

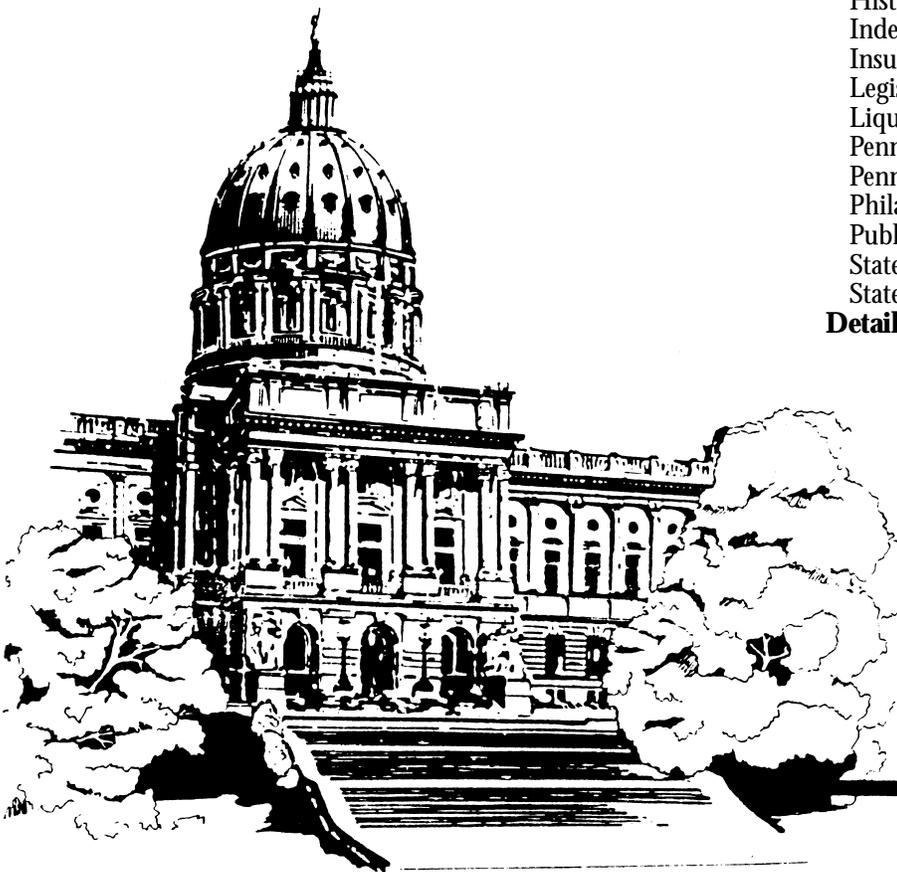
PENNSYLVANIA BULLETIN

Volume 35
Saturday, February 19, 2005 • Harrisburg, Pa.
Number 8
Pages 1323—1408

Agencies in this issue:

The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Labor and Industry
Department of Transportation
Environmental Hearing Board
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Pennsylvania Emergency Management Agency
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employees' Retirement Board
State Employees' Retirement Board
State Ethics Commission

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 363, February 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 COURTS

COMMONWEALTH COURT

Regular sessions of the Commonwealth Court for the year 2006; 126 M.D. no. 3 1341

LOCAL COURT RULES

Franklin and Fulton Counties

Promulgation of local civil action rules 39-51, 206.1, 206.4, 208, 208.2, 208.4, 210, 1028(c), 1034(a) and 1035.2(a) 1334

PHILADELPHIA RULES

Philadelphia County

DNA samples from persons who are not ordered or sentenced to a term of confinement pursuant to Act 185; trial division administrative order no. 2005-01 1334

RULES OF CRIMINAL PROCEDURE

Order amending Rule 103; no. 316 criminal procedural rules; doc. no. 2 1331

RULES OF EVIDENCE

Proposed amendment to Pa.R.E. 601 and revision of comment 1330

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications 1342
Maximum lawful rate of interest for residential mortgages for the month of March 2005 1344

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 1344
Advanced energy project development; letter of interest solicitation 1391
Availability of technical guidance 1392
Regional stormwater management manual focus group meetings 1392

DEPARTMENT OF GENERAL SERVICES

Notices

State contracts information 1405

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Prevailing Wage Appeals Board public meeting 1393
Public comment on amendments to the State plan .. 1393

DEPARTMENT OF TRANSPORTATION

Notices

Finding 1395

ENVIRONMENTAL HEARING BOARD

Notices

Estate of Charles Peters by and through its trustees, Jeanne Rupp, Charles P. Eyer and James Gallagher; Charles Eyer and Jeanne Rupp v. DEP and Pennsylvania Public Utility Commission, permittee; EHB doc. no. 2005-023-K 1395

HISTORICAL AND MUSEUM COMMISSION

Notices

National Register nominations to be reviewed by the Historic Preservation Board 1395

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 1396
Notice of filing of final rulemakings 1397

INSURANCE DEPARTMENT

Notices

Agency contract termination of Balmer Insurance Agency, Inc. under Act 143; Penn National Insurance; doc. no. AT05-02-002 1397
Agency contract termination of Seltzer Insurance Agency, Inc. under Act 143; The Cincinnati Insurance Companies; doc. no. AT05-01-043 1397
Application for acquisition of a controlling interest of a domestic insurance company 1397
Application for domestic certificate of authority 1398
Citgo, Randy Aikens; prehearing 1398
Marks, Edwin M., M.D.; prehearing 1398
Review procedure hearings; cancellation or refusal of insurance 1398

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 1399

LIQUOR CONTROL BOARD

Notices

Expiration of leases 1399

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Notices

Comment period for the Wireless E-911 State plan.. 1399

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Cancellation order 1400
Default order 1400
Merger 1401
Petition for arbitration of an amendment to interconnection agreements with competitive local exchange carriers and commercial mobile radio service providers 1401
Service of notice of motor carrier applications 1402
Sewage service 1402

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

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 1402

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled (2 documents) 1402, 1403

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 1403

STATE ETHICS COMMISSION

Notices

Public meeting 1403

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)		61 Pa. Code (Revenue)	
Adopted Rules		Adopted Rules	
6	348	32	256
Statements of Policy		204 Pa. Code (Judicial System General Provisions)	
1	358	Adopted Rules	
9	20, 1223	81	496, 497
25 Pa. Code (Environmental Protection)		82	349
Adopted Rules		Proposed Rules	
93	1197	303	198
Proposed Rules		225 Pa. Code (Rules of Evidence)	
252	519	Adopted Rules	
Statements of Policy		VIII.....	8
16	1223	Proposed Rules	
28 Pa. Code (Health and Safety)		VI	1330
Adopted Rules		231 Pa. Code (Rules of Civil Procedure)	
18	14	Adopted Rules	
37 Pa. Code (Law)		200	500
Adopted Rules		1000	349
42	254	2250	501
49 Pa. Code (Professional and Vocational Standards)		Proposed Rules	
Adopted Rules		200	9
15	353	1300	734
Proposed Rules		234 Pa. Code (Rules of Criminal Procedure)	
13	1208	Adopted Rules	
16	1210	1	1331
18	1210	246 Pa. Code (Minor Court Civil Rules)	
21	1213	Adopted Rules	
27	1219	200	10
37	258	300	10
47	1221	500	10
48	1221	Proposed Rules	
49	1221	400	245
52 Pa. Code (Public Utilities)		249 Pa. Code (Philadelphia Rules)	
Proposed Rules		Unclassified	1334
101	740	255 Pa. Code (Local Court Rules)	
58 Pa. Code (Recreation)		Unclassified	12, 246, 247, 350, 501, 505, 647, 654, 736, 1190, 1196, 1334
Adopted Rules			
141	353		
143	354		
147	355, 356, 357		

THE COURTS

Title 225—RULES OF EVIDENCE

Comment—2005

[225 PA. CODE ART. VI]

Proposed Amendment to Pa.R.E. 601 and Revision of Comment

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the Amendment to Rule of Evidence 601 as well as the revision of the Comment to Rule of Evidence 601. The changes are being proposed to conform Pa.R.E. 601 to F.R.E. 601.

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report 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 explanatory Report.

The text of the proposed Amended Rule and Comment changes precede the Report. Additions are bold, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns
Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than March 25, 2005

By the Committee on Rules of Evidence

HONORABLE RICHARD A. LEWIS,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE ARTICLE VI. WITNESSES

Rule 601. **General Rule of Competency.**

[(a) **General Rule.**] Every person is competent to be a witness except as otherwise provided by statute or in these Rules.

[(b) **Disqualification for Specific Defects.** A person is incompetent to testify if the Court finds that because of a mental condition or immaturity the person:

- (1) is, or was, at any relevant time, incapable of perceiving accurately;
- (2) is unable to express himself or herself so as to be understood either directly or through an interpreter;
- (3) has an impaired memory; or
- (4) does not sufficiently understand the duty to tell the truth.]

[Pa.R.E. 601(a) differs from F.R.E. 601. F.R.E. 601 abolishes all existing grounds of incompetency except for those specifically provided in later rules dealing with witnesses and in civil actions governed by state law. Pa.R.E. 601(b) has no counterpart in the Federal Rules.

Pa.R.E. 601(a) is consistent with Pennsylvania statutory law. 42 Pa.C.S.A. §§ 5911 and 5921 provide that all witnesses are competent except as otherwise provided. Pennsylvania statutory law provides several instances in which witnesses are incompetent. See, e.g., 42 Pa.C.S.A. § 5922 (persons convicted in a Pennsylvania court of perjury incompetent in civil cases); 42 Pa.C.S.A. § 5924 (spouses incompetent to testify against each other in civil cases with certain exceptions set out in 42 Pa.C.S.A. §§ 5925, 5926, and 5927); 42 Pa.C.S.A. §§ 5930—5933 and 20 Pa.C.S.A. § 2209 (“Dead Man’s statutes”).

Pa.R.E. 601(a) does not recognize any decisional grounds for incompetency. At one time Pennsylvania law provided that neither a husband nor a wife was competent to testify to non-access or absence of sexual relations if the effect of that testimony would illegitimatize a child born during the marriage. See *Commonwealth ex rel. Leider v. Leider*, 434 Pa. 293, 254 A.2d 306 (1969). This rule was abandoned in *Commonwealth ex rel. Savruk v. Derby*, 235 Pa. Super. 560, 344 A.2d 624 (1975).

