trail East Greencastle, PA 17225	Franklin	Antrim Township	Muddy Run HQ/CWF
PAI032805010	Memarsadeghi Farhad 1565 Buchanan Trail East Greencastle, PA 17225	Franklin	Antrim Township	Muddy Run HQ/CWF
PAI036705001	Thomas Gemmill 21577 Barrens Road South Stewartstown, PA 17363	York	Hopewell Township	Leibs Creek HQ-CWF

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

*Westmoreland County Conservation District, Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056504002	Salem Crossroads Development, Inc. 53 Bel Aire Drive Delmont, PA 15626	Westmoreland	Salem Township	UNT to Beaver Run (HQ-CWF)

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site



PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plumstead Township Bucks County	PAG2000905096	Highland Hill, LLC 2421 Bristol Road Warrington, PA 18976	UNT North Branch Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG2000905110	Prime Building Group 1630 Meetinghouse Road Hartsville, PA 18974	Tributary Pidcock Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG2001505073	Sadsbury Arcadia Associates 100 West Lancaster Ave. Suite 102 Wayne, PA 19087	Bull Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Britain Township Chester County	PAG2001505088	Ruggerio Development Group The Meadows Subdivision 75 West Baltimore Pike Media, PA 19063	East Branch Christiana River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Britain Township Chester County	PAG2001505071	Wilkinson ACC Wynn Property Development 1020 Broad Run Road Landenberg, PA 19350	East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG2001505093	Gary Barach 1704 Locust Street Philadelphia, PA 19103	West Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002305060	Radnor Township School District 135 South Wayne Avenue Wayne, PA 19087	Ithan Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Borough Delaware County	PAG2002305062	Dickinson Development Co., LLP 1244 Baltimore Pike P. O. Box 100 Chadds Ford, PA 19317	West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG2002305027	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ridley Park Borough Delaware County	PAG2002305057	Crozer Keystone Health System 100 West Sproul Road Springfield, PA 19064	Stony Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Edgmont Township Delaware County	PAG200 2303038	Steven Video 4949 West Chester Pike Edgmont, PA 19028	UNT Crum Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Limerick Township Montgomery County	PAG2004605127	PD Roy, LLC and Royersford Cemetery Fernwood Retail Development 401 South Schuylkill Avenue Norristown, PA 19403	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004605174	Gorski Engineering, Inc. Keystone Business Campus 1 Iron Bridge Drive Collegeville, PA 19426	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004605180	West Norriton Township Farm Park Ball Field 1630 West Marshall Street Jeffersonville, PA 19403	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105048	Nolan Capital, LLC Nolan Self Storage 4541 Bellaire Drive South Suite 100 Fort Worth, TX 76109	Municipal Storm Sewer—Philadelphia Water Department	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Moosic Borough Lackawanna County	PAG2003505023	Frank Hubbard 4210 Birney Ave. Moosic, PA 18507	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Palmer Township Northampton County	PAG2004805031	Albert Marron Norram Leasing 2711 Freemansburg Ave. Easton, PA 18045	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971
Susquehanna Township Dauphin County	PAG2002205054	Oakwood Custom Homes 480 Running Pump Rd. Lancaster, PA 17552	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002205061	Members 1st FCU 5000 Louise Dr Mechanicsburg, PA 17055	Spring Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Washington Township Dauphin County	PAG2002205056	Harry H Fox, Jr. 600 Cold Springs Rd. Dillsburg, PA 17019	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002205064	Hershey Entertainment Group 100 W. Hersheypark Dr. Hershey, PA 17033	Spring Creek (East) WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Southampton Township Franklin County	PAG2002805087	Robert Forrester 20730 Orrstown Road Shippensburg, PA 17257	Muddy Run WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Guilford and Quincy Townships Franklin County	PAG2002804017-1	John Miner Penn National Estates White Rock Inc. 3720 Clubhouse Drive Fayetteville, PA 17222	Conococheague Antietam Creeks CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

## NOTICES

6941

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethel Township Berks County	PAG2000605102	Jesse Alspaugh 154 Distillery Road Newmanstown, PA 17073	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Alsace, Exeter and Lower Alsace Townships Berks County	PAG2000605101	Brian Kobularcik Metropolitan Development Group 438 Walnut Street Reading, PA 19601	Antietam Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000605107	Michael Rodino MDR Construction Inc. 38 West Lancaster Ave., Rear Shillington, PA 19607	Indian Corn Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
U. Bern Township Berks County	PAG2000605033	Arlan Wessner 1646 Hex Highway Hamburg, PA 19526	Northkill Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Greenwich Township Berks County	PAG2000605106	Francis A. Guerra 37 Circle Road Lenhartsville, PA 19534	Maiden Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Wernersville Borough Berks County	PAG2000605104	Walter Greth Greth Development Group P. O. Box 305 Temple, PA 19560	Manor Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Ruscombmanor Township Berks County	PAG2000605109	Anthony Kushner 3706 Pricetown Road Fleetwood, PA 19522-8945	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Derry Township Mifflin County	PAG20044YR002	Derry Township 15 West Mill Street P. O. Box 465 Yeagertown, PA 17099	Jacks Creek TSF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Northumberland County Mt. Carmel Township	PAG2004905012	Dennis Molesevich Molesvich Construction Co. 333 S. Pine St. Mt. Carmel, PA 17851	Shamokin Creek CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 988-4488

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Northumberland County Mt. Carmel Township	PAG20049050111	Jeffery Chen Newspiring Industrial Corp. 35 O'Brian St. Kearney, PA 10732	Shamokin Creek WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 988-4488
Cambria County Richland Township	PAG2001105001(1)	Richland School District 220 Highfield Avenue Johnstown, PA 15904	Little Paint Creek (CWF)	Cambria County CD (814) 472-2120
Washington County Canonsburg Borough	PAG2006305031	Maronda, Inc. 202 Park West Drive Pittsburgh, PA 15275	Brush Run (WWF)	Washington County CD (724) 228-6774
Washington County South Strabane Township	PAG2006305039	Paul Hemmer Construction P. O. Box 17310 250 Grandview Drive Fort Mitchell, KY 41017	UNT to Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Washington County California Borough	PAG2006305043	The Perryman Company 213 Vandale Drive Houston, PA 15342	Monongahela River (WWF)	Washington County CD (724) 228-6774
Mercer County Pymatuning Township	PAG2004305015	Woodcraft Industry, Inc. 525 Lincoln Avenue St. Cloud, MN 56304-1023	UNT Big Run WWF	Mercer Conservation District (724) 662-2242
Mercer County East Lackawannock Township	PAG2004305016	IKEX Warehouse Wesex Corp. 85 Garfield Street P. O. Box 268 West Middlesex, PA 16159	UNT Neshannock Creek TSF	Mercer Conservation District (724) 662-2242
Mercer County Hermitage	PAG2004305017	Pioneer Home Equity Commercial Development South Hermitage Road Ron Donatelli 722 Bob White Drive Hermitage PA 16148	UNT Bobby Run WWF	Mercer Conservation District (724) 662-2242
Clarion Township Clarion County	PAG2101605003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Whites Run (CWF) to Mill Creek (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Clarion Township Clarion County	PAG2101605004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Clarion River (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Mifflin Borough Allegheny County	PAR806134	Allegheny County Airport Authority Landside Terminal 4th Floor Mezzanine P. O. Box 12370 Pittsburgh, PA 15231	UNT to Thompson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## NOTICES

6943

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Pittsburgh Allegheny County	PAR806203	Terminal Leasing, Inc. 15 27th Street Pittsburgh, PA 15222	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Pittsburgh Allegheny County	PAR806204	Terminal Leasing, Inc. 15 27th Street Pittsburgh, PA 15222	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Richland Township Cambria County	PAR706102	HRI, Inc. 1750 West College Avenue State College, PA 16801	Solomon Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County Juniata Township	PAG043668	Nina Rightenour 529 Smokey Ridge Road Schellsburg, PA 15559	Keg Run WWF 11-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Earl Township	PAG043738	John and Alta Sensenig 987 Valley View Road New Holland, PA 17557	UNT Conestoga River WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington County Cecil Township	PAG046315	Rodney Jeannette 1249 Valleyview Road Lawrence, PA 15055	UNT of Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County New Sewickley Township	PAG046312	Edward R. Hallisey 1252 Lovi Road Freedom, PA 15042	Drainage swale to Snake Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County New Sewickley Township	PAG046313	Daniel Brenner 451 Glen Eden Road Rochester, PA 15074	UNT Tributary of Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Monongahela Washington County	PAG056210	Sheetz, Incorporated 5700 Sixth Avenue Altoona, PA 16602	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Ayr Township Fulton County PAG083541	McConnellsburg Sewerage Authority P. O. Box 681 McConnellsburg, PA 17233	McConnellsburg Sewerage Authority Ayr Township Fulton County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Clay Township Huntingdon County PAG083595	Spring Creek Joint Sewer Authority P. O. Box 373 Three Springs, PA 17264	Spring Creek Joint Sewer Authority Clay Township Huntingdon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Manor Township Lancaster County PAG083556	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Susquehanna Water Pollution Control Facility Manor Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; County/Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Wharton Township Fayette County PAG086103	Bruderhof Communities of PA, Inc. P. O. Box 240, Rt. 40 Farmington, PA 15437	Bruderhof Farm Field 5	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Wharton Township Fayette County PAG086103	Bruderhof Communities of PA, Inc. P. O. Box 240, Rt. 40 Farmington, PA 15437	Bruderhof Farm Field 4	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

<i>Facility Location &amp; County/Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Rapho Township Lancaster County PAG093533	Ridgewood Manor Mobile Home Park, Inc. 221 North Strickler Road Manheim, PA 17545	Ridgewood Manor Mobile Home Park, Inc. Rapho Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

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

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

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

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

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

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

## SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 4605505**, Public Water Supply.  
 Applicant **Pottstown Borough Authority**  
 100 East High Street  
 Pottstown, PA 19464  
 Township Upper Pottsgrove  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer BCM Engineers  
 920 Germantown Pike  
 Suite 200  
 Plymouth Meeting, PA 19462  
 Permit to Construct Issued December 12, 2005

**Operations Permit** issued to **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002, (PWS ID 1460020) Upper Dublin Township, **Montgomery County** on December 7, 2005, for the operation of facilities approved under Construction Permit No. 14603501.

**Operations Permit** issued to **Superior Water Company**, 2960 Skippack Pike, Worcester, PA 19490 (PWS ID 1460085) New Hanover Township, **Montgomery County** on December 7, 2005, for the operation of facilities approved under Construction Permit No. 4605503.

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

**Operations Permit** issued to **Pennsylvania Water Company**, 3060069, Wyomissing Borough, **Berks County** on 12/5/2005 for the operation of facilities approved under Construction Permit No. 0604522 MA.

**Operations Permit** issued to **The York Water Company**, 7670100, East Manchester Township, **York County** on 12/8/2005 for the operation of facilities approved under Construction Permit No. 6704515.

**Operations Permit** issued to **Chanceford Elementary School**, 7671284, Chanceford Township, **York County** on 11/18/2005 for the operation of facilities approved under Construction Permit No. 6705507 MA.

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

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

Applicant **Pennsylvania-American Water Company**  
 Township or Borough Lewisburg Borough  
 County **Union**

Responsible Official Scott Thomas  
 Operations Engineer  
 Pennsylvania-American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 12/7/2005  
 Description of Action Operation of College Park Tank Number 1.

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

Applicant **Aqua Pennsylvania, Inc.**  
 Township or Borough Coal Township  
 County **Northumberland**  
 Responsible Official Richard T. Subasic  
 Executive Vice President/General Manager  
 Aqua Pennsylvania, Inc.  
 204 East Sunbury Street  
 Shamokin, PA 17872-4859  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Mary Jo Brown  
 Environmental Scientist  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit Issued Date 12/7/05  
 Description of Action Operation of Coal Township Industrial Park finished water storage tank.

**Wellhead Protection (WHP)** Public Water Supply.  
 Applicant **Shinglehouse Borough Water Department**

Township or Borough Shinglehouse Borough  
 County **Potter**  
 Responsible Official Deborah Resig, Secretary  
 Shinglehouse Borough Water Department  
 40 Honeoye Street  
 Shinglehouse, PA 16748

Type of Facility Public Water Supply—(WHP)  
 Consulting Engineer N/A  
 Permit Issued Date 9/9/2005  
 Description of Action Wellhead Protection (WHP) Program meets the minimum elements for local WHP programs and is hereby approved in accordance with the Pennsylvania Safe Drinking Water Regulations (25 Pa. Code § 109.713).

**Wellhead Protection (WHP)** Public Water Supply.

Applicant **Laporte Borough Municipal Water Company**  
 Township or Borough Laporte Borough  
 County **Sullivan**

Responsible Official Winifred Ferguson, Chairperson  
Laporte Borough Municipal  
Water Company  
P. O. Box 125  
Laporte, PA 18626

Type of Facility Public Water Supply—(WHP)

Consulting Engineer N/A

Permit Issued Date 8/28/2005

Description of Action Wellhead Protection (WHP)  
Program meets the minimum  
elements for local WHP  
programs and is hereby approved  
in accordance with the  
Pennsylvania Safe Drinking  
Water Regulations (25 Pa. Code  
§ 109.713).