Pa.R.E. 601(b) is consistent with Pennsylvania law concerning the competency of persons with a mental defect and children of tender years. See *Commonwealth v. Goldblum*, 498 Pa. 455, 447 A.2d 234 (1982) (mental capacity); *Rosche v. McCoy*, 397 Pa. 615, 156 A.2d 307 (1959) (immaturity). The application of the standards in Pa.R.E. 601(b) is a factual question to be resolved by the Court. Expert testimony has been used when competency under these standards has been an issue. E.g., *Commonwealth v. Baker*, 466 Pa. 479, 353 A.2d 454 (1976); *Commonwealth v. Gaerttner*, 355 Pa. Super. 203, 484 A.2d 92 (1984). Pa.R.E. 601(b) is intended to preserve existing law and not to expand it.

Pa.R.E. 601(b) does not address the admissibility of hypnotically refreshed recollection. In *Commonwealth v. Nazarovitch*, 496 Pa. 97, 436 A.2d 170 (1981), the Supreme Court rejected hypnotically refreshed testimony, where the witness had no prior independent recollection. Applying the test of *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) for scientific testimony, the Court was not convinced that the process of hypnosis as a means of restoring forgotten or repressed memory had gained sufficient acceptance in its field. *Commonwealth v. Nazarovitch*, supra; see also *Commonwealth v. Romanelli*, 522 Pa. 222, 560 A.2d 1384 (1989) (when witness has been hypnotized, he or she may testify concerning matters recollected prior to hypnosis, but not about matters recalled only during or after hypnosis); *Commonwealth v. Smoyer*, 505 Pa. 83, 476 A.2d 1304 (1984) (same). Pa.R.E. 601(b) is not intended to change these results. For the constitutional implications when a defendant in a criminal

case, whose memory has been hypnotically refreshed, seeks to testify, see *Rock v. Arkansas*, 483 U. S. 44 (1987).]

Pa.R.E. 601 is essentially the same as F.R.E. 601, except that the Pennsylvania rule recognizes statutory grounds of incompetency.

The following three Pennsylvania statutes apply only in civil cases.

42 Pa.C.S. § 5922 says that a person who has been convicted in a Pennsylvania court of perjury, subornation of perjury, or solicitation to commit perjury, "shall not be a competent witness for any purpose," unless the case is one to redress or prevent injury or violence to the witness's person or property. However, if the conviction is set aside or reversed, or the witness is pardoned by the Governor, the witness can testify. See *Diehl v. Rodgers*, 169 Pa. 316, 32 A. 424 (1895).

42 Pa.C.S. § 5924 says, with five enumerated exceptions, that "neither husband nor wife shall be competent . . . to testify against each other."

42 Pa.C.S. § 5930, a single sentence of 318 words, says, with various qualifications, that where any party to a thing or contract in action is dead, or has been adjudged a lunatic, "neither any surviving or remaining party to such thing or contract, nor any other person whose interest shall be adverse to the said right of such deceased or lunatic party, shall be a competent witness to any matter occurring before the death of said party or the adjudication of his lunacy . . ." This statute is commonly referred to as the Dead Man's Act.

With respect to criminal cases, 42 Pa.C.S. § 5911 says that "all persons shall be fully competent witnesses in any criminal proceeding before any tribunal."

Rules of evidence under which a witness may be found incompetent to testify, in whole or in part, may be found in Article IV (relevancy and its limits), Article VI (witnesses), and Article VII (opinions and expert testimony).

The qualification of a witness to testify is now determined as a preliminary matter by the trial court under Pa.R.E. 104(a). Any voir dire with respect thereto must be conducted outside the presence of the jury, at least if the witness is a child. See *Commonwealth v. Washington*, 554 Pa. 559, 722 A.2d 643 (1998).

In criminal cases, the United States Constitution occasionally requires the admission or exclusion of evidence, despite contrary state law with respect to testimonial competency. See, e.g., *Rock v. Arkansas*, 483 U. S. 44, 107 S.Ct. 2704, 97 L.Ed.2d 37 (1987) (Arkansas violated the due process clause of the Fourteenth Amendment when it precluded the defendant from presenting hypnotically refreshed testimony); *Foster v. California*, 394 U. S. 440, 89 S.Ct. 1127, 22 Led.2d 402 (1969) (California violated the due process clause of the Fourteenth Amendment when it allowed a witness for the prosecution to give identification testimony after the witness's memory had been tainted by an unduly suggestive pretrial procedure).

REPORT

Proposed Amendment to Pa.R.E. 601 and Revision of Comment

Changes

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the amendment of Pa.R.E. 601 and Revision of Comment.

This amendment is proposed to conform Pa.R.E. 601 with F.R.E. 601 and to eliminate subsection (b) because it is unnecessary. No other state has a subsection (b). The Comment Revision is proposed to make it consistent with this text of the new rule and to set forth the statutes addressing competency.

[Pa.B. Doc. No. 05-314. Filed for public inspection February 18, 2005, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule 103; No. 316 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the changes to Rule of Criminal Procedure 103 that amend the definitions of "bail authority" and "issuing authority" by replacing the term "district justice" with the new term "magisterial district judge." The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 4th day of February, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, 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 103 is amended in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 103. Definitions.

The following words and phrases, when used in any Rule of Criminal Procedure, shall have the following meanings:

ADVANCED COMMUNICATION TECHNOLOGY is any communication equipment that is used as a link between parties in physically separate locations, and includes, but is not limited to: systems providing for two-way simultaneous communication of image and

sound; closed-circuit television; telephone and facsimile equipment; and electronic mail.

ADVANCED COMMUNICATION TECHNOLOGY SITE is any approved location within Pennsylvania designated by the president judge, or the president judge's designee, with advanced communication technology equipment that is available for parties in a criminal matter to communicate with others in physically separate locations as provided in these rules.

AFFIANT is any responsible person capable of taking an oath who signs, swears to, affirms, or, when permitted by these rules, verifies a complaint and appreciates the nature and quality of that person's act.

ARRAIGNMENT is the pretrial proceeding in the court of common pleas conducted pursuant to Rule 571.

BAIL is the security or other guarantee required and given for the release of a person, conditioned upon a written undertaking, in the form of a bail bond, that the person will appear when required and comply with all conditions set forth in the bail bond.

BAIL AUTHORITY is the [**district justice**] **magisterial district judge**, magistrate, Philadelphia bail commissioner, or the judge with jurisdiction over the case who is authorized by law to set, modify, revoke, or deny bail.

CAPITAL CASE or **CRIME** is one in or for which the death penalty may be imposed.

CARRIER SERVICE includes, but is not limited to, delivery by companies such as Federal Express or United Parcel Service, or a local courier service, and courthouse interoffice mail. The courthouse interoffice mail is a method of delivery used in some judicial districts for transmittal of documents between offices in the courthouse, and between the courthouse and other county facilities, including the county jail facility.

CLERK OF COURTS is that official, without regard to that person's title, in each judicial district who, pursuant to 42 Pa.C.S. §§ 2756 and 2757, has the responsibility and function to maintain the official criminal case file and list of docket entries, and to perform such other duties as required by rule or law.

COLLATERAL is cash or a cash equivalent deposited in summary cases.

COPY is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means, and includes, but is not limited to: carbon copies; copies reproduced by using a photocopy machine, by transmission using facsimile equipment, or by scanning into and printing out of a computer.

COURT is a court of record.

[**COURT CASE is a case in which one or more of the offenses charged is a misdemeanor, felony, or murder of the first, second, or third degree.**]

COURT ADMINISTRATOR is that official in each judicial district who has the responsibility for case management and such other responsibilities as provided by the court.

COURT CASE is a case in which one or more of the offenses charged is a misdemeanor, felony, or murder of the first, second, or third degree.

CRIMINAL PROCEEDINGS include all actions for the enforcement of the Penal Laws.

INDICTMENT is a bill of indictment which has been approved by a grand jury and properly returned to court, or which has been endorsed with a waiver as provided in former Rule 215.

INFORMATION is a formal written accusation of an offense made by the attorney for the Commonwealth, upon which a defendant may be tried, which replaces the indictment in all counties since the use of the indicting grand jury has been abolished.

ISSUING AUTHORITY is any public official having the power and authority of a magistrate, a Philadelphia bail commissioner, or a [**district justice**] **magisterial district judge**.

LAW ENFORCEMENT OFFICER [officer] is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

MOTION includes any challenge, petition, application, or other form of request for an order or relief.

ORDINANCE is a legislative enactment of a political subdivision.

PENAL LAWS include all statutes and embodiments of the common law which establish, create, or define crimes or offenses, including any ordinances which may provide for imprisonment upon conviction or upon failure to pay a fine or penalty.

POLICE OFFICER is any person who is by law given the power to arrest when acting within the scope of the person's employment.

POLITICAL SUBDIVISION shall mean county, city, township, borough, or incorporated town or village having legislative authority.

PRELIMINARY ARRAIGNMENT is the proceeding following an arrest conducted before an issuing authority pursuant to Rule 540 or Rule 1003(D).

SEALED VERDICT is a verdict unanimously agreed upon by the jury, completed, dated, and signed by the foreman of the jury, and closed to open view.

SECURITY shall include cash, certified check, money order, personal check, or guaranteed arrest bond or bail bond certificate.

SIGNATURE, when used in reference to documents generated by the minor judiciary or court of common pleas, includes a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization, unless otherwise provided in these rules.

SUMMARY CASE is a case in which the only offense or offenses charged are summary offenses.

VOIR DIRE is the examination and interrogation of prospective jurors.

Comment

The definitions of arraignment and preliminary arraignment were added in 2004 to clarify the distinction between the two proceedings. Although both are administrative proceedings at which the defendant is advised of the charges and the right to counsel, the preliminary arraignment occurs shortly after an arrest before a member of the minor judiciary, while an arraignment occurs in the court of common pleas after a case is held for court and an information is filed.

The definition of information was added to the rules as part of the implementation of the 1973 amendment to PA. CONST. art. I, § 10, permitting the substitution of informations for indictments. The term "information" as used here should not be confused with prior use of the term in Pennsylvania practice as an instrument which served the function now fulfilled by the complaint.