**Wellhead Protection (WHP) Public Water Supply.**

Applicant **Roulette Water Company**

Township or Borough Roulette Township

County **Potter**

Responsible Official Deborah Ostrom, Secretary  
Roulette Water Company  
P. O. Box 268  
47 River Street  
Roulette, PA 16746

Type of Facility Public Water Supply—(WHP)

Consulting Engineer N/A

Permit Issued Date 8/29/2005

Description of Action Wellhead Protection (WHP)  
Program meets the minimum  
elements for local WHP  
programs and is hereby approved  
in accordance with the  
Pennsylvania Safe Drinking  
Water Regulations (25 Pa. Code  
§ 109.713).

**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, (717) 705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Williamsburg Borough	305 E. Second Street Williamsburg, PA 16693	Blair

*Plan Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority proposes to replace 4,090 feet of various size sanitary sewers interceptor by means of pipe bursting methods and 2,135 feet of 8-inch collector sewers and related appurtenances by means of traditional excavation method in the same trench. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Berlin Borough	c/o Rebecca Witmer, Secretary P. O. Box 330 New Berlin, PA 17855	Union
Limestone Township	c/o Judith Crist, Secretary 10655 SR 304 Mifflinburg, PA 17844	

*Plan Description:* The approved plan provides for construction of approximately 7,000 feet of new sewage collection lines in Limestone Township, rehabilitation and expansion of the existing New Berlin Borough Municipal Authority wastewater treatment plant and a Sewage Management Plan for Limestone Township which requires pumping of all onlot septic systems on a 3-year basis. 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.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Linesville Borough	103 West Erie Street P. O. Box 145 Linesville, PA 16424	Crawford
Pine Township	P. O. Box 394 Linesville, PA 16424	Crawford

*Plan Description:* The approved plan provides for the construction of a new regional sewage treatment facility to serve the borough of Linesville and Pine Township, and the construction of new sanitary sewers to serve portions of Pine Township.

**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 re-



ports, 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:

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

**Sel-Lo Oil, Inc.—Muncy Creek Township Gasoline Tanker Spill, Muncy Creek Township, Lycoming County.** Taylor Geosevices, Inc., 938 Lincoln Avenue, Springfield, PA 19064 has submitted a Final Report concerning remediation of groundwater contaminated with unleaded gasoline constituents. This report is intended to document remediation of the site to meet the Site-Specific Standard requirements.

**Sunbury Armory, Upper Augusta Township, Northumberland County.** Converse Consultants, 2738 West College Avenue, State College, 16801 on behalf of the Department of Military and Veterans Affairs Environmental Section, Building 0-11, Fort Indiantown Gap, Annville, PA, 17003-5002 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 30, 2005.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage facility.**

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

#### *Intent To Issue Permit*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PAD0890090004. United States Department of Energy, Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory.** Operation of a hazardous waste storage facility located in West Mifflin Borough, Allegheny County. The application to renew a permit to store hazardous waste at the Bettis Atomic Power Laboratory was considered for an intent to issue by the Regional Office on December 15, 2005.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM034. PPL Distributed Generation, LLC,** Two North Ninth Street, Allentown, PA 18101.

General Permit No. WMGM034 is for the processing and beneficial use of landfill gas, generated at the Frey Farm/Creswell Landfill located in Lancaster County, as an alternate fuel for the power generators installed at this landfill. The electricity produced will be transmitted to the local electric utility grid for consumers use. The general permit was issued by Central Office on December 8, 2005.

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

#### RESIDUAL WASTE GENERAL PERMITS

**Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

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

**General Permit No. WMGR106.** Lafarge North America Inc, 5160 Main Street, Whitehall PA 18052-1827. General Permit No. WMGR106 authorizes processing and beneficial use of Types 4—7 plastics from municipal recycling facilities and industrial sources as plastic

derived fuel. The processing is limited to separation of metals, separation of Type 3 plastic using near infrared/air sorting technology and shredding. The permit was issued by Central Office on December 9, 2005.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permit submitted 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.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101646. World Resource Recovery Systems Inc.**, 1631 East Avenue, Erie PA 16503, City of Erie, **Erie County**. Permit renewal application for the operation of municipal waste transfer facility known as World Resources Recovery Systems Inc. The permit was issued by Northwest Regional Office on November 17, 2005.

#### AIR QUALITY

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

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

**23-312-220GP: Sunoco Partners Marketing and Terminals, LP** (1735 Market Street, Philadelphia, PA 19103) on December 7, 2005, to operate a new ethanol tank in Upper Chichester Township, **Delaware County**.

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

**35-310-040GP3: Keystone Quarry, Inc.** (P. O. Box 249, Dunmore, PA 18512) on December 6, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at the Ransom Plant in Ransom Township, **Lackawanna County**.

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

**GP3-2-36-03076: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on December 8, 2005, for Portable Nonmetallic Mineral Processing Plants under GP3 in East Earl Township, **Lancaster County**.

**GP3-28-03051: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) on December 7, 2005, for Portable Nonmetallic Mineral Processing Plants under GP3 in Guilford Township, **Franklin County**.

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

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

**48-313-095: Specialty Minerals, Inc.** (640 North 13th Street, Easton, PA 18042) on November 23, 2005, to install an air cleaning device to capture particulate emissions from a pyrogenics machine shop in Easton, **Northampton County**.

**35-318-089: Flexible Foam Products, Inc.** (P. O. Box 126, Spencerville, OH 45887) on December 1, 2005, to construct an adhesive spray booth at in Archbald Borough, **Lackawanna County**.

**66-318-003: Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) on November 30, 2005, to modify line 73 converting operation on Route 87, Washington Township, **Wyoming County**.

**54-305-021: Northeastern Power Co.** (P. O. Box 7, McAdoo, PA 18237) on December 1, 2005, to construct an anthracite refuse screening operation on Route 309, Kline Township, **Schuylkill County**.

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

**36-05141: PPL Distributed Generation, LLC** (2 North 9th Street (GENPL8), Allentown, PA 18101) on December 8, 2005, to construct a landfill gas treatment system and two internal combustion landfill engines in Manor Township, **Lancaster County**.

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

**65-00792B: AMI Doduco Inc.** (1003 Corporate Lane, Export, PA 15632-8908) on December 5, 2005, to install and operate a batch vapor degreaser at the Plant 5 Corporate Park in Murrysville Borough, **Westmoreland County**. This is a Title V Facility.

**11-00434B: Laurel Sand and Stone, Inc.** (P. O. Box 556, Ligonier, PA 15658) on December 7, 2005, to authorize continued operation of the company's Chickaree Sandstone Processing Plant in Jackson Township, **Cambria County**.

**26-00558A: Hunter Panels, LLC** (P. O. Box 7000, Carlisle, PA 17013) on December 9, 2005, to deliver and store raw materials, panel manufacture, and product warehousing and to install a foam insulation panel manufacturing plant at the Hunter Panels facility in Georges Township, **Fayette County**.

---

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

---

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

**09-0009E: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on December 6, 2005, to operate press No. 18 in New Britain Township, **Bucks County**.

**09-0110C: Riverside Construction Materials, Inc.** (355 Newbold Road, Fairless Hills, PA 19030) on December 8, 2005, to operate a pneumatic ship unloader in Bristol Township, **Bucks County**.

**09-0124E: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on December 8, 2005, to operate a 31.9 mmBtu/hr gas fired pre-heater in Falls Township, **Bucks County**.

**15-0039: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 6, 2005, to operate fuel sulfur content in East Caln Township, **Chester County**.

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

**39-313-045: Carpenter Co.** (P. O. Box 519, 57 Olin Way, Fogelsville, PA 18051) on November 23, 2005, to modify of an expanded polyethylene manufacturing operation in Upper Macungie Township, **Lehigh County**. The Plan Approval has been extended.

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

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on December 5, 2005, to operate an automobile/metal shredding system and associated air cleaning devices (a foam injection system and cyclone collector) on a temporary basis to April 4, 2006, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

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

**11-00051A: Quaker Sales Corp.** (P. O. Box 880, Johnstown, PA 15907) on December 2, 2005, to operate their Hot Mix Asphalt Plant in West Taylor Township, **Cambria County**. This is for a plan approval extension.

**04-00681B: Joseph Brunner, Inc.** (211 Brunner Road, Zelienople, PA 16063) on December 2, 2005, to construct a landfill gas collection and control system in New Sewickley Township, **Beaver County**. This is a plan approval extension.

**11-00434B Laurel Sand and Stone, Inc.** (P. O. Box 556, 201 East Main Street, Ligonier, PA 15658) on December 7, 2005, to permit continued operation of the

company's Chickaree Sandstone Processing Plant in Jackson Township, **Cambria County**. This is a plan approval extension.

**65-00788N: Sony Electronics** (1001 Technology Drive, Mt. Pleasant, PA 15666) on December 7, 2005, to complete modification authorized by the Department at their Pittsburgh Manufacturing Plant in East Huntingdon Township, **Westmoreland 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.*

**15-00105: Buckeye Pipe Line Transportation, LLC** (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) on December 9, 2005, for the renewal of a facility Title V Operating Permit in East Whiteland Township, **Chester County**.

---

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

---

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

**23-00096: County of Delaware—George W. Hill Correctional Facility** (201 West Front Street—Court House, Media, PA 19063) on December 9, 2005, to operate six emergency generators and various small hot water heaters to a Synthetic Minor Operating Permit in Concord Township, **Delaware County**.

**15-00041: Eastern Shore Natural Gas Co.** (P. O. Box 1769, 350 South Queen Street, Dover, DE 19904) on December 9, 2005, to operate a natural gas transmission in Londonberry Township, **Chester County**.

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

**01-05019: Colonial Fiberglass Industries, Inc.** (262 Church Street, Hanover, PA 17331-8991) on December 5, 2005, to operate their fiberglass automotive accessory manufacturing facility in Conewago Township, **Adams County**. This is a renewal of the State-only operating permit

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

**04-00480: Heritage Valley Health System** (1000 Dutch Ridge Road, Beaver, PA 15009) on November 23, 2005, to operate one Cleaver Brooks CB200-350 boiler, two Cleaver Brooks D34-E boilers, one Caterpillar 930 Kw, 1163 KVA generator, and two Caterpillar 620 Kw, 775 KVA generators at The Medical Center in Beaver Borough, **Beaver County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**Permit No. 32000107. Kraynak Coal Company,** 3124 Firetower Road, Mahaffey, PA 15757, permit renewal for reclamation only of a bituminous surface auger mine in Grant Township, **Indiana County**, affecting 39 acres. Receiving streams: N/A, the permit was issued with nondischarge alternatives; the site is located in the drainage basin of East Run to Little Mahoning Creek, classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 12, 2005. Permit issued: December 1, 2005.

**32000101 and NPDES No. PA0235253. Amerikohl Mining, Inc.,** 202 Sunset Drive, Butler, PA 16001-1368, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Rayne Township, **Indiana County**, affecting 159.5 acres. Receiving streams: UNT to Crooked Creek, Crooked Creek to Allegheny River classified for the following uses: CWF; CWF; WWFN. There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2005. Permit issued December 6, 2005.

**32000101 and NPDES No. PA0235253. Amerikohl Mining, Inc.,** 202 Sunset Drive, Butler, PA 16001, revision of an existing bituminous surface-auger mine to add 5.6 additional acres for mining to the SMP in Rayne Township, **Indiana County**, affecting 159.5 acres. Receiving streams: UNT to Crooked Creek, Crooked Creek to Allegheny River classified for the following uses: CWF; CWF; WWF. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment for mining and support activities within the barrier area of a UNT to Crooked Creek. Application received June 15, 2005. Permit issued December 6, 2005.

**11990103 and NPDES No. PA0235091. Paul F. Becker Coal Company,** 1593 Old Route 22, Duncansville, PA 16635-5707, permit renewal for the continued operation and restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 21.2 acres. Receiving stream: UNT to Brubaker Run classified for the following use: CWF. There are no

potable water supply intakes within 10 miles downstream. Application received September 9, 2005. Permit issued December 7, 2005.

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

**65000101 and NPDES Permit No. PA0202827. Coal Loaders, Inc.** (210 E. Main St., P. O. Box 556, Ligonier, PA 15658). Permit revised to add 0.4 acre of mining with an additional 1.6 acres of support at an existing bituminous surface mining site located in Fairfield Township, **Westmoreland County**, now affecting 25.0 acres. Receiving streams: UNTs to Hypocrite Creek to Hendricks Creek to Tubmill Creek to the Conemaugh River. Application received: September 13, 2005. Revised permit issued: December 5, 2005.

**65990101 and NPDES Permit No. PA0202428. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 14.0 acres. Receiving stream: UNT to Youghiogheny River. Application received: September 16, 2005. Renewal issued: December 5, 2005.

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

**12040101 and NPDES No. PA0243701. Allegheny Enterprises, Inc.** (3563 Roller Coaster Road, Corsica, PA 15829). Revision of an existing bituminous surface mine to add 42.3 acres to the permit boundary for the purpose of coal removal and support. This will include some revision to the E&S Plan; requesting an additional 10 acres to be added to their operational area, in Shippen Township, **Cameron County**, affecting 238.5 acres. Receiving streams: UNTs to Finley Run/CWF and UNTs to Bigger Run/HQ-CWF. Application received: December 1, 2005.

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

**40050201. HUD, Inc. t/a Emerald Anthracite, II** (P. O. Box 27, Nanticoke, PA 18634), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in the City of Nanticoke and Newport Township, **Luzerne County** affecting 83.6 acres. Receiving stream: none. Application received February 3, 2005. Permit issued December 5, 2005.

**40940204R2. Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 48.0 acres. Receiving stream: none. Application received March 15, 2005. Renewal issued December 5, 2005.

**54643034R4. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and refuse disposal operation in Cass Township, **Schuylkill County** affecting 42.0 acres. Receiving stream: none. Application received March 16, 2005. Renewal issued December 5, 2005.

**54663010R4. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 173.0 acres. Receiving stream: none. Application received March 16, 2005. Renewal issued December 5, 2005.

**40980101R. No. 1 Contracting Corp.** (49 South Main Street, Ashley, PA 18706), renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 1,425.0 acres. Receiving stream: none. Application received September 1, 2005. Renewal issued December 5, 2005.

*Government Financed Construction Contracts*

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

**17-04-04. R. B. Contracting** (160 R. B. Contracting Lane, Curwensville, PA 16833). Government Financed Construction Contract located in Lawrence Township, **Clearfield County**, affecting 11 acres. Receiving Streams: UNTs to Little Clearfield Creek. Application received December 9, 2004. Contract issued: August 9, 2005.

**17-04-07. Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Government Financed Construction Contract located in Jordan Township, **Clearfield County**, affecting 1.0 acre. Receiving Stream: Pine Run-CWF. Application received: February 18, 2005. Contract issued: November 1, 2005.

**17-05-03. Blue Mountain Coal Company** (753 Richards Road, Irvona, PA 16656). Government Financed Construction Contract located in Chest Township, **Clearfield County**, affecting 17.0 acres. Receiving Streams: Hockenberry Run, North Witmer Run. Application received: May 6, 2005. Contract issued: October 25, 2005.

**17-05-05. Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847). Government Financed Construction Contract located in Cooper Township, **Clearfield County**, affecting 12.5 acres. Receiving Stream: Rolling Stone Run. Application received: March 31, 2005. Contract issued: September 13, 2005.

*Noncoal Permits Actions*

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

**7774SM2A1C8 and NPDES Permit No. PA0594521. Berks Products Corporation**, (P. O. Box 421, Reading, PA 19603), correction to an existing quarry and NPDES Permit for discharge of treated mine drainage in Ontelaunee Township, **Berks County** affecting 134.6 acres. Receiving stream: Maiden Creek. Application received April 8, 2005. Correction issued December 6, 2005.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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

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

**36054173. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting to level field in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued December 5, 2005.

**36054174. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Jonathan Stoltzfus manure pit in Leacock Township, **Lancaster County** with an expiration date of January 30, 2006. Permit issued December 5, 2005.

**21054176. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Key Ritner Warehouse in Carlisle Borough, **Cumberland County** with an expiration date of November 22, 2006. Permit issued December 6, 2005.

**21054177. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Quigley Estates in Hampden Township, **Cumberland County** with an expiration date of June 15, 2006. Permit issued December 6, 2005.

**22054114. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Apple Creek Farms in Susquehanna Township, **Dauphin County** with an expiration date of June 15, 2006. Permit issued December 6, 2005.

**23054108. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting for Maris Grove in Concord Township, **Delaware County** with an expiration date of December 31, 2006. Permit issued December 6, 2005.

**36054175. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Summer Breeze Sewer Pumping Station in West Lampeter Township, **Lancaster County** with an expiration date of January 30, 2006. Permit issued December 6, 2005.

**36054176. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Sam King Farm in Providence Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued December 6, 2005.

**46054138. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Belmont Estates in Franconia Township, **Montgomery County** with an expiration date of June 30, 2006. Permit issued December 6, 2005.

**67054050. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for the Dillsburg Sewer Extension in Carrol Township, **York County** with an expiration date of November 30, 2006. Permit issued December 6, 2005.

**36054037. Abel Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Eagle Heights Development in Manor Township, **Lancaster County** with an expiration date of December 18, 2006. Permit issued December 6, 2005.

**15054012. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Parkers Reserve in Pennsbury Township, **Chester County** with an expiration date of November 30, 2006. Permit issued December 6, 2005.

**36054038. Abel Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Cedar Acres East Phase 3 in Lancaster City, **Lancaster County** with an expiration date of December 31, 2006. Permit issued December 6, 2005.

**15054011. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Maple Lane Subdivision in Tredyffrin Township, **Chester County** with an expiration date of November 30, 2006. Permit issued December 6, 2005.

**15054129. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Providence Hill subdivision in East Fallowfield Township, **Chester County** with an expiration date of December 7, 2006. Permit issued December 7, 2005.

**38054130. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Aspen Industrial Park in the City of Lebanon, **Lebanon County** with an expiration date of December 30, 2006. Permit issued December 7, 2005.

**09054116. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for the Snyder Tract in Bedminster Township, **Bucks County** with an expiration date of June 11, 2006. Permit issued December 8, 2005.

**09054117. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Rose Cliffe Housing in West Rockhill Township, **Bucks County** with an expiration date of December 31, 2006. Permit issued December 8, 2005.

**21054178. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Kensington Place in Upper Allen Township, **Cumberland County** with an expiration date of June 15, 2006. Permit issued December 9, 2005.

**21054180. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Rite Aid Store in Silver Spring Township, **Cumberland County** with an expiration date of October 30, 2006. Permit issued December 9, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

---

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

---

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-895. Schultz Enterprises, Inc.**, 541 Flint Hill Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 33-foot long elliptical steel plate culvert consisting of 108-inch height by 24-inch width along an intermittent reach of Frog Run (WWF) to provide access to rear portion of the lot. Temporary impacts are proposed for 125 linear feet of stream channel. The site is located approximately 500 feet southeast of the intersection of Union Avenue and Flint Hill Road (Norristown, PA, USGS Quadrangle N: 17.50 inches; W: 12.50 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

**E23-453. Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451, Aston Township, Brookhaven Borough, Chester Township and the City of Chester, **Delaware County**, ACOE Philadelphia District.

To install and maintain the water obstructions and/or encroachments associated with the construction of approximately 11.0 miles of new 30-inch diameter pipeline and related appurtenances associated with the proposed Texas Eastern Logan Lateral Gas Pipeline Project. The proposed pipeline will start from the proposed Crown Landing LNG (liquefied natural gas) facility in Gloucester County, NJ, travel beneath the Delaware River into the City of Chester, Delaware County, PA (Marcus Hook, PA.-N.J.-DEL. Quadrangle N: 13.9 inches W: 1.0 inch) and ultimately end at the existing Texas Eastern Chester Junction Facility in Brookhaven Borough, Delaware County, PA (Marcus Hook, PA.-N.J.-DEL. Quadrangle N: 22.3 inches W: 1.0 inches).

Within this Commonwealth, the proposed pipeline will cross several streams and impact several wetlands in four municipalities for a total 4.92 miles. The municipalities include Brookhaven Borough, Chester Township, Aston Township and the City of Chester.

Authorized work activities will include the following activities:

1. To install and maintain approximately 2,270 linear feet of new 30-inch gas pipeline beneath this Commonwealth's, portion of the Delaware River (WWF, MF) by Horizontal Directional Drill (HDD) Method.

2. To install and maintain approximately 107 linear feet of new 30-inch gas pipeline beneath Chester Creek (WWF, MF) by Horizontal Directional Drill (HDD) or Open Trenching Method.

3. To install and maintain approximately 40 linear feet of new 30-inch gas pipeline beneath Baldwin Run (WWF, MF) by Horizontal Direction Drill (HDD) Method.

4. To install and maintain approximately 10 linear feet of new 30-inch gas pipeline beneath an UNT to Chester Creek (WWF, MF) by Open Trenching Method.

This project will temporarily impact 2,247 linear feet of stream channel of Delaware River, Chester Creek, Baldwin Run and a UNT to Chester Creek. The proposed pipeline project will temporary impact a total of 2.13 acres of wetland crossings, including 0.58 acre of forested wetlands being permanently converted to emergent wetlands.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E14-981. Limerick Township**, 646 West Ridge Road, Limerick, PA 19468, Limerick Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a three span pedestrian footbridge across Mingo Creek (TSF). The structures has a total span of approximately 31 feet 6 inches and 6 feet wide with 2 feet under clearance. The approaches to the bridge will include fill in 0.032 acre of adjacent wetland. The project is located approximately 420 east and 150 feet to the south of the intersections of Broadleaf Circle and Royersford Road intersection in Limerick Township, Montgomery County (Phoenixville, PA, Quadrangle N: 15.47 inches; W: 2.10 inches).

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

**E14-482. Penn Township**, P. O. Box 125, Coburn, PA 16832. T-510 Bridge, in Penn Township, **Centre County**, ACOE Baltimore District (Coburn, PA Quadrangle N: 18.6 inches; W: 17.0 inches).

To: 1) remove the existing bridge; 2) construct and maintain a single span prestressed concrete adjacent box beam bridge with a clear span of 100.40 feet and minimum underclearance of 3.6 feet on a 70° skew with a 825.61 square foot waterway opening and R-8 riprap next to the abutments; and 3) construct and temporarily maintain two temporary stream diversions around the abutments in Penns Creek, located 30 feet south of the intersection of T-510 and SR 2012.

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

**E11-308. Say-Core, Inc.**, 132 Block Road, Portage, PA 15946. To construct a stream enclosure in Portage Township, **Cambria County**, Pittsburgh ACOE District. ((Ebensburg, PA Quadrangle N: 3.75 inches; W: 4.5 inches and Latitude: 40° 23' 14"—Longitude: 78° 38' 39"). To construct and maintain a 200-foot long, 84-inch diameter R. C. pipe stream enclosure and a 200-foot long channel relocation in Spring Run (CWF) for the purpose of access to a concrete waste material stockpile for removal of concrete waste material.

**E11-314. CDW Cambria Realty, LLC**, 115 Union Avenue, Altoona, PA 16602. To fill wetlands in Stonycreek Township, **Cambria County**, Pittsburgh ACOE District. (Johnstown, PA Quadrangle N: 8.95 inches; W: 1.4 inches and Latitude: 40° 17' 57"—Longitude: 78° 53' 06"). To place and maintain fill in 0.09 acre of wetlands (PEM) for the purpose of developing a car dealership. The property is located off Bedford Street.

**E32-455. P. C. Exploration, Inc.**, 502 Keystone Drive, Warrendale, PA 15086. To operate and maintain a bridge in Center Township, **Indiana County**, Pittsburgh ACOE District. (McIntyre, PA Quadrangle N: 11.05 inches; W: 0.3 inches and Latitude: 40° 13' 38.7"—Longitude: 79° 15' 08"). To operate and maintain an existing single span bridge having a normal span of 23.0 feet and an underclearance of 4.0 feet across Aultmans Run (TSF) for the purpose of providing access to a natural gas well. The project is located off of SR 0286, 3.7 miles south of Indiana.

**E32-457. P. C. Exploration, Inc.**, 520 Keystone Drive, Warrendale, PA 15086. To construct a ford crossing in Washington Township, **Indiana County**, Pittsburgh ACOE District. (Ernest, PA Quadrangle N: 11.9 inches; W: 7.2 inches and Latitude: 40° 41' 26"—Longitude: 79° 10' 37"). To operate and maintain an 18.0 foot wide, R-4 rock ford crossing having a span of 18.0 feet in a UNT to Crooked Creek (CWF) for the purpose of providing access to the Anderson Well. The project is located off of SR 4008, approximately 0.3 mile northeast of its intersection with SR 0954.

**E56-335. Shade Creek Watershed Association**, 314 Central Avenue, Suite 205, Central City, PA 15926. To construct an acid mine treatment facility in Shade Township, **Somerset County**, Pittsburgh ACOE District. (Central City, PA Quadrangle N: 21.44 inches; W: 7.3 inches and Latitude: 40° 07' 05"—Longitude: 78° 48' 08"). To construct and maintain an acid mine drainage (AMD) treatment facility along Laurel Run (CWF) including a rock-lines emergency spillway and 8-inch PVC outfall pipe in the floodway, and approximately 311 feet of 18-inch SOL PVC pipe, which will enclose the existing mine drainage discharge channel and transfer/relocate this discharge under and across Laurel Run (CWF) to the passive treatment facility. The project will impact a deminimus area of wetlands (PSS) equal to 0.03 acre. The project is located east of Lohr Street and South of Quarry Avenue.

**E65-879. Texas Keystone, Inc.**, 1120 Route 119 North, Indiana, PA 15701. To construct a ford crossing in Fairfield Township, **Westmoreland County**, Pittsburgh ACOE District. (Wilpen, PA Quadrangle N: 15.89 inches; W: 3.72 inches and Latitude: 40° 20' 15"—Longitude: 79° 09' 06"). To remove the existing crossing and to construct and maintain a 10-foot wide ford crossing in Hypocrite Creek (TSF) for the purpose of providing access to a gas well. The project is located off SR 1071, approximately 1,400 feet east of its intersection with T-847.