The definition of bill of indictment was deleted in 1993 as no longer necessary because all courts of common pleas have abolished the indicting grand jury and now provide for the initiation of criminal proceedings by information. See PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931. Some pending cases, however, may have been instituted prior to the abolition of the indicting grand jury. For this reason, the definition of indictment has been retained in this rule.

The definitions of bail authority and issuing authority were amended in 2005 to reflect the provisions of Act 207 of 2004 that changed the phrase "district justice" to "magisterial district judge," effective January 29, 2005. See also the Court's January 6, 2005 Order providing that any reference to "district justice" in a court rule shall be deemed a reference to a "magisterial district judge."

Neither the definition of law enforcement officer nor the definition of police officer gives the power of arrest to any person who is not otherwise given that power by law.

The definition of signature was added in 2004 to make it clear when a rule requires a document generated [**be**] **by** the minor judiciary or court of common pleas to include a signature or to be signed, that the signature may be in any of the forms provided in the definition. In addition, documents that institute proceedings or require the inclusion of an oath ordinarily are not documents generated by the minor courts or courts of common pleas and therefore any [**signaturre**] **signature** required on the document would not be included in this definition of signature; however, in the event such a document is generated by the minor courts or the courts of common pleas, the form of "signature" on this document is limited to handwritten, and the other forms of signature provided in the definition are not permitted.

Included in Chapter 5 Part C of the rules are additional definitions of words and phrases that apply specifically to bail in criminal cases. See, e.g., Rule 524, which defines the types of release on bail.

Official Note: Previous Rules 3 and 212 adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970; present Rule 3 adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 103 and Comment revised March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 2, 2004, effective July 1, 2004; amended April 30, 2004, effective July 1, 2004; amended August 24, 2004, effective

August 1, 2005; **amended February 4, 2005, effective immediately.**

Committee Explanatory Reports:

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the February 27, 1995 amendments published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the September 13, 1995 amendments published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [**1477**] **1478** (March 18, 2000).

Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

Final Report explaining the March 2, 2004 amendments defining carrier service, clerk of courts, court administrator, and motion published with the Court's Order at 34 Pa.B. 1561 (**March 20, 2004**).

Final Report explaining the April 30, 2004 amendments defining "signature" published with the Court's Order at 34 Pa.B. 2542 (May 15, 2004).

Final Report explaining the August 24, 2004 amendments adding definitions of arraignment and preliminary arraignment published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the February 4, 2005 amendments modifying the definitions of bail authority and issuing authority published with the Court's Order at 35 Pa.B. 1333 (February 19, 2005).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 103 (Definitions)

Magisterial District Judges

On February 4, 2005, effective immediately, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 103 (Definitions).

On November 30, 2004, Governor Rendell signed into law Act 207 of 2004 that changed the phrase "district justice" to "magisterial district judge," effective January 29, 2005. Because "district justice" is used extensively in the Rules of Criminal Procedure, the Committee agreed the references to "district justice" will have to be changed to "magisterial district judge" to avoid confusion among members of the bench, bar, and public.

The first step in this process of change is the amendments of the definitions of "bail authority" and "issuing authority" in Rule 103. In conformance with Act 207 of 2004, the phrase "district justice" has been deleted and the new phrase "magisterial district judge" added.² The need for the proposed changes is explained in the Rule 103 Comment with a cross-reference to Act 207 of 2004.

¹ 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.

² The Committee plans to propose the change from "district justice" to "magisterial district judge" in those rules so affected, when in the future, such a rule is being amended for some other reason.

We also have referenced the Pennsylvania Supreme Court's Order, No. 269 Judicial Administration Docket No. 1, providing, inter alia, that all references to "district justice" in the court rules will be deemed "magisterial district judge."

[Pa.B. Doc. No. 05-315. Filed for public inspection February 18, 2005, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

DNA Samples From Persons Who Are Not Ordered or Sentenced to a Term of Confinement Pursuant to Act 185; Trial Division Administrative Order No. 2005-01

Order

And Now, this 31st day of January, 2005, upon consideration of Act No. 185 of 2004 (44 Pa.C.S. § 2301 et seq.) which provides, in part, that "DNA samples from persons who were not ordered or sentenced to a term of confinement shall be drawn at a prison, jail unit, juvenile facility or other facility specified by the Court," 44 Pa.C.S. § 2317, it is hereby *Ordered, Adjudged* and *Decreed* that as to defendants tried and sentenced in the Trial Division:

(1) DNA samples pursuant to Act 185 shall be drawn at the DNA collection facility in Room B-04, Criminal Justice Center, 1301 Filbert Street, Philadelphia, PA; and, if this facility is unavailable, at the Philadelphia Prison System complex, Philadelphia, PA; and

(2) As required by Section 2317, only those individuals qualified to draw DNA samples in a medically approved manner shall draw DNA samples pursuant to Act 185.

This Administrative Order is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Pa.R.Crim.P. 105 and 42 Pa.C.S. § 2317, and shall become effective on February 7, 2005. As required by Pa.R.Crim.P. 105, the original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Clerk of Quarter Sessions, Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Criminal Procedural Rules Committee. Copies of the Regulation 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

JAMES J. FITZGERALD, III,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 05-316. Filed for public inspection February 18, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Promulgation of Local Civil Action Rules 39-51, 206.1, 206.4, 208, 208.2, 208.4, 210, 1028(c), 1034(a) and 1035.2(a)

Order of Court

January 27, 2005, Civil Action Rule Nos. 39-51, 39-206.1, 39-206.4(c), 39-208, 39-208.2(c), (d) and (e), 39-208.3(a) and (b), 39-210, 39-1028(c), 39-1034(a) and 39-1035.2(a) are hereby promulgated for use in both branches of the 39th Judicial District of Pennsylvania and shall become effective upon their being posted on the Local Rules Section of the web site of the Pennsylvania Unified Judicial System, <https://ujportal.pacourts.us/Rules/RulesSelection.aspx>.

By the Court

JOHN R. WALKER,
President Judge

Rule 51. Title and Citation of Rules

These rules shall be known as the 39th Judicial District Rules of Civil Procedure, and shall be cited as "39th Jud. Dist. R.C.P. _____."

Rule 206.1 Petitions

Rule 206.1(a) Purpose and Designation.

The procedure after issuance of rules to show cause shall be as set forth in Pa.R.C.P. 206.7. If argument is ordered by the court the case shall be listed, briefed and decided as set forth in the court's order. All applications for which the procedure for the relief sought is not otherwise specifically addressed elsewhere in the rules and which require the assertion of facts not of record are hereby designated as petitions. A petition, generally speaking, is a request for relief ancillary to a given cause of action. Each petition shall be accompanied by a verification or affidavit verifying the facts stated in the petition.

Rule 206.4(c). Procedure for Rule to Show Cause

(i) *Title*: A petition should state in its title exactly what is being sought, by whom and against whom (e.g. rather than merely "petition," it should be designated Defendant Jones' Petition for Extension of Time to Join Smith as Additional Defendant).

(ii) *Contents*: All petitions shall be in writing and shall be accompanied by a proposed form of order; a petition shall also be accompanied by an order allowing a rule to show cause in form as set forth below, which order is hereinafter sometimes referred to as a "rule" or a "rule to show cause." Every motion and petition shall refer to the procedural rule, statute, or other authority relied upon to justify the relief requested and shall display counsel's name, address, I.D. number and telephone number. No motion, petition or preliminary objection shall be dismissed for failure to be accompanied by a form of proposed order or for failure to refer to the procedural rule, statute or other authority relied upon or for failure to display counsel's name, address, attorney identification number or telephone number.

COMMENT: For discovery motions and petitions, see certification requirements under rule 39th Jud. Dist. R.C.P. 208.2(e).

(iii.) *Proposed Order, generally:* The petitioner shall attach to any petition a proposed order substantially in the following form:

[CAPTION]
ORDER

AND NOW, this _____ day of _____, 200____, upon consideration of the foregoing petition, it is hereby ordered that

- 1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
- 2. The respondent shall file a verified Answer to the Petition within twenty (20) days of service upon the respondent;
- 3. The Petition shall be decided under Pa.R.C.P. No. 206.7;
- 4. Depositions shall be completed within _____ days of the service upon petitioner of the Answer to the Petition;
- 5. Hearing and/or argument shall be held on _____, 200____, at _____ o'clock ____ m. in Courtroom No. _____ of the Franklin/Fulton County Courthouse, Chambersburg/McConnellsburg, PA;
- 6. If Items 4 and 5 above are left blank, depositions and or argument or hearing will be considered upon the request of any party; and
- 7. Notice of entry of this order shall be provided to all parties by the petitioner.
- 8. In the case of Preliminary Objections [Local Rule 1028(a)], Motions for Judgment on the Pleadings [Local Rule 1034(a)] and Motions for Summary Judgment [Local Rule 1035(a)], parties shall follow the procedures for disposition set forth in those rules.

By the Court,

Judge

(iv) *Proposed Order, substantive relief or stay sought:* In instances where the order seeks a stay order or other substantive relief or seeks to have a hearing date set immediately or otherwise requests special immediate relief, the form of the order shall be modified accordingly and the order shall contain such of the following provisions as are appropriate:

A hearing on the within petition is hereby scheduled to be held on _____, the ____ day of _____, 200____, at _____ o'clock ____ m. in Courtroom No. _____ of the Franklin/Fulton County Courthouse, Chambersburg/McConnellsburg, PA

and/or

[If a stay is being requested]

All proceedings shall stay in the meantime. The petitioner is directed to file a bond in the amount of \$ _____ by the following date: _____. Upon cause shown by the respondent, the court may increase the amount of the bond or security.

(v.) *Service and Certification Requirements:* The following service and certification requirements apply to all rules to show cause:

(a) Not later than immediately after filing with the prothonotary, each party shall serve upon all other coun-

sel and unrepresented parties complete copies of all rules, proposed orders, petitions, motions, preliminary objections and answers to them.

(b) Each party shall, not later than five (5) days after the filing of any document, file with the prothonotary a separate document in the form specified by 39th Jud. Dist. R.C.P. 206.4(c)(v)(d), below, certifying that service of a complete copy has been made.