### ENVIRONMENTAL ASSESSMENTS

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

**EA46-014CO. Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. Lower Moreland Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Spring Dam located across Pennypack Creek (TSF, MF) for the purpose of restoring the stream to a free flowing condition and providing unobstructed fish passage. The dam is located approximately 1,600 feet northwest of the intersection of Old Welsh Road (SR 63) and Huntingdon Pike (SR 232) (Frankfrod, PA-NJ Quadrangle N: 22.1 inches; W: 10.1 inches).

**D22-020EA. George Frey Trust**, 320 W. Chocolate Ave., Hershey, PA 17033-0437. Londonderry Township and Borough of Middletown, **Dauphin County**, ACOE Baltimore District.

Project proposes to breach and remove Iron Mine Run Dam across Swatara Creek (WWF) for the purpose of restoring the stream to a free flowing condition, providing unobstructed fish passage and eliminating a threat to public safety. The project will restore approximately 3,300 feet of stream channel. The dam is located approximately 500 feet west of the intersection of Ironmine Road (T321) and Swatara Creek Road (T496) (Middletown, PA Quadrangle N: 14.7 inches; W: 12.5 inches).

**D36-104EA. James R. Ford, Jr.**, 410 Ash Road, Morgantown, PA 19543. Paradise and Leacock Townships, **Lancaster County**, ACOE Baltimore District.

Project proposes to breach and remove Ford Dam located across Pequea Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 1,700 feet north of the intersection of US 30 and Old Leacock Road (T496) (Leola, PA Quadrangle N: 2.6 inches; W: 0.8 inch).

[Pa.B. Doc. No. 05-2375. Filed for public inspection December 23, 2005, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation). The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

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

#### *Ordering Paper Copies of Department Technical Guidance*

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

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

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance*

DEP ID: 580-2200-011. Title: Sinking of Shafts and Slopes for Underground Mines. Description: This document identifies the safety requirements applicable to the development of shaft and slope entries to underground mines and provides guidance enabling an operator to implement the United States Department of Labor, Mine Safety and Health Administration's requirements for shaft and slope construction in lieu of requirements imposed by the Pennsylvania Anthracite and Bituminous Coal Mine Acts. The guidance is issued under the authority of the Pennsylvania Anthracite and Bituminous Coal Mine Acts, section 2(f) of the General Safety Law, The Coal and Non-Coal Surface Mining Conservation and Reclamation Acts, sections 1915-A and 191-A of The Administrative Code of 1929 (71 P. S. §§ 510-15 and 510-17), and 25 Pa. Code Chapters 87-89, 207 and 210. Notice of availability of the draft document, under the title of "Safety Requirements for Construction of Shafts for Underground Mines," with an incorrect document identification number of 580-2200-009, was published at 35 Pa.B. 3105 (May 21, 2005). The public comment period concluded on June 20, 2005. The Department received comments on the draft guidance from the Pennsylvania Coal Association. Those comments were addressed by the Department and can be found, along with the Department's responses, in a Department-prepared "Comment and Response" document, which is available on the Department's website at the address indicated previously. Contact: Questions concerning this technical guidance document should be directed to Joseph A. Scaffoni, Department of Environmental Protection, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, [jscaffoni@state.pa.us](mailto:jscaffoni@state.pa.us). Effective Date: December 24, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2376. Filed for public inspection December 23, 2005, 9:00 a.m.]

### Board and Committee Meeting Schedules for 2006

The following is a list of 2006 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the individual listed for each board or committee



or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Agricultural Advisory Board**

The Agricultural Advisory Board will hold bimonthly meetings on the following dates. The meetings will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

February 15, 2006  
April 19, 2006  
June 21, 2006  
August 23, 2006  
October 18, 2006  
December 20, 2006

*Contact:* Randall Adams, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668, ranadams@state.pa.us.

#### **Air Quality Technical Advisory Committee**

The Air Quality Technical Advisory Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 28, 2006  
April 27, 2006  
June 8, 2006  
August 31, 2006  
October 26, 2006  
December 14, 2006

*Contact:* Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030, tblack@state.pa.us or Susan Ferree, (717) 787-9495, sferree@state.pa.us.

#### **Certification Program Advisory Committee (For Water and Wastewater System Operators)**

The 2006 meetings of the Certification Program Advisory Committee have not been scheduled. Notices for upcoming meetings will be published in future editions of the *Pennsylvania Bulletin*.

*Contact:* Veronica Kasi, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4053, vbkasi@state.pa.us.

#### **Chesapeake Bay Advisory Committee**

The Chesapeake Bay Advisory Committee will hold quarterly meetings on the dates as follows. Meetings will be held from 9 a.m. until 12 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

March 2, 2006  
June 1, 2006  
September 7, 2006  
December 7, 2006

*Contact:* Dave Reed, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5649, davreed@state.pa.us.

#### **Citizens Advisory Council**

Meetings of the Citizens Advisory Council (CAC) are typically held the third Tuesday of the month in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA except where noted as follows. There are no meetings scheduled in August or December. The meetings typically begin at 11 a.m. unless otherwise noted on the CAC's website at [www.cacdep.state.pa.us](http://www.cacdep.state.pa.us)

under "Meeting Information." Refer to the CAC's website to confirm meeting date, time and location. The meeting dates are as follows:

January 17, 2006  
February 21, 2006  
March 21, 2006  
April 18, 2006  
May 17, 2006 (Wednesday—due to Primary Election Day on 5/16/06)  
June 20, 2006  
July 18, 2006  
August—No Meeting  
September 19, 2006  
October 17, 2006  
November 14, 2006 (16th Floor Delaware Room—Rachel Carson State Office Building)  
December—No Meeting

*Contact:* Stephanie Mioff, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527, stmioff@state.pa.us.

#### **Cleanup Standards Scientific Advisory Board**

The Cleanup Standards Scientific Advisory Board will hold its 2006 meetings as follows. The meetings are expected to begin at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

January 31, 2006  
November 14, 2006

*Contact:* Marilyn Wooding, Land Recycling Program, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816, mwooding@state.pa.us.

#### **Coal and Clay Mine Subsidence Insurance Fund Board**

The annual meeting of the Coal and Clay Mine Subsidence Insurance Fund Board will begin at 10 a.m. on December 12, 2006, in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting room will be announced in a future notice in the *Pennsylvania Bulletin*.

*Contact:* April Edwards, Bureau of Mining and Reclamation, P. O. Box 8462, Harrisburg, PA 17105-8462, (717) 346-4574, apedwards@state.pa.us.

#### **Coastal Zone Advisory Committee**

Meetings of the Coastal Zone Advisory Committee will be held as follows. The meetings will begin at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to each meeting, refer to the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate) to confirm meeting date, time and location.

January 18, 2006  
June 28, 2006

*Contact:* Andy Zemba or Jeff Dewey, Water Planning Office, P. O. Box 2063, Harrisburg PA 17105-2063, (717) 772-4785, azemba@state.pa.us or jdewey@state.pa.us, respectively.

#### **Energy Advisory Board**

The 2006 meetings of the Energy Advisory Board have not been scheduled. Notices for upcoming meetings will be published in future editions of the *Pennsylvania Bulletin*.

*Contact:* Karen Miller, Office of Energy Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8908, karenmiller@state.pa.us.

#### **Environmental Justice Advisory Board**

Quarterly meetings of the Environmental Justice Advisory Board will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings typically begin at 9:15 a.m., unless otherwise noted on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: "Environmental Justice"). The meeting dates are as follows:

February 7, 2006  
May 4, 2006  
August 10, 2006  
November 2, 2006

*Contact:* Ayanna A. King, Office of Environmental Advocate, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-5630, ayking@state.pa.us.

#### **Environmental Quality Board**

Meetings of the Environmental Quality Board will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 9 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 17, 2006  
February 21, 2006  
March 21, 2006  
April 18, 2006  
May 17, 2006 (Wednesday—due to Primary Election Day on 5/16/06)  
June 20, 2006  
July 18, 2006  
August 15, 2006  
September 19, 2006  
October 17, 2006  
November 21, 2006  
December 19, 2006

*Contact:* Marjorie Hughes, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA, 17105-8477, (717) 787-4526, mahughes@state.pa.us.

#### **Laboratory Accreditation Advisory Committee**

The Laboratory Accreditation Advisory Committee will hold meetings as follows. The meetings will be held from 10 a.m. until 3 p.m. in Room 206, Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17110. Prior to the meeting, check the meeting information at the Department's website, [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Calendar of Events), to confirm meeting date, time and location. The meeting dates are as follows:

March 7, 2006  
June 6, 2006  
September 12, 2006  
December 12, 2006

*Contact:* Richard Sheibley or Aaren Shaffer Alger, Bureau of Laboratories, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-7200, rsheibley@state.pa.us or aaalger@state.pa.us, respectively.

#### **Low-Level Radioactive Waste Advisory Committee**

The Low-Level Waste Advisory Committee will meet on September 28, 2006, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

*Contact:* Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2163, rjanati@state.pa.us.

#### **Mining and Reclamation Advisory Board**

Meetings of the Mining and Reclamation Advisory Board will be held quarterly as follows. These meetings will begin at 10 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The exception to this will be the July meeting. The location for this meeting will be announced separately in a future *Pennsylvania Bulletin* notice.

January 5, 2006  
April 27, 2006  
July 5-6, 2006  
October 26, 2006

*Contact:* Patricia Davenport, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015, padavenpor@state.pa.us.

#### **Nonpoint Source Liaison Workgroup**

The Nonpoint Source Liaison Workgroup meetings for 2006 will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings will begin at 10 a.m. and will be held on the following dates:

June 29, 2006  
October 12, 2006

*Contact:* Fran Koch, Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2289, fkoch@state.pa.us.

#### **Oil and Gas Technical Advisory Board**

The Oil and Gas Management Technical Advisory Board will hold two meetings as follows. The meetings will begin at 10 a.m. in the Department's Moshannon District Office, 186 Enterprise Drive, Philipsburg, PA 16866. Prior to each meeting, check the meeting information on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation) to confirm meeting date, time and location.

March 22, 2006  
September 14, 2006

*Contact:* Jean Clegg, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199, jclegg@state.pa.us.

#### **Radiation Protection Advisory Committee**

The Radiation Protection Advisory Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA on the dates as follow:

March 15, 2006  
October 18, 2006

*Contact:* Louis Ray Urciuolo, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720, lurciuolo@state.pa.us.

#### **Recycling Fund Advisory Committee**

The Recycling Fund Advisory Committee will meet on the date listed as follows. The meeting is expected to begin at 10 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

July 13, 2006

*Contact:* Larry Holley or Penelope Hartman, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, lholley@state.pa.us or penhartman@state.pa.us, respectively.

**Regional Water Resources Committees**

The following is a list of 2006 meetings of the six Water Resources Regional Committees, created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. Meetings of the Delaware and Lower Susquehanna Water Resources Committees will begin at 9:30 a.m. All other regional committee meetings will begin at 10 a.m. Refer to the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation) to confirm meeting locations.

*Delaware Water Resources Regional Committee:*

February 9, 2006  
 May 11, 2006  
 August 11, 2006  
 November 9, 2006

*Great Lakes Water Resources Regional Committee:*

February 14, 2006  
 May 9, 2006  
 August 8, 2006  
 November 14, 2006

*Lower Susquehanna Water Resources Committee:*

February 6, 2006  
 May 15, 2006  
 July 31, 2006  
 November 6, 2006

*Ohio Water Resources Regional Committee:*

February 13, 2006  
 May 8, 2006  
 August 7, 2006  
 November 13, 2006

*Potomac Water Resources Regional Committee:*

February 17, 2006  
 May 19, 2006  
 September 15, 2006  
 November 17, 2006

*Upper Susquehanna Water Resources Regional Committee:*

February 23, 2006  
 May 18, 2006  
 August 17, 2006  
 November 15, 2006

*Contact:* Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

**Sewage Advisory Committee**

The Sewage Advisory Committee will meet on the dates listed as follows. Meetings will begin at 10:30 a.m. and will be conducted in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to each meeting, refer to the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation) to confirm meeting date, time and location.

March 15, 2006  
 June 14, 2006  
 August 16, 2006  
 October 11, 2006

*Contact:* Jay Africa, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184, [jafrica@state.pa.us](mailto:jafrica@state.pa.us).

**Sewage Advisory Committee, Regulations Subcommittee**

The Sewage Advisory Committee, Regulations Subcommittee will meet on June 13, 2006 at 9 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The subcommittee will consider and discuss Department proposals for revisions to current regulations found at 25 Pa. Code Chapters 71—73. Prior to each meeting, refer to the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation) to confirm meeting date, time and location.

*Contact:* Jay Africa, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184, [jafrica@state.pa.us](mailto:jafrica@state.pa.us).

**Small Business Compliance Advisory Committee**

The Small Business Compliance Advisory Committee will hold quarterly meetings as follows. The meetings will begin at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to each meeting, refer to the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation) to confirm meeting date, time and location.

January 25, 2006  
 April 26, 2006  
 July 26, 2006  
 October 25, 2006

*Contact:* Diana Brems, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, 717-787-9257, [dbrems@state.pa.us](mailto:dbrems@state.pa.us).

**Small Water Systems Technical Assistance Center Advisory Board**

The Small Water Systems Technical Assistance Center Advisory Board meetings for 2006 will be held at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 16, 2006  
 May 18, 2006  
 August 17, 2006  
 November 16, 2006

*Contact:* Ray Braun, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 772-2186, [rbraun@state.pa.us](mailto:rbraun@state.pa.us).

**Solid Waste Advisory Committee**

The Solid Waste Advisory Committee will meet on the following dates. All meetings are expected to begin at 10 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

March 9, 2006  
 May 11, 2006  
 July 13, 2006 (Recycling Fund Advisory Committee)  
 September 14, 2006  
 November 9, 2006

*Contact:* Tammy Snyder or Gayle Leader, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871 or e-mail [tasnyder@state.pa.us](mailto:tasnyder@state.pa.us) or [gleader@state.pa.us](mailto:gleader@state.pa.us), respectively.

### State Board for Certification of Sewage Enforcement Officers

The 2006 meetings of the State Board for Certification of Sewage Enforcement Officers have not been scheduled. Notices for upcoming meetings will be published in future editions of the *Pennsylvania Bulletin*.

*Contact:* Cheri Sansoni, Bureau of Water Standards and Facility Regulation, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158, csansoni@state.pa.us.

### State Board for Certification of Water and Wastewater Systems Operators

The 2006 meetings of the State Board for Certification of Water and Wastewater Systems Operators will begin at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted. The meeting dates are as follows:

January 17, 2006	
February 21, 2006	(Conference Call, Rachel Carson State Office Building, 11th Floor Conference Room)
April 18, 2006	
June 13, 2006	(Conference Call, Rachel Carson State Office Building, 11th Floor Conference Room)
July 11, 2006	
August 29, 2006	(Conference Call, Rachel Carson State Office Building, 11th Floor Conference Room)
October 17, 2006	
December 19, 2006	(Conference Call, Rachel Carson State Office Building, 11th Floor Conference Room)

*Contact:* Cheri Sansoni, Bureau of Water Standards and Facility Regulation, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158, csansoni@state.pa.us.

### Statewide Water Resources Committee

Meetings of the Statewide Water Resources Committee will begin at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 16, 2006  
June 15, 2006  
September 21, 2006  
December 21, 2006

*Contact:* Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

### Storage Tank Advisory Committee

The Storage Tank Advisory Committee meetings will be held on the following dates. The meetings will begin at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

March 7, 2006  
June 6, 2006  
September 19, 2006  
December 12, 2006

*Contact:* Ruth Carmen or Charlie Swokel, Bureau of Waste Management, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5831, (800) 42-TANKS (within this Commonwealth), rcarmen@state.pa.us or cswokel@state.pa.us, respectively.

### Stormwater Manual Oversight Committee

The Stormwater Manual Oversight Committee meetings for 2006 will be held at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 14, 2006  
April 25, 2006  
May 23, 2006  
June 27, 2006  
July 25, 2005  
August 29, 2006  
September 26, 2006  
October 31, 2006  
November 28, 2006

*Contact:* Dennis Stum, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 772-5963, dstum@state.pa.us.

### Technical Advisory Committee on Diesel-Powered Equipment

The Technical Advisory Committee on Diesel-Powered Equipment announces its schedule of 2006 meetings. Meetings will be held at 10 a.m. in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA 15401. The meeting dates are:

January 11, 2006  
April 19, 2006  
July 19, 2006  
October 18, 2006

*Contact:* Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, agaida@state.pa.us.

### Water Resources Advisory Committee

The Water Resources Advisory Board meetings for 2006 will be held at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 11, 2006  
March 8, 2006  
May 10, 2006  
July 12, 2006  
September 13, 2006  
November 8, 2006

*Contact:* Bonita Moore, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, bmoore@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2377. Filed for public inspection December 23, 2005, 9:00 a.m.]

### Submission Date for Grant Applications under the Solid Waste-Resource Recovery Development Act

The Department of Environmental Protection (Department) announces that it is accepting Resource Recovery Demonstration Grant applications from counties, municipalities and municipal authorities within this Commonwealth under the Pennsylvania Solid Waste-Resource Recovery Development Act (35 P. S. §§ 755.1—755.14). Projects must be capable of demonstrating, for a mini-

mum of 2 years, the production of energy or the recovery of materials from solid waste (except sewage sludge). Grant applications must meet the terms and conditions established in 25 Pa. Code Chapter 76 (relating to solid waste—resource recovery development).

The Department is particularly interested in receiving applications for projects to implement unique and innovative curbside collection programs for food waste that result in environmentally sound alternatives to landfilling. All projects must be capable of being replicated in other areas of this Commonwealth.

Applicants must provide a business plan and market commitments for energy or materials produced by the demonstration project. All projects should be capable of reaching full-scale production within 12 months of notice of a grant award.

A lead municipality or county serving as the development agency for regional projects must have resolutions from other participating counties or municipalities in support of the project. Counties and municipalities may sponsor cooperative projects with private sector entities provided that a minimum of 5% equity in the project is maintained by the development agency for the term of the demonstration period.

The Department will award up to \$250,000 this grant round. The Department reserves the right to partially fund all or none of the grants submitted during this grant round. A minimum of 25% local matching funds is required including at least a 5% equity share in the project by the applicant.

The deadline for submission of grant applications is 3 p.m. April 6, 2006. Applications must be on forms provided by the Department. Applications received by the Department or postmarked after the deadline will not be considered during this application solicitation.

Counties and municipalities must contact the appropriate Department Planning and Recycling Coordinator listed below to obtain a grant application. A preapplication conference with the Department Regional Planning and Recycling Coordinator is required. Inquiries concerning this notice should be directed to John Lundsted, Recycling Technical Assistance Coordinator, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

#### **Regional Planning and Recycling Coordinators**

##### **Southeast Region**

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Bureau of Waste Management  
2 East Main Street  
Norristown, PA 19401  
Calvin Ligons  
Ann Ryan  
MaryAlice Reisse  
(484) 250-5960  
fax (484) 250-5961  
cligons@state.pa.us  
aryan@state.pa.us  
mreisse@state.pa.us

##### **Northeast Region**

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

Bureau of Waste Management  
2 Public Square  
Wilkes-Barre, PA 18711-0790  
Chris Fritz  
(570) 826-2516  
fax (570) 826-5448  
cfritz@state.pa.us

##### **Southcentral Region**

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

Bureau of Waste Management  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
Mark Vottero  
(717) 705-4706  
fax (717) 705-4930  
mvottero@state.pa.us

##### **Northcentral Region**

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

Bureau of Waste Management  
208 W. 3rd Street, Suite 101  
Williamsport, PA 17701  
Michelle Ferguson  
(570) 327-3636  
fax (570) 327-3420  
miferguson@state.pa.us

##### **Southwest Region**

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

Bureau of Waste Management  
400 Waterfront Drive  
Pittsburgh, PA 17701  
Sharon Svitek  
Brad Cunningham  
Stephen Sales  
(412) 442-4000  
fax (412) 442-4194  
ssvitek@state.pa.us  
bcunningham@state.pa.us  
ssales@state.pa.us

##### **Northwest Region**

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

Bureau of Waste Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
Guy McUmbur  
(814) 332-6848  
fax (814) 332-6117  
gmcumber@state.pa.us

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2378. Filed for public inspection December 23, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Spartan Health Surgicenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Spartan Health Surgicenter has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (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.

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

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

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

[Pa.B. Doc. No. 05-2379. Filed for public inspection December 23, 2005. 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Wednesday, February 22, 2006, from 9:30 a.m. to 2:30 p.m. in 125N, Training Room A, Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, (717) 783-8143.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-2380. Filed for public inspection December 23, 2005. 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Hearts of Gold 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 Hearts of Gold.

2. *Price:* The price of a Pennsylvania Hearts of Gold instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Hearts of Gold instant lottery game ticket will contain four play areas known as Game 1, Game 2, Game 3 and Fast \$14 Bonus. Each game is played separately.

(b) The prize play symbols and the play symbol and their captions located in the play area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70 (SEVENTY), \$140 (ONEHUNFRY), \$1,400 (FORTNHUN), \$30,000 (TRY THO) and a Double Heart symbol (DBLHRT).

(c) The play symbols and their captions located in the play area for Game 2 are: Gold Bar symbol (GOLDBAR) and X symbol (XXX).

(d) The play symbols and their captions located in the play area for Game 3 are: Kiss symbol (KISS), Bear symbol (BEAR), Candy symbol (CANDY), Diamond symbol (DIMND), Gift symbol (GIFT), Cash symbol (CASH), Balloon symbol (BALLN), Crown symbol (CROWN), Heart symbol (HEART), Cupid symbol (CUPID), Bow and Arrow (BOW), Ring symbol (RING), Cake symbol (CAKE) and Love Birds symbol (LVBRDS).

(e) The prize play and play symbols and their captions located in the "BONUS" area for Fast \$14 Bonus are: \$14\$ (FORTN) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 2 are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70 (SEVENTY), \$140 (ONEHUNFRY), \$1,400 (FORTNHUN) and \$30,000 (TRY THO). The prize symbols and their captions located in the prize area for Game 3 are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70 (SEVENTY), \$140 (ONEHUNFRY), \$1,400 (FORTNHUN) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in Game 1 and Game 2 are \$5, \$7, \$10, \$14, \$21, \$42, \$70, \$140, \$1,400 and \$30,000. The prizes that can be won in Game 3 are \$5, \$7, \$14, \$21, \$42, \$70, \$140, \$1,400 and \$30,000. The prize that can be won in the Fast \$14 Bonus game is \$14. A player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,000,000 tickets will be printed for the Pennsylvania Hearts of Gold instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching prize play symbols of \$30,000 (TRY THO) in the play area, on a single ticket, shall be entitled to a prize of \$30,000.

(2) Holders of tickets with three matching prize play symbols of \$1,400 (FORTNHUN) in the play area, on a single ticket, shall be entitled to a prize of \$1,400.

(3) Holders of tickets with three matching prize play symbols of \$140 (ONEHUNFRY) in the play area, on a single ticket, shall be entitled to a prize of \$140.

(4) Holders of tickets with three matching prize play symbols of \$70\$ (SEVENTY) in the play area, on a single ticket, shall be entitled to a prize of \$70.

(5) Holders of tickets with three matching prize play symbols of \$42\$ (FRY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$42.

(6) Holders of tickets with two matching play symbols of \$14\$ (FORTN) and a Double Heart symbol (DBLHRT) in the play area, on a single ticket, shall be entitled to a prize of \$28.

(7) Holders of tickets with three matching prize play symbols of \$21\$ (TWY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$21.

(8) Holders of tickets with three matching prize play symbols of \$14\$ (FORTN) in the play area, on a single ticket, shall be entitled to a prize of \$14.

(9) Holders of tickets with two matching play symbols of \$7.<sup>00</sup> (SVN DOL) and a Double Heart symbol (DBLHRT) in the play area, on a single ticket, shall be entitled to a prize of \$14.

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

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

(12) Holders of tickets with three matching prize play symbols of \$7.<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

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

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$30,000 (TRY THO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$30,000.

(2) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$1,400 (FORTNHUN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$1,400.

(3) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$140 (ONEHUNFRY) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$140.

(4) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$70\$ (SEVENTY) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$70.

(5) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$42\$ (FRY TWO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$42.

(6) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$21\$ (TWY ONE) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$14\$ (FORTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$7.<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching Gold Bar (GOLDBAR) play symbols in the same row, column or diagonal and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$30,000 (TRY THO) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(2) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$1,400 (FORTNHUN) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$1,400.

(3) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$140 (ONEHUNFRY) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$140.

(4) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$70\$ (SEVENTY) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(5) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$42\$ (FRY TWO) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$42.

(6) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$21\$ (TWY ONE) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$14\$ (FORTN) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$14.

appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets upon which any one of the play symbols is in the "PLAY AREA" a Love Birds (LVBRDS) play symbol, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under the Love Birds (LVBRDS) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets upon which any one of the play symbols in the "PLAY AREA" is a Love Birds (LVBRDS) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Love Birds (LVBRDS) play symbol, on

a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Fast \$14 Bonus are:

(1) Holders of tickets with a \$14\$ (FORTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$14.