(c) The court, at its discretion, may strike, dismiss or deny, any petition, motion or preliminary objection for failure of the moving party to comply with the service and certification requirements of this rule.

(d) Certifications of service shall be in substantially the following form:

[CAPTION]
CERTIFICATION OF SERVICE

This is to certify that in this case, assigned to Judge [insert the name of the judge to whom the case is assigned], complete copies of all papers contained in [insert specifically the title of the petition/motion/preliminary objections/praecepe, etc. served] have been served upon the following persons, by the following means and on the dates stated:

Name and address: Means of Service: Date of Service:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Attorney's Signature
Attorney's Name
Address
I.D. Number
Telephone Number

(vi.) *Discretionary Issuance of Rule:* The procedure of Pa.R.C.P. 206.5 is adopted. An order containing a rule to show cause, including one which by its terms grants substantive relief or which contains a stay order or seeks to require an answer by respondent(s) in less than twenty (20) days, shall be delivered promptly after filing to the assigned judge or to the motions judge's law clerk or to the Court Administrator for prompt delivery to the motion judge's law clerk.

COMMENT: Unless otherwise designated as motions, all applications are designated as petitions. The issuance of a rule to show cause shall be discretionary with the court as provided in Pa.R.C.P. 206.5. A petitioner seeking the issuance of a rule to show cause shall attach to the petition the proposed order in the form prescribed by 39th Jud. Dist. R.C.P. 206.4(c)(iii.) or (iv.), above. Under Pa.R.C.P 206.7, the issue raised in the petition may be decided without the necessity of argument. However, if the court orders argument on the petition, the matter shall be listed for argument, briefed and decided pursuant to the court's order.

(vii.) *When No Answer is Filed:* If no answer has been timely filed, the petitioning party, not less than five (5) days after the rule return date, may move to have the rule made absolute, granting the prayer of the petition, and the Court may consider such petition as unopposed and grant such motion as of course. The motion to make the rule absolute shall be accompanied by a proposed order and a certification of service but no brief shall be required. The provisions of Rule 206.4(c)(iii.) and (iv.) shall not apply to motions to make a rule absolute filed pursuant to this section.

COMMENT: A party upon whom a petition is served has an obligation to answer the petition if the relief sought is opposed.

(viii.) *When Answer is Filed:* When an answer has been timely filed and the issue raised by the petition, motion or preliminary objection is ripe for consideration, pursuant to the provisions of Pa.R.C.P. No. 206.7, any party may file a praecipe for determination in the form described by 39th Jud. Dist.R.C.P. No. 206.4(c)(ix.) along with a supporting brief. If a petitioner files a praecipe for determination on petition and answer, all averments of fact responsive to the petition and properly pleaded in the answer shall be deemed admitted. If a respondent orders the matter for argument on petition and answer without having taken depositions or such other discovery as the court may have allowed, then all averments of fact properly pleaded in the petition shall be deemed admitted for the purposes of the rule, unless the petitioner shall have failed to take depositions or such other discovery as the court may have allowed within the time required, in which event the petition shall be decided on petition and answer and all averments of fact responsive to the petition and properly pleaded in the answer, shall be deemed admitted pursuant to Pa.R.C.P. No. 206.7(c). Responsive briefs shall be filed within fifteen (15) days of the filing of the praecipe for determination. The assigned judge may, at his or her discretion, extend the time for filing briefs.

(ix) *Praecipe for Determination:* To have any matter submitted to the Court for a decision, a party shall file with the Prothonotary a Praecipe for Determination. Immediately after filing the Praecipe with the Prothonotary, each party shall serve upon all other counsel and unrepresented parties a copy of the Praecipe for Determination as well as any other documents filed therewith. The Praecipe for Determination shall be in substantially the following form:

[CAPTION]
PRAECIPE FOR DETERMINATION

To the Prothonotary:

Kindly submit the following matter to Judge [insert the name of the assigned Judge] for determination: [insert specifically the title of petition/motion/preliminary objections, etc. to be submitted for determination]

Date of filing/service: _____.

Attorney's signature
Attorney's Name
Address
I.D. Number
Telephone Number

COMMENT: This praecipe is to be filed with the Prothonotary, not the Court Administrator.

Rule 208. Motions

Rule 208.2(c). Applicable Authority.

All motions should include a brief statement of applicable authority.

Rule 208.2(d). Uncontested Motions—Certification.

A motion may be treated as uncontested when the moving party appends to it a certificate that counsel has conferred with all interested parties in respect to the matter and has been affirmatively advised that there are no objections to the relief sought in the proposed order.

COMMENT: Non-responsiveness on the part of an opponent shall not be equated by the moving party to the lack of contest or concurrence in the relief sought.

Rule 208.2(e). Discovery Motion and Petition Certification.

(i) *Good Faith Requirement:* All counsel have an affirmative obligation to confer and discuss discovery matters and make a good faith effort to resolve such differences as exist.

(ii) *Certificate of Efforts; Specificity:* Any motion or petition relating to discovery must be accompanied by a certificate of counsel for the moving party certifying that counsel has conferred with opposing counsel with respect to each matter set forth in the discovery motion or petition in good faith, but has been unable to resolve the issue. The certificate shall set forth the exact time, place and manner (which may be telephonic) of the conference or, in a case in which counsel for the moving party cannot furnish such certificate, counsel shall furnish an alternative certificate stating that opposing counsel has refused to so confer. The alternative certificate shall also set forth the efforts made by counsel for the moving party to obtain compliance by opposing counsel and such other facts and circumstances as exist to justify the absence of the required certificate. In all instances, counsel shall certify the details of time, place, manner and content of efforts to confer, including where necessary, the attachment of related correspondence. See, for example, Pa.R.C.P. 1019(i).

(iii) *Sanctions for Failure to Cooperate:* The court at its discretion may strike, dismiss or deny the petition or motion for failure of the moving party to comply with the certification requirements of this rule, or may grant relief based solely upon the unreasonable refusal of opposing counsel to confer despite reasonable and good faith efforts of the moving party to comply with the certification requirements of this rule or may grant relief based solely upon the unreasonable refusal of opposing counsel to confer despite reasonable and good faith efforts of moving counsel to arrange such conference.

Rule 208.3(a). Motions—Titles and Attachments.

(i) *General; Attachments:* Generally, motions may be used to obtain relief upon undisputed facts of record, with several exceptions, one of which shall be that averments by counsel that pleadings, documents or discovery requests have been exchanged or transferred. In the latter event copies of all such documents shall be attached, unless already in the record, in which event they can be incorporated by reference. Every motion shall be in writing and shall be signed by its moving counsel or party; and shall be accompanied by a proposed form of order.

(ii) *Title:* The motion or reply should state in its title exactly what is being sought, by whom and against whom (e.g. rather than merely "motion," it should be designated Defendants' Motion for Sanctions Against Plaintiff or Additional Defendant's Second Motion for Sanctions Against Defendant Smith, etc.).

(iii) *Discovery Motions:* To promote uniformity of civil practice the following types of discovery matters shall be treated as motions, not as petitions, even though they may contain limited assertions of fact not of record:

- a. motion for sanctions for failure to answer interrogatories;
- b. motion for sanctions for failure to produce documents or things;
- c. motion for sanctions for failure to appear for deposition;

- d. motion to compel mental or physical examination;
- e. motion to compel further answers to interrogatories; and
- f. motion to compel further production of documents.

(iv) *Briefing Requirements; Exceptions:* Generally, a supporting brief, in accordance with 39th Jud. Dist. R.C.P. 210 and praecipe for determination in the form described in 39th Jud. Dist. R.C.P. 206.4(c)(ix.) must be filed by the moving party with the motion and proposed order. No brief is necessary for the following motions:

a. motion for sanctions and/or to compel in discovery matters where the only relief sought is to compel answers to interrogatories, to compel a response to a request for production of documents or things, to compel a party to appear for his or her deposition, physical examination or mental examination, or to permit entry upon land for inspection, where the motion is based upon the failure of the other party or parties to have responded to the discovery or other request and the motion is believed to be uncontested, but if the party from whom discovery, examination or inspection, etc. is sought or any other party to the action has objected to the requested discovery, examination, inspection, etc. and/or the moving party believes the motion to be contested, then briefs, in accordance with 39th Jud. Dist. R.C.P. 210, shall be submitted as set forth above;

b. any motion supported by a stipulation of counsel.

(v) *Failure to File Brief or Praecipe for Determination:* If the moving party has failed to file a praecipe for determination, any non-moving party may file a praecipe for determination to bring the motion before the Court; if the moving party has not filed a brief, the non-moving party shall not be required to file one, and the court may consider the moving party to have abandoned his or her position.

(vi) *Service and Certification:* For service and certification requirements, see Rule 206.4(c)(v).

(vii) *Decision:* For the procedure for getting motions decided, see Rule 206.4(c)(viii.) and (ix.).

Rule 208.3(b). Responses.

All other parties shall file their responses, if any, to the motion and their briefs, in accordance with 39th Jud. Dist. R.C.P. 210, within twenty (20) days of the filing of the motion, except with respect to motions for summary judgment, to which responses and briefs must be filed within thirty (30) days after service of the motion. The assigned judge may, in his or her discretion, extend the time for filing of briefs or waive the requirement. The court may treat a motion as uncontested if no response is filed. Upon the filing of a praecipe for determination, as described in Rule 206.4(c)(ix.), the matter will be referred to the court for disposition.

Rule 210. Form of Briefs.

A. *Content Generally.* Briefs shall be typewritten and double spaced, except for quotations, on paper 8 1/2 inches by 11 inches in size, and shall be bound at the top, not at the side.

B. *Brief of the Moving Party.* The brief of the moving party shall contain:

1. A statement noting whether or not oral argument is requested.
2. A procedural history of the case.

3. A statement of facts relevant to the issue for disposition.

4. A statement of the question or questions presented.

5. Argument with citations of the authority relied upon.

6. Conclusion.

7. A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation or order.

C. *Brief of the Opposing Party.* The brief of the opposing party shall contain everything required in the brief of the moving party except it need not contain a procedural history of the case.

D. *Briefs Longer than 10 Pages.* The brief of each party, if more than 10 pages in length, shall contain an index and a table of citations of cases and statutes therein, with reference to the pages at which they appear in the brief.

Rule 1028(c). Preliminary Objections; Disposition.

(i) *Argument Court Calendar.* Unless contradicted by other provisions of the rules, Preliminary Objections shall follow the procedures set forth in Local Rule 206.4(c) and shall be disposed of as set forth in this rule. Except as otherwise provided by the Court, Arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the Argument shall be held on the next business day, and in the Fulton County Branch Arguments shall be held on days as established by the annual Court calendar.

(ii) *Listing and Briefing Cases.* Causes for Argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose. Any party may list a cause by the filing of a Praecipe directing the Prothonotary to list the cause for oral argument. The Praecipe shall be accompanied by a Cover Sheet substantially in the form set forth in Exhibit A, attached.

A. Responsibility of Party Requesting Relief.

1. Within twenty (20) days of the placing of any matter on the list for argument, the party requesting relief shall file an original and one copy of a supporting brief together with any supporting documents.

2. The party requesting relief shall serve copies of its brief on all opposing parties together with a notice to file a responsive brief within twenty (20) days of service, and shall file proof of service of the notice.

3. Upon the failure of the party requesting relief to timely file and serve its brief, the Court may, sua sponte or upon petition of the opposing party, order the matter stricken from the argument list.

4. Rebuttal briefs may be filed only with the permission of the Court.

B. Responsibility of the Opposing Party.

1. Any party in opposition to the matter shall file an original and one copy of its responsive brief within twenty (20) days of service of the brief of the party requesting relief. Concurrently, the opposing party shall serve copies of its brief on the party requesting relief and any other opposing parties.

2. If an opposing party fails to file and serve its brief within the time period required, the Court may consider such failure to be a waiver of opposition and shall sua sponte, or upon petition of the party requesting relief, either [a] grant the relief requested, so long as such

action does not result in dismissal of the case; or [b] exclude the opposing party from oral argument.

C. Scheduling Oral Argument.

1. Any party may schedule a case for argument on the next scheduled argument court date by the filing of a praecipe with the Prothonotary on or before the Thursday which is four weeks preceding the day for argument, and further provided that the praecipe scheduling the case for argument or submission certifies that all briefs have been filed or that the opposition brief has not been timely filed.

2. Any party scheduling a case for argument or submission shall give written notice thereof to all other parties within two (2) days, and shall certify such notice on the record. Failure to give such notice may be grounds for striking the case from the list.

(iii.) *Listing By Agreement.* The parties may agree in writing to add a cause to the Argument List at any time so long as service of briefs may be made in accordance with the time requirements of Section (ii.), supra. The Court may order a cause listed for Argument at the next scheduled Argument Court or on such other day as it may direct, and in that event, it may regulate the time for service of briefs.

(iv.) *Fact Determination.* When the ascertainment of facts is necessary for the proper disposition of a cause listed for Argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

(v.) *Oral Argument.* The person seeking the Order applied for shall argue first, and may also argue in reply, if permitted by the Court, but such reply shall be limited to answering Arguments advanced by the respondent. In causes where there is more than one respondent, the order of Argument by the respondents shall be as directed by the Court.

(vi.) *Briefs.* Briefs shall conform to the requirements of 39th Jud. Dist. R.C.P. 210.

(vii.) *Disposition By Briefs Alone or Upon Oral Argument.* Oral argument may be dispensed with provided that there is agreement of the parties and approval of the Court. The Court reserves the right to require oral argument in any case.

(viii.) *Striking Cases From the List.* Cases may be continued or stricken from the argument list only pursuant to order of court. A party may request such an order of court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties.

Case Name: _____ Docket No.: _____

Cover Sheet, Oral Argument on Preliminary Objections
 Local Rule 1028(c)
 (one copy to be filed by listing party; to be completed by Prothonotary,
 and transmitted along with the Briefs to the assigned Judge)

		<i>Date Filed</i>	<i>Rule Reference</i>
Listing and Briefing of Cases			
1.	Any party files Praecipe to list cause for argument	_____	1028(c)(ii.)
2.	Party requesting relief files two copies of brief [not later than twenty (20) days after listing matter for argument]	_____	1028(c)(ii.) (A)(1)
3.	Responding party files two copies of brief [not later than twenty (20) days after service of brief of party requesting relief]	_____	1028(c)(ii.) (B)(1)
Scheduling Oral Argument			
4.	Party requesting relief or Responding party may file a Praecipe to schedule the case for oral argument [not later than Thursday which is four weeks preceding the date for oral argument]	_____	1028(c)(ii.) (C)(1)
Prothonotary shall check one:			1028(c)(ii.) (C)(1)
<input type="checkbox"/> all briefs have been filed			
<input type="checkbox"/> opposition brief has not been timely filed			
5.	Party scheduling case for oral argument certifies having given notice to other parties that matter has been scheduled for oral argument [not later than two (2) days after filing praecipe to schedule the case for oral argument]	_____	1028(c)(ii.) (C)(2)
Argument has been scheduled to be held on: _____			

Exhibit A to Local Rule 1028(c)

(Revised 01-2005)

Rule 1034(a). Motions for Judgment on the Pleadings; Disposition.

(i.) *Argument Court Calendar.* Unless contradicted by other provisions of the rules, Motions for Judgment on the Pleadings shall follow the procedures set forth in Local Rule 206.4(c) and shall be disposed of as set forth in this rule. Except as otherwise provided by the Court, Arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the Argument shall be held on the next business day, and in the Fulton County Branch Arguments shall be held on days as established by the annual Court calendar.

(ii.) *Listing and Briefing Cases.* Causes for Argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose. Any party may list a cause by the filing of a Praecipe directing the Prothonotary to list the cause for oral argument. The Praecipe shall be accompanied by a Cover Sheet substantially in the form set forth in Exhibit A, attached.

A. Responsibility of Party Requesting Relief.

1. Within twenty (20) days of the placing of any matter on the list for argument, the party requesting relief shall file an original and one copy of a supporting brief together with any supporting documents.

2. The party requesting relief shall serve copies of its brief on all opposing parties together with a notice to file a responsive brief within twenty (20) days of service, and shall file proof of service of the notice.

3. Upon the failure of the party requesting relief to timely file and serve its brief, the Court may, sua sponte or upon petition of the opposing party, order the matter stricken from the argument list.

4. Rebuttal briefs may be filed only with the permission of the Court.

B. Responsibility of the Opposing Party.

1. Any party in opposition to the matter shall file an original and one copy of its responsive brief within twenty (20) days of service of the party requesting relief's brief. Concurrently, the opposing party shall serve copies of its brief on the party requesting relief and any other opposing parties.

2. If an opposing party fails to file and serve its brief within the time period required, the Court may consider such failure to be a waiver of opposition and shall sua sponte, or upon petition of the party requesting relief, either [a] grant the relief requested, so long as such

action does not result in dismissal of the case; or [b] exclude the opposing party from oral argument.

C. Scheduling Oral Argument.

1. Any party may schedule a case for argument on the next scheduled argument court date by the filing of a praecipe with the Prothonotary on or before the Thursday which is four weeks preceding the day for argument, and further provided that the praecipe scheduling the case for argument or submission certifies that all briefs have been filed or that the opposition brief has not been timely filed.

2. Any party scheduling a case for argument or submission shall give written notice thereof to all other parties within two (2) days, and shall certify such notice on the record. Failure to give such notice may be grounds for striking the case from the list.

(iii.) *Listing By Agreement.* The parties may agree in writing to add a cause to the Argument List at any time so long as service of briefs may be made in accordance with the time requirements of Section (ii.), supra. The Court may order a cause listed for Argument at the next scheduled Argument Court or on such other day as it may direct, and in that event, it may regulate the time for service of briefs.

(iv.) *Fact Determination.* When the ascertainment of facts is necessary for the proper disposition of a cause listed for Argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

(v.) *Oral Argument.* The person seeking the Order applied for shall argue first, and may also argue in reply, if permitted by the Court, but such reply shall be limited to answering Arguments advanced by the respondent. In causes where there is more than one respondent, the order of Argument by the respondents shall be as directed by the Court.

(vi.) *Briefs.* Briefs shall conform to the requirements of 39th Jud. Dist. R.C.P. 210.

(vii.) *Disposition By Briefs Alone or Upon Oral Argument.* Oral argument may be dispensed with provided that there is agreement of the parties and approval of the Court. The Court reserves the right to require oral argument in any case.

(viii.) *Striking Cases From the List.* Cases may be continued or stricken from the argument list only pursuant to order of court. A party may request such an order of court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties.

Case Name: _____
Docket No.: _____

Cover Sheet, Oral Argument on Preliminary Objections
Local Rule 1034(a)
(one copy to be filed by listing party; to be completed by Prothonotary,
and transmitted along with the Briefs to the assigned Judge)

	<i>Date Filed</i>	<i>Rule Reference</i>
Listing and Briefing of Cases		
1. Any party files Praecipe to list cause for argument	_____	1034(a)(ii.)
2. Party requesting relief files two copies of brief [not later than twenty (20) days after listing matter for argument]	_____	034(a)(ii.)(A)(1)

	<i>Date Filed</i>	<i>Rule Reference</i>
3. Responding party files two copies of brief [not later than twenty (20) days after service of brief of party requesting relief] Scheduling Oral Argument	_____	034(a)(ii.)(B)(1)
4. Party requesting relief or Responding party may file a Praecepte to schedule the case for oral argument [not later than Thursday which is four weeks preceding the date for oral argument] Prothonotary shall check one: <input type="checkbox"/> all briefs have been filed <input type="checkbox"/> opposition brief has not been timely filed	_____	034(a)(ii.)(C)(1) 1034(a)(ii.)(C)(1)
5. Party scheduling case for oral argument certifies having given notice to other parties that matter has been scheduled for oral argument [not later than two (2) days after filing praecipe to schedule the the case for oral argument] Argument has been scheduled to be held on: _____	_____	1034(a)(ii.)(C)(2)

Exhibit A to Local Rule 1034(a)

(Revised 01-2005)

Rule 1035.2(a). Motions for Judgment on the Pleadings; Disposition.