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

<i>Fast \$14 Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 in:</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
	3-\$5's			\$5	35.29	85,000
		\$5		\$5	35.29	85,000
			\$5	\$5	33.33	90,000
	3-\$7's			\$7	150	20,000
		\$7		\$7	200	15,000
			\$7	\$7	200	15,000
	2-\$5's w/DBLHRT			\$10	200	15,000
			\$5 × 2	\$10	300	10,000
	3-\$10's			\$10	120	25,000
		\$10		\$10	60	50,000
	2-\$7's w/DBLHRT			\$14	200	15,000
	3-\$7's		\$7	\$14	200	15,000
	3-\$7's	\$7		\$14	100	30,000
		\$7	\$7	\$14	100	30,000
\$14				\$14	10.53	285,000
	2-\$7's w/DBLHRT		\$7	\$21	300	10,000
	3-\$7's	\$7		\$21	300	10,000
			\$7 × 3	\$21	200	15,000
\$14	3-\$7's			\$21	200	15,000
\$14		\$7		\$21	200	15,000
\$14			\$7	\$21	200	15,000
	3-\$21's			\$21	300	10,000
		\$21		\$21	600	5,000
			\$21	\$21	600	5,000
	2-\$14's w/DBLHRT			\$42	4,800	625
\$14			\$14 × 2	\$42	4,800	625
\$14			\$7 × 4	\$42	4,800	625
\$14	3-\$14's	\$14		\$42	4,800	625
\$14		\$14	\$14	\$42	4,800	625
\$14	3-\$14's			\$42	4,800	625
			\$21 × 2	\$42	4,800	625
			\$7 × 6	\$42	4,800	625
	3-\$42's			\$42	4,800	625
		\$42		\$42	4,800	625
			\$42	\$42	6,000	500
\$14	2-\$14's w/DBLHRT		\$14 × 2	\$70	120,000	25
\$14			\$14 × 4	\$70	120,000	25
\$14	3-\$14's	\$14	\$7 × 4	\$70	120,000	25
	3-\$70's			\$70	120,000	25
		\$70		\$70	120,000	25
			\$70	\$70	120,000	25
			\$70 × 2	\$140	120,000	25
	3-\$140's			\$140	120,000	25
		\$140		\$140	120,000	25
			\$140	\$140	120,000	25
	3-\$1,400's			\$1,400	1,000,000	3



<i>Fast \$14 Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 in:</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
		\$1,400		\$1,400	1,000,000	3
			\$1,400	\$1,400	1,000,000	3
	3-\$30,000's			\$30,000	1,500,000	2
		\$30,000		\$30,000	1,500,000	2
			\$30,000	\$30,000	1,500,000	2

GAME 1—Get 3 like amounts, win that prize. Get 2 like amounts and a “Double Heart” (DBLHRT) symbol, double that prize amount.

GAME 2—Get three “Gold Bar” (GOLDBAR) symbols in a row, column or diagonal, win prize shown.

GAME 3—Find a “Love Birds” (LVBRDS) symbol in the “PLAY AREA” and win the prize shown under that symbol.

Fast \$14 Bonus—Reveal prize amount of \$14 and win that prize.

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 Hearts of Gold 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 Hearts of Gold, prize money from winning Pennsylvania Hearts of Gold 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 Hearts of Gold 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 Hearts of Gold or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-2381. Filed for public inspection December 23, 2005, 9:00 a.m.]

**Pennsylvania Lucky Millions 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 Lucky Millions.

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

3. *Play Symbols:* Each Pennsylvania Lucky Millions instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR

LUCKY NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area will be either black or green. The black play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The green play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR LUCKY NUMBERS” area will be either black or green. The black play symbols and their captions located in the “YOUR LUCKY NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), a Star (STAR) symbol and a Black Money Bag (BKMBG) symbol. The green play symbols and their captions located in the “YOUR LUCKY NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO),

33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and a Green Money Bag (GRMBG) symbol.

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

5. *Prizes:* The prizes that can be won in this game are \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$1,000,000. The \$1,000,000 top prize is paid as a lump-sum, cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Lucky Millions instant lottery game.

7. *Determination of Prize Winners:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) Holders of tickets upon which any one of the "YOUR LUCKY NUMBERS" play symbols is a Black Moneybag (BKMBG) symbol, and a prize symbol of \$25\$ (TWY FIV)

appears under the Black Moneybag (BKMBG) symbol on a single ticket, shall be entitled to a prize of \$50.

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

(v) Holders of tickets upon which any one of the "YOUR LUCKY NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$40\$ (FORTY) appears under the Star (STAR) symbol on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR LUCKY NUMBERS" play symbols is a Black Moneybag (BKMBG) symbol, and a prize symbol of \$20\$ (TWENTY) appears under the Black Moneybag (BKMBG) symbol on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR LUCKY NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR LUCKY NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which any one of the "YOUR LUCKY NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$25\$ (TWY FIV)

appears under the Star (STAR) symbol on a single ticket, shall be entitled to a prize of \$25.

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

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

(bb) Holders of tickets upon which any one of the "YOUR LUCKY NUMBERS" play symbols is a Black Moneybag (BKMBG) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Black Moneybag (BKMBG) symbol on a single ticket, shall be entitled to a prize of \$20.

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

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

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

\$10 × 2	\$20
\$10 w/BLACK MONEYBAG	\$20
\$20 w/STAR	\$20
\$20	\$20
\$25 w/STAR	\$25
\$25	\$25
\$10 × 4	\$40
\$20 × 2	\$40
\$20 w/BLACK MONEYBAG	\$40
\$40 w/STAR	\$40
\$40	\$40
\$10 × 5	\$50
\$25 × 2	\$50
\$25 w/BLACK MONEYBAG	\$50
\$50 w/STAR	\$50
\$50	\$50
\$10 × 10	\$100
\$10 w/GREEN MONEYBAG	\$100
\$50 w/BLACK MONEYBAG	\$100
\$100 w/STAR	\$100
\$100	\$100
\$10 × 20	\$200
\$20 × 10	\$200
\$25 × 8	\$200
\$20 w/GREEN MONEYBAG	\$200
\$100 w/BLACK MONEYBAG	\$200
\$100 × 2	\$200
\$200 w/STAR	\$200
\$200	\$200
\$25 × 20	\$500
\$50 × 10	\$500
\$100 × 5	\$500

*Win:*

*Approximate Odds of 1 in:*

*Approximate No. of Winners Per 6,000,000 Tickets*

\$20	60	100,000
\$20	30	200,000
\$20	30	200,000
\$20	30	200,000
\$25	30	200,000
\$25	30	200,000
\$40	75	80,000
\$40	75	80,000
\$40	75	80,000
\$40	75	80,000
\$50	150	40,000
\$50	150	40,000
\$50	150	40,000
\$50	150	40,000
\$100	300	20,000
\$100	300	20,000
\$100	300	20,000
\$100	300	20,000
\$200	1,600	3,750
\$200	1,600	3,750
\$200	1,600	3,750
\$200	1,600	3,750
\$200	1,600	3,750
\$200	1,600	3,750
\$500	2,400	2,500
\$500	2,400	2,500
\$500	4,800	1,250

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

<i>Prize(s)</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$50 w/GREEN MONEYBAG	\$500	2,400	2,500
\$500 w/STAR	\$500	4,800	1,250
\$500	\$500	2,400	2,500
\$50 × 20	\$1,000	9,231	650
\$100 × 10	\$1,000	9,231	650
\$200 × 5	\$1,000	9,231	650
\$100 w/ GREEN MONEYBAG	\$1,000	9,231	650
\$500 × 2	\$1,000	9,231	650
\$500 w/BLACK MONEYBAG	\$1,000	10,000	600
\$1,000 w/STAR	\$1,000	10,000	600
\$1,000	\$1,000	10,000	600
\$500 × 20	\$10,000	600,000	10
\$1,000 × 10	\$10,000	600,000	10
\$10,000	\$10,000	600,000	10
\$1,000,000	\$1,000,000	600,000	10

STAR = Win prize shown under it automatically.  
 BLACK MONEYBAG = Win double the prize shown under it.  
 GREEN MONEYBAG = Win 10 times the prize shown under it.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Millions 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 Lucky Millions, prize money from winning Pennsylvania Lucky Millions 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 Lucky Millions 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 Lucky Millions or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-2382. Filed for public inspection December 23, 2005, 9:00 a.m.]

**Realty Transfer Tax Revised 2004 Common Level Ratio; Real Estate Valuation Factor**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2004. These factors are the mathematical reciprocal of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2006, to June 30, 2006. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Elk	2.10
* Indiana	5.38
** Union	1.00
** York	1.00

\* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2006.

\*\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2006.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-2383. Filed for public inspection December 23, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
17-68	Municipal Police Officers' Education and Training Commission Administration of the Training Program 35 Pa.B. 5690 (October 15, 2005)	11/14/05	12/14/05

### Municipal Police Officers' Education and Training Commission Regulation #17-68 (IRRC #2501)

#### Administration of the Training Program

**December 14, 2005**

We submit for your consideration the following comments on the proposed rulemaking published in the October 15, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Municipal Police Officers' Education and Training Commission (Training Commission) to respond to all comments received from us or any other source.

#### 1. Section 203.35. Emergency suspension of school certification.—Reasonableness; Clarity.

In this section, the Training Commission is deleting provisions which state how a school can correct conditions which led to a suspension of the school's certification and how the results of a reinspection will be communicated to the school. The deleted provisions contain valuable information which does not appear to be listed elsewhere in the Training Commission's existing regulations. The final-form regulation should specify the procedures to be undertaken by a school to correct violations as well as the reinspection procedures to be followed by the Training Commission.

#### 2. Section 203.37. Minimum standards for school directors.—Reasonableness; Clarity.

##### *Grandfathering*

This section establishes minimum education and experience requirements for school directors. However, the regulation does not specify if current school directors will be grandfathered or if they will be given a certain time frame within which they must demonstrate compliance with the requirements after the regulation is effective. The final-form regulation should either contain a grandfathering provision or establish a time frame for current school directors to demonstrate compliance.

##### *Paragraph (4)*

This paragraph lists one of the minimum professional experience requirements as "Possess experience and ability as an instructor." This requirement is vague. The type and duration of experience required should be specified. Additionally, the regulation should state how the Training Commission will evaluate an individual's "ability as an instructor," and what documentation an individual must provide to demonstrate ability.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-2384. Filed for public inspection December 23, 2005, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

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

#### *Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-431	Department of Revenue Proof Required to Establish Credit	12/13/05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-2385. Filed for public inspection December 23, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; David Allan Johnson; Doc. No. SC05-12-007

Notice is hereby given of the Order to Show Cause issued on December 8, 2005, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: section 611-A(2), (7), (13), (17) and (20) of The Insurance Department Act of 1921 (40 P. S. § 310.11(2), (7), (13), (17) and (20); and 31 Pa. Code §§ 37.11, 37.33 and 37.46—37.48.

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S.

§§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Barbara Seiler, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2386. Filed for public inspection December 23, 2005, 9:00 a.m.]

### **Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing; Rate Filing**

On December 7, 2005, the Insurance Department (Department) received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The CMCRB requests an overall 8.3% decrease in collectible loss costs, effective April 1, 2006, on a new and renewal basis. Also, the CMCRB has calculated the Employer Assessment Factor effective April 1, 2006, to be 3.03%, as compared to the currently approved provision of 3.17%.

The entire April 1, 2006, loss cost filing is available for review on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2387. Filed for public inspection December 23, 2005, 9:00 a.m.]

### **Liberty Mutual Fire Insurance Company; Homeowners; Rate Filing**

On November 22, 2005, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a proposed rate change for homeowners insurance.

The company requests an overall 7.9% increase amounting to \$4.262 million annually, to be effective February 13, 2006, for new business and April 6, 2006, for renewal business.

The Department has been notified by the company that the company has waived its right to deem the filing approved.

A copy of the filing is available on the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2388. Filed for public inspection December 23, 2005, 9:00 a.m.]

### **Nationwide Mutual Insurance Company; Private Passenger Automobile Rate and Rule Revisions; Rate Filing**

On December 5, 2005, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 2.7% decrease amounting to \$17.9 million annually, to be effective March 5, 2006.

Unless formal administrative action is taken prior to February 3, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "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](mailto:mmckenney@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2389. Filed for public inspection December 23, 2005, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board leases will expire:

---

Allegheny County, Wine & Spirits Shoppe #0274, Lebanon Shops, 300 Mount Lebanon Blvd., Pittsburgh, PA 15234.

*Lease Expiration Date:* October 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within 3/4 mile of the intersection of Castle Shannon Boulevard and Mt. Lebanon Boulevard, Pittsburgh. The site must have free off-street parking and access for tractor-trailer deliveries.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

---

Allegheny County, Wine & Spirits Shoppe #0210, The Bavarian Village, 2550 Brownsville Road, South Park, PA 15129.

*Lease Expiration Date:* September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment within 1.5 miles of the intersection of Brownsville and Piney Fork Roads in South Park Township. The site must have free parking and access for tractor-trailer loading.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

---

Allegheny County, Wine & Spirits Shoppe #0295, Great Valley Shopping Center, 500 Lincoln Highway, North Versailles, PA 15137.

*Lease Expiration Date:* August 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,800 to 3,500 net useable square feet of new or existing retail commercial space in a shopping center environment within 1/2 mile of the intersection of US 30 and SR 686 in North Versailles Township.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

---

Blair County, Wine & Spirits Shoppe #0701, Station Mall, 1613 9th Avenue, Altoona, PA 16602.

*Lease Expiration Date:* May 31, 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 serving downtown Altoona. The site should have free off-street parking and access for tractor-trailer deliveries.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

---

Butler County, Wine & Spirits Shoppe #1008, Slippery Rock Plaza, 223 Grove City Road, Slippery Rock, PA 16057.

*Lease Expiration Date:* November 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space serving the town of Slippery Rock. The site should have free off-street parking and access for tractor-trailer deliveries.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

---

Potter County, Wine & Spirits Shoppe #5302, 15 West Street, Galeton, PA 16922.

*Lease Expiration Date:* October 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,200 net useable square feet of new or existing retail commercial space near the Central Business District of Galeton. The site must have access for tractor-trailer loading.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Craig Johnson, (412) 565-5130

---

Somerset County, Wine & Spirits Shoppe #5606, 212 Ohio Street, Boswell, PA 15531.

*Lease Expiration Date:* October 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,200 net useable square feet of new or existing retail commercial space serving Boswell and surrounding areas. The site must have free, paved off-street parking and access for tractor-trailer loading.