(i.) *Argument Court Calendar.* Unless contradicted by other provisions of the rules, Motions for Summary Judgment shall follow the procedures set forth in Local Rule 206.4(c) and shall be disposed of as set forth in this rule. Except as otherwise provided by the Court, Arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the Argument shall be held on the next business day, and in the Fulton County Branch Arguments shall be held on days as established by the annual Court calendar.

(ii.) *Listing and Briefing Cases.* Summary judgment motions may be set down for disposition only after expiration of the thirty (30) days authorized by Pa.R.C.P. 1035.3(a) for the filing of a response to the motion. Causes for Argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose. Any party may list a cause by the filing of a Praecepte directing the Prothonotary to list the cause for oral argument. The Praecepte shall be accompanied by a Cover Sheet substantially in the form set forth in Exhibit A, attached.

A. *Responsibility of Moving Party.*

1. Within twenty (20) days of the placing of any matter on the list for argument, the party requesting relief shall file an original and one copy of a supporting brief together with any affidavits, depositions, transcripts and other support supporting documents.

2. The party requesting relief shall serve copies of its brief on all opposing parties together with a notice to file a responsive brief within twenty (20) days of service, and shall file proof of service of the notice.

3. Upon the failure of the party requesting relief to timely file and serve its brief, the Court may, sua sponte or upon petition of the opposing party, order the matter stricken from the argument list.

4. Rebuttal briefs may be filed only with the permission of the Court.

B. *Responsibility of the Opposing Party.*

1. Any party in opposition to the matter shall file an original and one copy of its responsive brief within twenty (20) days of service of the party requesting relief's brief. Concurrently, the opposing party shall serve copies of its brief on the moving party and any other opposing parties.

2. If an opposing party fails to file and serve its brief within the time period required, the Court may consider such failure to be a waiver of opposition and shall sua sponte, or upon petition of the party requesting relief, either [a] grant the relief requested, so long as such action does not result in dismissal of the case; or [b] exclude the opposing party from oral argument.

C. *Scheduling Oral Argument.*

1. Any party may schedule a case for argument on the next scheduled argument court date by the filing of a praecipe with the Prothonotary on or before the Thursday which is four weeks preceding the day for argument, and further provided that the praecipe scheduling the case for argument or submission certifies that all briefs have been filed or that the opposition brief has not been timely filed.

2. Any party scheduling a case for argument or submission shall give written notice thereof to all other parties within two (2) days, and shall certify such notice on the record. Failure to give such notice may be grounds for striking the case from the list.

(iii.) *Listing By Agreement.* The parties may agree in writing to add a cause to the Argument List at any time so long as service of briefs may be made in accordance with the time requirements of Section (ii.), supra. The Court may order a cause listed for Argument at the next scheduled Argument Court or on such other day as it may direct, and in that event, it may regulate the time for service of briefs.

(iv.) *Fact Determination.* When the ascertainment of facts is necessary for the proper disposition of a cause listed for Argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

(v.) *Oral Argument.* The person seeking the Order applied for shall argue first, and may also argue in reply,

if permitted by the Court, but such reply shall be limited to answering Arguments advanced by the respondent. In causes where there is more than one respondent, the order of Argument by the respondents shall be as directed by the Court.

(vi.) *Briefs.* Briefs shall conform to the requirements of 39th Jud. Dist. R.C.P. 210.

(vii.) *Disposition By Briefs Alone or Upon Oral Argument.* Oral argument may be dispensed with provided

that there is agreement of the parties and approval of the Court. The Court reserves the right to require oral argument in any case.

(viii.) *Striking Cases From the List.* Cases may be continued or stricken from the argument list only pursuant to order of court. A party may request such an order of court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties.

Case Name: _____
Docket No.: _____

Cover Sheet, Oral Argument on Preliminary Objections
Local Rule 1035.2(a)
 (one copy to be filed by listing party; to be completed by Prothonotary, and transmitted along with the Briefs to the assigned Judge)

	<i>Date Filed</i>	<i>Rule Reference</i>
Listing and Briefing of Cases		
1. Any party files Praecept to list cause for argument	_____	1035.2(a)(ii.)
2. Party requesting relief files two copies of brief [not later than twenty (20) days after listing matter for argument]	_____	1035.2(a)(ii.)(A)(1)
3. Responding party files two copies of brief [not later than twenty (20) days after service of brief of party requesting relief]	_____	1035.2(a)(ii.)(B)(1)
Scheduling Oral Argument		
4. Party requesting relief or Responding party may file a Praecept to schedule the case for oral argument [not later than Thursday which is four weeks preceding the date for oral argument]	_____	1035.2(a)(ii.)(C)(1)
Prothonotary shall check one:		
<input type="checkbox"/> all briefs have been filed		
<input type="checkbox"/> opposition brief has not been timely filed		
5. Party scheduling case for oral argument certifies having given notice to other parties that matter has been scheduled for oral argument [not later than two (2) days after filing praecipe to schedule the case for oral argument]	_____	1035.2(a)(ii.)(C)(2)
Argument has been scheduled to be held on: _____		

Exhibit A to Local Rule 1035.2(a)

(Revised 01-2005)

[Pa.B. Doc. No. 05-317. Filed for public inspection February 18, 2005, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of the Commonwealth Court for the Year 2006; 126 M.D. No. 3

Order

And Now, this 4th day of February 2005, it is ordered that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2006 as follows:

<i>Session</i>	<i>Situs</i>
Jan 30—Feb. 3	Pittsburgh
Feb. 27—March 3	Philadelphia
April 3—7	Harrisburg

<i>Session</i>	<i>Situs</i>
May 8—12	Pittsburgh
June 5—9	Philadelphia
September 11—15	Harrisburg
October 16—20	Pittsburgh
November 13—17	Philadelphia
December 11—15	Harrisburg

JAMES GARDNER COLINS,
President Judge

[Pa.B. Doc. No. 05-318. Filed for public inspection February 18, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 8, 2005.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-05	Minersville Safe Deposit Bank and Trust Company Minersville Schuylkill County Purchase of certain deposit liabilities of a branch office of Mid Penn Bank, Millersburg, Located at: 9 East Main Street Tremont Schuylkill County <i>Note:</i> This transaction did not involve any real estate; the branch office was closed by Mid Penn Bank, Millersburg.	Minersville	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-25-05	Republic First Bank Philadelphia Philadelphia County	436-438 East Baltimore Avenue Media Delaware County	Opened
2-3-05	Premier Bank Doylestown Bucks County	Southeast Corner of York and Street Roads Warminster Warminster Township Bucks County	Filed
2-7-05	S & T Bank Indiana Indiana County	Route 30 R. R. 6, Box 98 Latrobe Westmoreland County	Approved
2-7-05	CSB Bank Curwensville Clearfield County	BILO Supermarket Route 255 (Million Dollar Highway) St. Marys Elk County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-05	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 1635 Lititz Pike Lancaster Manheim Township Lancaster County <i>From:</i> 1700A Fruitville Pike Lancaster Manheim Township Lancaster County	Approved
2-7-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Consolidation of the following six branch offices:	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>Into:</i> 6060 Ridge Avenue Philadelphia Philadelphia County	
		<i>From:</i> 4370 Main Street Philadelphia Philadelphia County	
		<i>Into:</i> 1201 Spring Garden Street Philadelphia Philadelphia County	
		<i>From:</i> 201 Spring Garden Street Philadelphia Philadelphia County	
		<i>Into:</i> 2039 East Lincoln Highway Langhorne Bucks County	
		<i>From:</i> U. S. Route 1 and Durham Road Pennel Bucks County	
		<i>Into:</i> 1502 West Chester Pike West Chester Chester County	
		<i>From:</i> 1522 West McDaniel Drive West Chester Chester County	
		<i>Into:</i> 402 South Main Street Greensburg Westmoreland County	
		<i>From:</i> 1 North Main Street Greensburg Westmoreland County	
		<i>Into:</i> 2841 Ligonier Street Latrobe Westmoreland County	
		<i>From:</i> Ligonier and Main Streets Latrobe Westmoreland County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-26-05	Fulton Bank Lancaster Lancaster County	1188 Mae Street Hummelstown Dauphin County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Change in Principal Place of Business**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-4-05	Callery Credit Union Mars (Adams Township) Butler County	Change in place of business filed with the Department of State to provide for address change <i>From:</i> 1422 Mars-Evans City Road Evans City <i>To:</i> 963 Route 228 Mars	Approved and Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-319. Filed for public inspection February 18, 2005, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 2005

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 March 2005 is 7%.

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 4.49 to which was added 2.50 percentage points for a total of 6.99 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-320. Filed for public inspection February 18, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0085821 (Industrial Waste)	Altoona City Authority (Homer Gap) 20 Greenwood Road Altoona, PA 16602-7114	Blair County Logan Township	Homer Gap Run/11-A	Y
PA0085529 (Industrial Waste)	Altoona City Authority (Mill Run) 20 Greenwood Road Altoona, PA 16602-7114	Blair County Logan Townhsip	Mill Run/11-A	Y
PA0085812 (Industrial Waste)	Altoona City Authority (Kettle Creek) 20 Greenwood Road Altoona, PA 16602-7114	Blair County Tyrone Township	Kettle Creek/11-A	Y
PA0082635 (Sewage)	Sun Valley, LLC P. O. Box 708 Bowmansville, PA 17507	Lancaster County Brecknock Township	UNT Rock Creek/7-J	Y
PA0021571 (Sewage)	Borough of Marysville 200 Overcrest Road Marysville, PA 17053	Perry County Marysville Borough	Susquehanna River/7-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0102598	One Land Corporation P. O. Box 222 Valencia, PA 16059	Middlesex Township Butler County	UNT to Glade Run 20-C	Y
PA0029378	Redbank Valley School District 920 Broad Street New Bethlehem, PA 16242	Hawthorn Borough Clarion County	UNT to Redbank Creek 17-C	Y

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

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 1940.

PA0058904, IW, SIC 3273, Glenside Ready Mix Concrete Company, 800 Fitzwatertown Road, Willow Grove, PA 19090. This proposed facility is located in Upper Moreland, **Montgomery County**.

Description of Proposed Activity: Manufacturing of concrete mixtures from raw materials stored onsite. Raw materials are combined with cement and concrete admixtures to produce the finished product which is then loaded into trucks for offsite delivery.