*Proposals due:* January 13, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130  
 JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 05-2390. Filed for public inspection December 23, 2005, 9:00 a.m.]

## MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

### 2006 Mandatory In-Service Training Curriculum

#### Required Courses

**Title of Course:** 06-201—Legal Issues (6 hours)

**Description of Course:** This training module expands beyond the traditional legal update course to a more in-depth discussion of new criminal and traffic laws, changes to existing criminal and traffic laws, general case law, vehicle case law, search and seizure, juvenile law, and the Crime Victims Act. A Use of Force update will also be included in the training.

Tuition per Officer: \$28.90

**Title of Course:** 06-202—Current Issues in Homeland Security (6 hours)

**Description of Course:** This training module is developed to discuss:

- *Consular Notification and Access as well as Counter-Terrorism Resources.* Police officers in the United States are governed by procedures relating to notification of foreign consulates when foreign nationals are either being detained or placed under arrest. This section reviews the procedures and requirements pertaining to this type of notification. This section also addresses counterterrorism initiatives such as the Terrorism Screening Center—description of center, component systems, capabilities, and access procedures, the Strategic National Stockpile, and the Pre-Positioned Equipment Program.
- *Introduction to Suicide and Homicide Bombings.* This section examines issues relating to law enforcement response to suspected suicide bombing incidents. The nature of the threat, bomber identification, use of force and officer response issues will be discussed.
- *National Incident Management System.* Various components of the NIMS system and structure will be examined. This section contains all content of the NIMS IS 700 course.

Tuition per Officer: \$28.90

#### Elective Courses:

00-601 FATS (6 hours)

Tuition per Officer: \$90

Maximum of 16 officers per class. Three instructors, two assistants.

00-602 FATS (4 hours)

Tuition per Officer: \$35

Maximum of 8 officers per class. One instructor.

COL. JEFFREY B. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 05-2391. Filed for public inspection December 23, 2005, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member board on Tuesday, January 10, 2006, at 10:30 a.m. at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority, (717) 346-0469.

ALAN B. K. RABINOWITZ,  
*Administrator*

[Pa.B. Doc. No. 05-2392. Filed for public inspection December 23, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Insuring Consistent Application of 52 Pa. Code § 56.12(7) Equal Monthly Billing

Public Meeting held  
 November 10, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Insuring Consistent Application of 52 Pa. Code § 56.12(7) Equal Monthly Billing; Doc. No. M-00051925*

#### Order

*By the Commission:*

At the Public Meeting held on April 12, 1978, the Commission adopted a final Order that implemented Consumer Standards and Billing Practices for Residential Service, which is generically referred to as Chapter 56, 52 Pa. Code Ch. 56. In responding to comments related to equal monthly billing (budget billing), the Commission noted that:



As energy costs rise, consumer interest and interaction with the utility will increase. An equitable and uniform system for billing will minimize rather than create confusion.<sup>1</sup>

The Commission's comments are as relevant now as they were then, and budget billing has become a key tool for customers to mitigate spikes in utility bills and for utilities to manage account receivables. Now is the time to ensure that utility budget billing programs optimize both the customers' and companies' ability to manage higher prices this winter.

Every utility budget billing program should allow new customers, and existing customers not previously enrolled in a budget billing program, to obtain the maximum benefits from the program, while benefiting utilities by reducing their exposure to uncollectible expenses. To accomplish this aim, there can be no restriction on customers' ability to avail themselves of budget billing procedures based upon a 10-, 11-, or 12-month past usage period.<sup>2</sup> It is acceptable for an initial budget period to exceed 10, 11 or 12 months, but basing equal monthly billing on a usage period that averages less than 10 months violates the Commission's regulations and is therefore invalid. This means that when a customer enrolls in a budget billing program, the utility must use that customer's consumption from the previous 10-, 11-, or 12-month period when determining the customer's budget billing payment or base the budget on a valid estimate of potential use for a 10-, 11-, or 12-month period when the customer has no prior history. 52 Pa. Code § 56.12(7). Utilities are also permitted to review customer accounts a minimum of three times during the budget billing period and make adjustments as necessary.

Other elements of an acceptable budget billing program are:

- Budget billing must be available to all utility customers with residential end use irrespective of the rate the account is billed.<sup>3</sup>
- Based on well-established case history, budget billing must be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility.<sup>4</sup>
- Budget accounts are to be routinely monitored and adjusted consistent with the Commission's regulations to prevent over or under collections to the extent possible.
- Any tariff provision that is inconsistent with the Commission's interpretation of its regulation is deemed null and void.<sup>5</sup>

Pursuant to Section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), the Commission solicits comments from all interested parties in response to the proposed

<sup>1</sup> 76 P.R.M.D. 10—Consumer Standards and Billing Practices for Residential Service, entered May 2, 1978.

<sup>2</sup> 52 Pa. Code § 56.12(7) provides: "Equal monthly billing. A gas, electric and steam heating utility shall provide its residential ratepayers with an optional billing procedure which averages estimated utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The utility shall review accounts at least three times during the optional billing period."

<sup>3</sup> See 52 Pa. Code § 56.1 (relating to definition of "residential service").

<sup>4</sup> *Mary Frayne v. PECO Energy Company*, C-20029005 (Order entered September 10, 2003).

<sup>5</sup> See 52 Pa. Code § 56.223 (relating to inconsistent tariff provisions).

interpretative rule regarding 52 Pa. Code § 56.12(7) set forth in this Order. In the Comments, the Commission would like feedback on whether the interpretative rule in this Order is clear or whether this action would be better undertaken by a policy statement

*Therefore,*

*It Is Ordered That:*

1. A copy of this Order be published in the *Pennsylvania Bulletin*.

2. Comments to the proposed interpretative rule be filed within ten (10) days of the entry date of this Order. In addition, comments shall be sent via email to Assistant Counsel Rhonda L. Daviston at rdaviston@state.pa.us and Daniel Mumford at dmumford@state.pa.us.

3. A copy of this Order be served on electric, gas, water, and steam heating companies, the Office of Consumer advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Energy Association of Pennsylvania, and the Public Utility Law Project.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2393. Filed for public inspection December 23, 2005, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority application for the right to render service as a common carrier or contract carrier in this Commonwealth has been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 17, 2006. Documents filed in support of applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-00122249. Northwest Emergency Medical Services, Inc.** (380 West Bainbridge Street, Elizabethtown, Lancaster County, PA 17022), a corporation of this Commonwealth—persons in paratransit service, from points in the Borough of Elizabethtown, and the Townships of East Donegal and West Donegal, all in the County of Lancaster, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2394. Filed for public inspection December 23, 2005, 9:00 a.m.]

## Transfer by Sale

**A-212285F0128. Pennsylvania-American Water Company and Saville Rustin Water Company, Inc./Pine Ridge Community Association, Inc.** Application of Pennsylvania-American Water Company and Saville Rustin Water Company, Inc./Pine Ridge Community Association, Inc. for approval of: 1) the transfer, by sale, of the waterworks property and rights of the Saville Rustin Water Company, Inc./Pine Ridge Community Association, Inc. to Pennsylvania-American Water Company; and 2) the commencement by Pennsylvania-American Water Company of water service to the public in additional portions of Lehman Township, Pike County, presently being served by Saville Rustin Water Company, Inc./Pine Ridge Community Association, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 9, 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, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2395. Filed for public inspection December 23, 2005, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Condensed Statement of Changes in Net Assets

**June 30, 2005 and 2004  
Audited**

	<i>Year to Date June 30, 2005</i>	<i>Year to Date June 30, 2004</i>
Total Revenues	\$ 5,616,698	\$ 5,852,282
Total Operating Expenses	19,040,633	18,616,801
Operating Gain (Loss)	<u>(13,423,935)</u>	<u>(12,764,519)</u>
Net Non-operating Revenues (Expenses)	7,670,883	7,817,240
(Loss) Gain Before Capital Grants	<u>(5,753,052)</u>	<u>(4,947,279)</u>
Capital Grants	18,816,381	9,031,831
Change in Net Assets	<u>13,063,329</u>	<u>4,084,552</u>
Net Assets, Beginning of Year	27,825,618	23,741,066
Net Assets, End of Year	40,888,947	27,825,618

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-2396. Filed for public inspection December 23, 2005, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

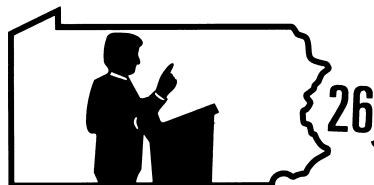
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

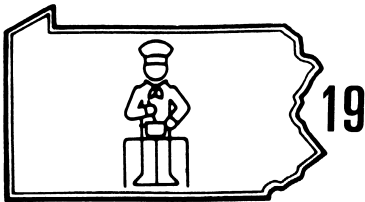
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://www.patreaury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

## SERVICES



### Food

**0016 FROZEN ENTREES:** Cheese Pizza, 62,000 each, 5.5 oz., prepared frozen. Individual pizza to contain 1-1/2 oz. mozzarella cheese, 1-1/2 oz. tomato sauce and spice on a 2-1/2 oz. enriched crust. Packed 48-64 per case. Net weight: 16 lb./case. Frozen Pierogies, potatoes and cheese filling, individually quick frozen. Portion size: approximately 1.44 oz. each, packed 288 per case. Product shall contain at least 45% filling weight. Breaded product unacceptable. Frozen Waffles, round or rectangular shaped. Approximately 1/4 oz each, 12 per package, 8 packages per case. Amounts are approximate and will be sent out on a bi-monthly bid basis. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0008 SEAFOOD/FISH:** Fish portion breaded, precooked IQF, equivalent to USDC Grade A. Packed under Federal Inspection (PUFI). White flesh fish, portion size, 4 oz. May be square, rectangular or fillet shaped, but all portions must be the same shape and size. Skinless and Boneless. Cuts from frozen fish flesh, not ground or minced, coated with batter and breading. Pre-cooked portions are to be oven able and lightly fried. Product to contain not less than 75% by weight of fish flesh and shall be at least 3/8" thick. FISH portions unbreaded, raw, equivalent to USDC grade A, IQF. White fleshed fish, portion size 4 oz. May be square or rectangular but all portions must be the same shape and size. Skinless and boneless. Cut from frozen fish block and comprised of cohering pieces of fish flesh (not ground or minced). Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0010 COTTAGE CHEESE:** Low fat, small curd. To contain 2% milk fat and not more than 82.5% moisture. Packaged in 5 lb. containers. Items to be bid on a bi-monthly basis for the period January 01 to December 31, 2006. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0002 EGGS,** fresh, consumer grade A, Medium, must be candle inspected, Class I, Brown and White, packed 30 dozen/case. Forty (40) pound carton. USDA Certificate required (and all related items). Approximately 1,500 dozen each Monday from January 01, 2006 through December 31, 2006. Items will be sent out on a bi-monthly bid basis. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0009 EGGS,** frozen, pasteurized, whole for scrambling and frozen egg whites, 6/5 lb. containers per case. Must be frozen when delivered and show no signs of previous defrosting. CERTIFICATE OF COMPLIANCE MUST ACCOMPANY ORDERS. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0012 IMITATION CRAB FLAKE - Surimi.** Packed 12—2.5 pound packages per case. Thirty pounds per case. Can be served hot or cold. To be shipped and received frozen and show no signs of previous thawing and refreezing. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller Phone: 814-621-2110 x1109

**0001** The State Correctional Institution at Forest will be soliciting for Milk Products. Issuance of bid proposals will be made on a monthly or quarterly basis, whichever deemed necessary by the institution. Pricing to be consistent with the PA Milk Marketing Board. Delivery will be required twice per week or more often if necessary. Vendor must be registered with the State of PA and have a SAP vendor number to receive bid solicitations.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller Phone: 814/621-2110 x 1109

**0006 BEEF/PORK:** Beef Liver 8,000 lbs; Beef Frankfurters 12,000 lbs.; Tavern Ham, skinless, 9,600 lbs; Pork Chops, 15,000 lbs.; Bacon 8,000 lbs.; Garlic Bologna (all beef) 5,000 lbs.; Beef Sandwich Steaks 15,000 lbs.; Chopped Ham 4,000 lbs.; and ALL RELATED BEEF ITEMS. Pounds are approximate and items will be bid on a bi-monthly basis. Vendor must have registered PA Vendor number to obtain bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0011 TOFU:** Regular tofu, packed 24—12.3 oz packages per case. Approximately 75 cases per month. Items will be bid on a bi-monthly basis; and all amounts are approximate. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller 814-621-2110 x1109

**0014 OLEOMARGARINE:** 1-lb., individually wrapped print, 30 lb. cases. Approximately 200 cases. OLEOMARGARINE: individual margarine serving .5 gram per pat (Promise or approved equal) approximately 480 cases, and ALL RELATED ITEMS. Items to be bid on a bi-monthly basis and all amounts are approximate for the period January 01, 2006 to December 31, 2006. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x 1109

**0003 ICE CREAM -** in 4 oz. cups, minimum of 1/3 delivery to be with toppings and one meal of sherbert per month. Approximately 480 dozen cups weekly from January 01 to December 31, 2006. Icy Treats, push up type, no stick, Popsicle like frozen treat (and all related items). Approximately 30 boxes per month. Items will be bid on a bi-monthly basis. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 - December 31, 2006  
**Contact:** Nancy Keller 814-621-2110 x1109

**0004 CHICKEN/TURKEY/POULTRY PRODUCTS:** Chicken 46,000 lbs. ready to cook, Grade A, Type II, Fresh Frozen, Class I Broilers or Fryers, Style II, quartered, no livers, gizzards or necks. Weight range: 3 lb. per chicken. PA spec C-94, effective 04/11/73. USDA Certificate Required. Poultry Meat 22,000 lbs.; Turkey Breast 12,000 lbs.; Chicken Patties 12,000 lbs., breaded and unbreaded; Turkey Sausage 4,000 lbs.; Turkey Keilbasa 4,000 lbs.; Chicken Franks 9,000 lbs.; Ground Turkey 12,000 lbs.; Poultry Salami and Pastrami 9,000 lbs; Turkey Ham 9,000 lbs.; and ALL RELATED ITEMS. All items will be bid on a bi-monthly basis, all amounts are approximate for the period of January 01 to December 31, 2006.