The receiving stream, UNT to Pennypack Creek, is in the State Water Plan Watershed 3J and is classified for: trout stocking and MF. There is no public water supply downstream of the discharge on Pennypack Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of based on stormwater event.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids (issuance through year 2) (year 3 through expiration)	Monitor and Report 50	Monitor and Report 100	Monitor and Report 100
pH (STD) (issuance through year 2) (year 3 through expiration)	Monitor and Report	Monitor and Report Within limits of 6-9 STD units at all times	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report	Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: Requirement applicable to stormwater outfalls.

PA0022586, Sewage, SIC 4952, **Borough of North Wales**, 300 School Street, North Wales, PA 19454. This existing facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from a wastewater treatment plant serving the Borough of North Wales.

The receiving stream, an UNT to Wissahickon Creek, is in the State Water Plan watershed 3F and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River, approximately 15.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.835 mgd.

<i>Parameters</i> <i>Issuance through Year 3</i>	<i>Average</i> <i>Monthly</i> <i>(mg/l)</i>	<i>Average</i> <i>Weekly</i> <i>(mg/l)</i>	<i>Maximum</i> <i>Daily</i> <i>(mg/l)</i>	<i>Instantaneous</i> <i>Maximum</i> <i>(mg/l)</i>
CBOD ₅				
(5-01 to 10-31)	10	15		20
(11-01 to 04-30)	20	30		40
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-01 to 10-31)	2.5			5.0
(11-01 to 4-30)	6.5			13.0
Dissolved Oxygen	6.0, I-min			
pH				
(Standard Units)	6.0, I-min			9.0
Fecal Coliform				
(No./100 ml)	200			
Total Residual Chlorine	0.01			0.03
Orthophosphate as P	Monitor			
Total phosphorus as P	Monitor			
Aluminum, Total	Monitor		Monitor	
Copper, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Iron, Total	Monitor		Monitor	
Iron, Dissolved	Monitor		Monitor	

<i>Parameters</i> <i>Year 4 through expiration</i>	<i>Average</i> <i>Monthly</i> <i>(mg/l)</i>	<i>Average</i> <i>Weekly</i> <i>(mg/l)</i>	<i>Maximum</i> <i>Daily</i> <i>(mg/l)</i>	<i>Instantaneous</i> <i>Maximum</i> <i>(mg/l)</i>
CBOD ₅				
(5-01 to 7-31)	3			6
(8-01 to 10-31)	6			12
(11-01 to 2-14)	12			24
(2-15 to 4-30)	6			12
Total Suspended Solids	30			60
NH ₃ -N				
(5-01 to 7-31)	0.5			1.0
(8-01 to 10-31)	1.4			2.8
(11-01 to 2-14)	4.2			8.4
(2-15 to 4-30)	1.5			3.0
Dissolved Oxygen	7.0, I-min			
pH				
(Standard Units)	6.0, I-min			9.0
Fecal Coliform				
(No./100 ml)	200			
Total Residual Chlorine	0.01			0.03
Orthophosphate as P				
(4-01 to 7-31)	1.4			2.8
Total Phosphorus as P				
(8-01 to 3-31)	2.0			4.0
Aluminum, Total	0.5			0.75
Copper, Total	0.013			0.017
Lead, Total	0.005			0.008
Iron, Total	1.5			2.34
Iron, Dissolved	0.3			0.47

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

1. Notification of Designation of Responsible Operator
2. Definition of Average Weekly

3. Remedial Measures if Public Nuisance
4. No Stormwater
5. Necessary Property Rights
6. Small Stream Discharge
7. Sludge Handling
8. Instantaneous Maximum Limits
9. Specification of Test Methods
10. Chlorine Minimization

The EPA waiver is not in effect.

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

Application No. PA 0247596, Industrial Waste, SIC Code 4941, **Ephrata Area Joint Authority**, 124 South State Street, Ephrata, PA 17522. This facility is located in Ephrata Township, **Lancaster County**.

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

The receiving stream, Cocalico Creek, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Lancaster Municipal Water Authority located on the Conestoga River, approximately 14 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.156 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		From 6.0 to 9.0 inclusive	
Total Dissolved Solids		Monitor and Report	

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

The EPA waiver is in effect.

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

PA0002143, Industrial Waste. **Weyerhaeuser—Johnsonburg Mill**, 100 Center Street, Johnsonburg, PA 15845. This existing facility is located in Johnsonburg Borough, **Elk County**.

Description of Proposed Activity: discharge of treated industrial waste and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the PA American Water Company and the Clarion River located at Clarion, approximately 68 miles below point of discharge.

The receiving stream, Clarion River (002), Riley Run (001) and East Branch Clarion River (003 and 004), are in watershed 17-A and classified for: CWF (Clarion River), WWF (Riley Run) and HQ-CWF (East Branch Clarion River), aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002 based on a design flow of 13.91 mgd.

The thermal loading limitations are based on a variance granted by the Department after the applicant completed a 316(a) Thermal Variance Study.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
(MO) Flow (mgd)	XX	XX			
(*) TSS	6,000	15,000	52	129	130
(*) BOD ₅	3,694	7,388	32	64	80
(CH-16) 2,3,7,8- TCDD (Dioxin) **			0.22 pg/l		0.55 pg/l
(BAT) Adsorbable organic halides (AOX)	779	1,189			
(BPJ) Color (Interim)			514 pt-co		1,028 pt-co
(WQ-93) Color (Final) ****			256 pt-co		640 pt-co

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
(WQ-93) Fecal Coliform			7,300/100 ml		
(BPJ) Antimony (Interim)	23.2		0.2		0.5
(WQ-16) Antimony (Final) ****	6		0.052		0.13
(BPJ) Copper (Interim)	5.8		0.05		0.13
(WQ-16) Copper (Final) ****	1.4		0.012		0.03
(BPJ) Zinc (Interim)	4.5		0.039		0.098
(WQ-16) Zinc (Final) ****	2.7		0.023		0.058
(MO) Chlorodibromomethane			XX		
(MO) N-nitrosodimethylamine			XX		
(MO) Chemical Oxygen Demand			XX		
(WQ-93) pH			6 to 9		

Parameter	Loadings (mBtu/day)*****		Temperature (°F)		
	Daily***** Average	Maximum Daily	Daily***** Average	Maximum Daily	Instantaneous Maximum
Thermal Loading/ Temperature					
January	7,890		XX	daily	I-S
February	8,010		XX	daily	I-S
March	7,450		XX	daily	I-S
April 1 to 15	7,360		XX	daily	I-S
April 16 to 30	6,760		XX	daily	I-S
May 1 to 15	6,170		XX	daily	I-S
May 16 to 31	6,080		XX	daily	I-S
June 1 to 15	5,990		XX	daily	I-S
June 16 to 30	5,670		XX	daily	I-S
July	5,590		XX	daily	I-S
August 1 to 15	5,500		XX	daily	I-S
August 16 to 31	5,290		XX	daily	I-S
September 1 to 15	5,350		XX	daily	I-S
September 16 to 30	5,410		XX	daily	I-S
October 1 to 15	6,580		XX	daily	I-S
October 16 to 31	7,310		XX	daily	I-S
November 1 to 15	7,040		XX	daily	I-S
November 16 to 30	7,360		XX	daily	I-S
December	7,870		XX	daily	I-S

XX—Monitor and Report on monthly DMRs

**—See Special Condition 9 in Part C of the Permit

***—See Special Condition 7 in Part C of the Permit

****—See Special Condition 2 in Part C of the Permit

*****—To demonstrate compliance, the thermal loading shall be calculated as: Waste Discharge (mgd) × Temperature discharge—Temperature of intake (°F) × 8.34

*****—For the purposes of reporting and monitoring results, report the highest daily average thermal loading and the corresponding temperature for the period of the discharge monitoring report (DMR) and report the number of exceedances on the DMR.

The proposed effluent limits for Outfall 202 based on a design flow of 3.15 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (ug/l)	Maximum Daily (ug/l)	Instantaneous Maximum
(MO) Flow (mgd)	XX	XX			
(BAT) Chloroform *	5.2	8.7			
(BAT) 2,3,7,8—TCDD (Dioxin)				10 pg/l	
(BAT) 2,3,7,8—TCDF (Furan)				31.9 pg/l	
(BAT) Trichlorosyringol				2.5	
(BAT) 3,4,5-Trichlorocatechol				5	
(BAT) 3,4,6-Trichlorocatechol				5	
(BAT) 3,4,5-Trichloroguaiacol				2.5	

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (ug/l)</i>	<i>Maximum Daily (ug/l)</i>	<i>Instantaneous Maximum</i>
(BAT) 3,4,6-Trichloroguaiacol				2.5	
(BAT) 4,5,6-Trichloroguaiacol				2.5	
(BAT) 2,4,5-Trichlorophenol				2.5	
(BAT) 2,4,6-Trichlorophenol				2.5	
(BAT) Tetrachlorocatechol				5	
(BAT) Tetrachloroguaiacol				5	
(BAT) 2,3,4,6-Tetrachlorophenol				2.5	
(BAT) Pentachlorophenol				5	
(BAT) pH			5 to 9	standard	units

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

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX				
(BPJ) BOD ₅	287	XX	XX	XX	63
(MO) Total Suspended Solids				XX	
(MO) 2,3,7,8-TCDD (Dioxin)				XX	
(MO) 2,3,7,8-TCDF (Furan)				XX	
(MO) pH			Minimum XX		XX

The proposed effluent limits for Outfall 102 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX				
(MO) BOD ₅			XX		
(MO) COD			XX		
(MO) Oil and Grease			XX		
(MO) Total Suspended Solids			XX		
(MO) Color			XX		
(MO) pH			Minimum XX		XX

The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX				
(MO) BOD ₅			XX		
(MO) COD			XX		
(MO) Oil and Grease			XX		
(MO) Total Suspended Solids			XX		
(MO) Color			XX		
(MO) pH			Minimum XX		XX

The proposed effluent limits for Outfall 004 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX				
(MO) BOD ₅			XX		
(MO) COD			XX		
(MO) Oil and Grease			XX		
(MO) Total Suspended Solids			XX		
(MO) Color			XX		
(MO) pH			Minimum XX		XX

XX = Monitor and Report on monthly DMRs.