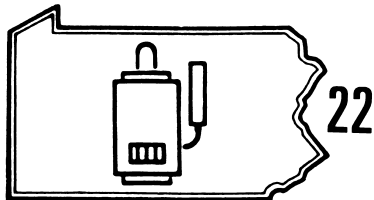
**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 through December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0013 CHEESE:** Processed American; 10,000 lbs.; Processed Swiss, 10,000 lbs.; Processed Longhorn, 10,000 lbs.; and all related items. Items will be bid on a bi-monthly basis. All amounts are approximate for the period of January 01, 2006 to December 31, 2006. Interested vendors must be registered with the Commonwealth's Imagine PA Project and have a registered vendor number to receive bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109

**0007 FISH-CLAMS/CRAB CAKES:** Clams, frozen, packed in 5 pound containers and crab cakes, breaded, frozen, precooked. Portion size 4 oz. each. Not less than 3/4" thick and 2" in diameter. Product to contain not less than 35% crabmeat; and ALL RELATED ITEMS. All items will be bid on a bi-monthly basis. Quantities are approximate.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** January 01, 2006 to December 31, 2006  
**Contact:** Nancy Keller, 814-621-2110 x1109



### HVAC Services

**12/13/2005** Allentown State Hospital is looking into purchasing Two (2) replacement Fire Pumps and Motors to provide emergency water pressure needed to handle any Hospital wide firefighting emergency. Pumps must be Peerless Pump with "no substitutes". Bid packets may be obtained by calling the Purchasing Department at 610-740-3425 or Fax 610-740-3424. A site visit will be required.

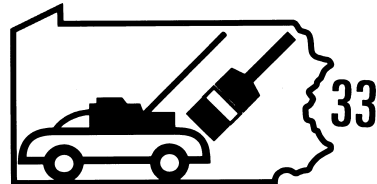
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown PA 18109-2498  
**Duration:** From date awarded to 6/30/2006  
**Contact:** Robert Mitchell, 610-740-3425



### Laboratory Services

**788006** Qualified contractor to provide laboratory testing and results of soil, rock and water samples associated with geotechnical and construction activities located in Armstrong, Butler, Clarion, Indiana and Jefferson Counties. To request a bid package, please send your contact name, company name, company address, phone number, fax number and e-mail address to Diane Spence at fax # 724-357-2872 or email address DSpence@state.pa.us.

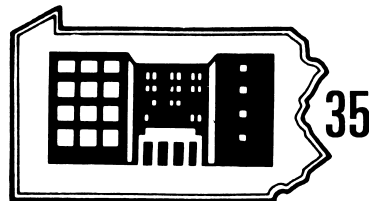
**Department:** Transportation  
**Location:** PA Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701  
**Duration:** 1 year with options to renew by letter of mutual consent for a period of one-year for each renewal.  
**Contact:** Diane Spence, 724-357-7987



### Property Maintenance

**62-0109** Interior Painting of walls, ceilings, stairwells, lounges, bathrooms, closets, etc. Goshen Hall—9 floor dormitory bldg. approx. 178,060 sq. ft. and S. Campus Apts.—approx. 248,430 sq. ft. Pre-Bid Site Visit: Friday, Jan. 6, 2005 at 9:00 a.m. in lobby of Goshen Hall, 125 N. Campus Drive, West Chester, PA 19383. Bid Date: January 24, 2005 at 11:00 a.m.; 10% Bid Bond Required.

**Department:** State System of Higher Education  
**Location:** Campus of West Chester University, West Chester, PA 19383  
**Duration:** Work to commence May 14, 2006 and be completed by August 4, 2006.  
**Contact:** Barb Cooper, 610-436-2706



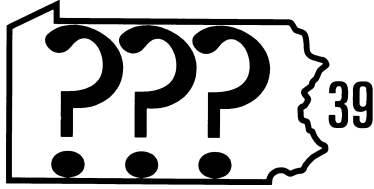
### Real Estate Services

**93932** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA Gaming Control Board with 8,000 useable square feet of office space in Cranberry Township (Butler County), Greentree Borough and the City of Pittsburgh, Allegheny County, PA. Downtown locations will be considered. For more information on SFP #93932 which is due on 1/5/06 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** PA Gaming Control Board  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker, 717-787-4396

**93934** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA Gaming Control Board with 8,000 useable square feet of office space in the following counties: Bucks, Delaware, Montgomery and Philadelphia. Downtown locations will be considered. For more information on SFP #93934 which is due on 1/5/06 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** PA Gaming Control Board  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker, 717-787-4396



## Miscellaneous

**KURFP-0012** Kutztown University is seeking qualified General, HVAC, Plumbing, and Electrical contractors for Unit Price Contracts, who are capable of performing maintenance, repairs, and renovations to the building equipment systems, and utility systems at Kutztown University. This contract may include minor construction. The contractor selection process will be via sealed competitive proposals in accordance with the Request for Proposal (RFP) using the Best Value Contracting method. Contractors located more than 60 miles from the University will not be considered. RFP packets are available for a nonrefundable fee of \$15.00 from: Kutztown University, Attn: Craig Kleinsmith, Facilities Project Services Office, P.O. Box 730, Kutztown, PA 19530; or phone (610) 683-4602; fax (610) 683-1553; email: [kleinsmi@kutztown.edu](mailto:kleinsmi@kutztown.edu). Proposal packets are available December 27, 2005 through January 10, 2006. To obtain the RFP packet, please submit a written request and send either cash or check in the amount of \$15.00. Checks must be made payable to "Kutztown University." The RFP packet will not be mailed until the fee is received. A mandatory pre-proposal meeting has been scheduled for January 10, 2006 at 1:30 PM in Room OM-26, Old Main Building. All questions must be submitted in writing by 3:00 PM on January 11, 2006, to the attention of Craig Kleinsmith. Proposals must be received no later than 3:00 PM on January 23, 2006 in Room 229, I-Wing, Old Main, Facilities Project Services Office. No exceptions will be made for proposals received after the time specified. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One-year contract from Notice to Proceed.  
**Contact:** Craig Kleinsmith, 610-683-4602

**SU-05-11** Contractor is responsible for the printing and mailing of Shippensburg University's Foundation Annual Report. Delivery to Harrisburg, PA Post Office no later than January 27, 2006. Printer to receive disks on or about January 6, 2006. Specifications will be provided with the solicitation. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Fax (717) 477-1350; or email a request to: [mmholt@ship.edu](mailto:mmholt@ship.edu) Bids are due January 3, 2006 by 4:00 PM. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** February 28, 2006  
**Contact:** Mona M. Services, 717-477-1386

**38012K** Please fax bid with original sent through the mail: Conventional Plastic Bags 1,000 cases 44" x 48", 2 millimeter thick, Clear, Flat bottom with bottom seam. 100 bags per case. Linear high density bags will not be accepted. Conventional Plastic Bags 500 cases 24" x 24", 1 millimeter thick, Clear, Flat bottom with bottom seam. 500 bags per case. Linear high density bags will not be accepted. No bid will be considered unless bid price is firm without qualification. This bid proposal form must be signed where indicated by an individual with the authority to bind the bidding firm to their proposal. The following pages are hereby incorporated into this bid proposal: 1. Vendor read carefully—Page 2 of 3; 2. Notice as to filing a Bid Protest—Page 3 of 3. Must quote delivered pricing only.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester PA 19383  
**Duration:** Bid date due 12/15/05  
**Contact:** Karen Kehler, 610-436-2603

**KURFP-0013** Kutztown University is seeking qualified contractors for a Unit Price Contract who are capable of performing major concrete renovations at Kutztown University. The contractor selection process will be via sealed competitive proposals in accordance with the Request for Proposal (RFP) using the Best Value Contracting method. Contractors located more than 60 miles from the University will not be considered. RFP packets are available for a nonrefundable fee of \$15.00 from: Kutztown University, Attn: Craig Kleinsmith, Facilities Project Services Office, P.O. Box 730, Kutztown, PA 19530; or phone (610) 683-4602; fax (610) 683-1553; email: [kleinsmi@kutztown.edu](mailto:kleinsmi@kutztown.edu). Proposal packets are available December 27, 2005 through January 12, 2006. To obtain the RFP packet, please submit a written request and send either cash or check in the amount of \$15.00. Checks must be made payable to "Kutztown University." The RFP packet will not be mailed until the fee is received. A mandatory pre-proposal meeting has been scheduled for January 10, 2006 at 1:30 PM in Room OM-26, Old Main Building. All questions must be submitted in writing by 3:00 PM on January 26, 2006 in Room 229, I-Wing, Old Main, Facilities Project Services Office. No exceptions will be made for proposals received after the time specified. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One-year contract from Notice to Proceed.  
**Contact:** Craig Kleinsmith, 610-683-4602

**SSHE 401-BL-795 Artificial Turf Field Construction** Work under this project consists of site construction associated with a new artificial turf athletic field north of Nelson Fieldhouse on Bloomsburg University's upper campus. The field will be used primarily for soccer, field hockey and women's lacrosse. Primary items of work include grading, storm water drainage, paving, fencing, new bleachers, press box, scoreboard, landscaping and field lighting. The artificial turf playing surface will be supplied and installed by others and is not part of this bid. There will be 2 prime contracts: General will include site grading, storm drainage, bituminous paving, stone subbase, bleachers, goals, benches, flag poles, water service, press box, and landscaping. Electrical will include service to the site, public address system, field lighting, lighting controls, communication boxes and conduits, relocation/replacement of existing telephone and television cabling and a new scoreboard. Estimated ranges are as follows: General—\$750,000 to \$900,000 and Electrical—\$190,000 to \$270,000. To obtain a copy of the bid documents after December 19, 2005 submit \$74.80 (nonrefundable) check for pickup of specifications or \$99.80 (non-refundable) check for shipping of specifications to Larson Design Group, 1000 Commerce Park Drive, Williamsport, PA 17701, ATTN: Justin Keister, phone #570-323-6603, fax #570-323-9902. The pre-bid conference will be held on January 6, 2006, Bloomsburg University, Waller Administration Building, Room 38. The bids will be due January 20, 2006. Specifications may be reviewed free of charge at the above address or at Bloomsburg University, Buckingham Maintenance Center, Bloomsburg, PA 17815, ATTN: Kurt Lambert.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815  
**Duration:** June 2006  
**Contact:** Justin Keister, 570-323-6603

**RFP 14-05 Cancellation** The Department of Public Welfare has determined that it is in the best interest of the Commonwealth to cancel and reissue RFP 14-05, Service Assurance. The revised RFP is expected to be released in the near future. The Department appreciates the efforts made in submitting proposals and regrets any inconvenience this decision has caused. It is hoped that all interested offerors will accept other RFPs released in the future and will submit additional proposals for evaluation.

**Department:** Public Welfare  
**Location:** Statewide  
**Duration:** N/A  
**Contact:** Daniel R. Boyd, 717-783-3767

**500501** The Treasury Department is seeking proposals from an entity, or multiple entities who partner together to submit a single proposal, to expand the Pennsylvania Tuition Account Program (TAP 529), a Section 529 college savings program administered by Treasury. TAP 529 consists of two plans: the Investment Plan and the Guaranteed Savings Plan. Desired services include design, implementation, investment management, administration, and marketing support for the Investment Plan and administration and marketing support for the Guaranteed Savings Plan. An onsite visit to the Treasury Department, Room 113-Training, Finance Building, Harrisburg, PA 17120, will be held on Monday, December 19, 2005 at 9:00 a.m. Letters of Intent to Propose are also due on Monday, December 19, 2005, as set forth in the RFP. Submittal of a Letter of Intent to Propose by the specified deadline is not a prerequisite for submitting a proposal; however, it is necessary to ensure receipt of RFP amendments and other communications. Proposals must be received no later than Tuesday, January 10, 2006 at 4:00 p.m. Please check back often to this site. Updates will be posted as they occur.

**Department:** Treasury  
**Location:** Harrisburg, PA  
**Duration:** 4 years with multiple renewals.  
**Contact:** Ms. Lori Barnhart, 717-787-3719

[Pa.B. Doc. No. 05-2397. Filed for public inspection December 23, 2005, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

JAMES P. CREEDON,  
*Secretary*