1. Solid Waste
2. Toxics Reduction Evaluation (TRE)
3. Chemical Additives

4. Stormwater
5. Chloroform
6. Best Management Practices
7. Analytical Methods
8. 2° Temperature Rise
9. Limitations below analytical detection method
10. Dill Hill Closure
11. 316(a) Thermal Variance Verification

The EPA waiver is not in effect.

PA0002674, Industrial Waste. **American Refining Group**, 77 North Kendall Avenue, Bradford, PA 16701. This proposed facility is located in Bradford City and Foster Township, **McKean County**.

Description of Proposed Activity: renewal of an NPDES permit for a discharge of treated industrial waste and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the PA/NY state line and Tunungwant Creek located approximately 3 miles below point of discharge.

The receiving stream, Tunungwant Creek (Outfalls 002 and 004—009) and Foster Brook (Outfall 010), are in watershed 16-C and classified for: Tunungwant Creek—WWF, aquatic life, water supply and recreation and Foster Brook—CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002 based on a design flow of 0.45 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX			
TSS	155	240	XX	XX	100
BOD ₅	180	345	XX	XX	115
NH ₃ -N	19	42	XX	XX	11
Oil and Grease	56	105	15		30
COD	920	1,708	XX	XX	610
Phenolics	1.17	2.6	XX	XX	0.78
Sulfide	1.04	2.3	XX	XX	0.7
Total Chromium	3.08	5.3	XX	XX	2.05
Hexavalent Chromium	0.195	0.429	XX	XX	0.05
Lead (Interim)			0.1		0.25
Lead (Final)**	0.11	0.22	0.03	0.06	0.07
Thallium (Interim)			0.1		0.25
Thallium (Final)**	0.15	0.3	0.04	0.08	0.01
Acrylonitrile (Interim)			0.01		0.025
Acrylonitrile (Final)**	0.027	0.054	0.007	0.014	0.018
1,1,2,2-Tetrachloroethane (Interim)			0.002		0.005
1,1,2,2-Tetrachloroethane (Final)**	0.0009	0.0018	0.00025	0.0005	0.0006
pH		Within limits of 6.0 and 9.0 standard units			

The proposed effluent limits for Outfall 004 based on a design flow of 0.012 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX			
TSS	4	6	XX	XX	100
BOC ₅	4.5	9	XX	XX	110
NH ₃ -N	0.5	1	XX	XX	12.5
Oil and Grease	1.5	2.9	15		30
COD	24	47	XX	XX	600
Phenolics	0.03	0.07	XX	XX	0.8
Sulfide	0.03	0.06	XX	XX	0.8
Total Chromium	0.08	0.14	XX	XX	2
Hexavalent Chromium	0.005	0.01	XX	XX	0.05
1,1,2,2-Tetrachloroethane (Interim)			0.002		0.005
1,1,2,2-Tetrachloroethane (Final)**	0.00003	0.00006	0.00025	0.005	0.0006

The proposed effluent limits for Outfall 005 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
* SARA Title III, Section 313			XX		XX
Water Priority Chemicals					
Total Suspended Solids			XX		XX

The discharges from 005 to 010 should consist of uncontaminated stormwater runoff only.

ARG should monitor these outfalls for the parameters listed. Also refer to Special Condition 4.

*—Any Section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313.

The proposed effluent limits for Outfall 006 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
* SARA Title III, Section 313			XX		XX
Water Priority Chemicals					
Total Suspended Solids			XX		XX

The discharges from 005 to 010 should consist of uncontaminated stormwater runoff only.

ARG should monitor these outfalls for the parameters listed. Also refer to Special Condition 4.

*—Any Section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313.

The proposed effluent limits for Outfall 007 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
* SARA Title III, Section 313			XX		XX
Water Priority Chemicals					
Total Suspended Solids			XX		XX

The discharges from 005 to 010 should consist of uncontaminated stormwater runoff only.

ARG should monitor these outfalls for the parameters listed. Also refer to Special Condition 4.

*—Any Section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313.

The proposed effluent limits for Outfall 008 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
* SARA Title III, Section 313			XX		XX
Water Priority Chemicals					
Total Suspended Solids			XX		XX

The discharges from 005 to 010 should consist of uncontaminated stormwater runoff only.

ARG should monitor these outfalls for the parameters listed. Also refer to Special Condition 4.

*—Any Section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313.

The proposed effluent limits for Outfall 009 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
* SARA Title III, Section 313			XX		XX
Water Priority Chemicals					
Total Suspended Solids			XX		XX

The discharges from 005 to 010 should consist of uncontaminated stormwater runoff only.

ARG should monitor these outfalls for the parameters listed. Also refer to Special Condition 4.

*—Any Section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313.

The proposed effluent limits for Outfall 010 based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Oil and Grease			15		30
* SARA Title III, Section 313			XX		XX
Water Priority Chemicals					
Total Suspended Solids			XX		XX

The discharges from 005 to 010 should consist of uncontaminated stormwater runoff only. ARG should monitor these outfalls for the parameters listed. Also refer to Special Condition 4.

*—Any Section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313.

XX—Monitor and report DMRs.

1. Chemical Additives
2. Other Permits
3. Stormwater Limitations
4. Stormwater Outfalls
5. TRE
6. Monitoring Waiver

The EPA waiver is not in effect.

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

PA0005746, Industrial Waste, SIC, 3229, **World Kitchen Incorporated**, 100 Eighth Street, Charleroi, PA 15022. This application is for renewal of an NPDES permit to discharge, cooling water, untreated noncontact cooling water and stormwater from the Charleroi Plant in Charleroi Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Pennsylvania Water Company, located at Aldrich Station, below the discharge point.

Outfall 001: existing discharge, design flow of 0.72 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)					
TSS	7				
Temperature (°F)					
Oil & Grease	2				
pH			not less than 6.0 nor greater than 9.0		

Outfalls 002—006: existing discharge, design flow of N/A mgd.

The EPA waiver is in effect.

PA0027537, Industrial Waste, SIC, 4941, **Township of Shaler**, 300 Wetzel Road, Glenshaw, PA 15116. This application is for renewal of an NPDES permit to discharge treated process water (spent brine, zeolite softener rewash water, filter rewash water) from Shaler Township Municipal Water Authority in Shaler Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, located at Neville Island, 9.52 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.22 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)					
Suspended Solids					
Irons					
Aluminum					
Manganese					
Total Residual Chlorine					
pH			not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0252816, Sewage, **AMFIRE Mining Company**, LLC, One Energy Place, Suite 2800, Latrobe, PA 15650. This application is for issuance of an NPDES permit to discharge treated sewage from Madison Mine Small Flow Treatment Facility in Jackson Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Saltlick Run, which are classified as a HQ-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: Buffalo Township Municipal Authority—Freeport.

Outfall 001: new discharge, design flow of 0.001925 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	10			20
(11-1 to 4-30)	20			40
Suspended Solids	20			40
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	1.4			3.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4605402, Sewerage, **Lower Salford Township Township Authority**, P. O. Box 234, 57 Main Street, Mainland, PA 19451. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sanitary sewer system 3" force main and 14 residential grinder pumps.

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

WQM Permit No. 2204411, Sewerage, **South Hanover Township Sewer Authority**, 111 West Third Street-Union Deposit, Hershey, PA 17033. This proposed facility is located in South Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Capacity upgrade to the Swatara Creek Pumping Station.

WQM Permit No. 2905401, Sewerage, **There's Room in the Inn**, 444 Plessinger Road, Warfordsburg, PA 17627. This proposed facility is located in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Construction/Operation of sewage treatment plant to serve the boys ranch.

WQM Permit No. 2205402, Sewerage, **Lower Swatara Township Municipal Authority**, 1499 Spring Garden Drive, Middletown, PA 17057. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of the Middletown Middle School Pump Station.

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

WQM Permit No. 6372205, Industrial Waste, **Orion Power MidWest, L.P.**, 121 Champion Way, Suite 200, Canonsburg, PA 15317-5817. This proposed facility is located in Jefferson Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification to the discharge of treated truck wash water.

WQM Permit No. 0205401, Sewerage, **John Fuga**, 1227 Schweitzer Road, McKeesport, PA 15735. This proposed facility is located in Elizabeth Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a new, small flow treatment facility to serve a proposed four bedroom single family dwelling.

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 and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01904022	Vernon Wehrung Wehrung Group Development 412 Hollow Horn Road Pipersville, PA 18947	Bucks	Nockamixon Township	Rapp Creek (EV)
PAI010905002	Milford Township New Road Construction P. O. Box 86 Spinnerstown, PA 18968-0086	Bucks	Milford Township	UNT Molasses Creek; Tributary Unami Creek (HQ-TSF)
PAI011505004	Telvil Corporation Telvil/Kolb Subdivision 528 Main Street Harleysville, PA 19428	Chester	East Pikeland Township	Stony Run Creek (HQ)
PAI011505005	David McFadden 490 Byers Road Chester Springs, PA 19425	Chester	Uwchlan Township	Pickering Creek (HQ-TSF)
PAI011505006	JB Brandolini, Inc. Maple Wood Subdivision 1200 Burning Bush Lane West Chester, PA 19380	Chester	Tredyffrin Township	UNT Little Valley Creek (EV)
PAI011505007	United Building and Development Corp 911 South Concord Road West Chester, PA 19382	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)
PAI011505008	Department of Transportation SR 202, Section 310 Improvement Project 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Chester	East Whiteland and Caln Townships	Valley Creek (EV)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and 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 Scot Run, HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805004	Joan Maxwell Everson Tesla, Inc. 615 Daniels Road Nazareth, PA 18064	Northampton	Lower Nazareth Township	Monocacy Creek, HQ-CWF
PAI024805005	William Robinson Toll Brothers, Inc. 4178 Rexford Drive Bethlehem, PA 18020	Northampton	Bethlehem Township	Bushkill Creek, HQ-CWF; Nancy Run (Source to SR 3007 Bridge), CWF-MF

Schuylkill County Conservation District: 1206 Ag Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025404002	George Zamias Tamaqua Associates, LP 300 Market St. Johnstown, PA 15901	Schuylkill	Rush Township	Nesquehoning Creek Watershed, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905003	Steve Hamilton Lehigh Valley Free Presbyterian Church 6105 Oakwood Lane Slatington, PA 18080	Lehigh	Lowhill Township	Lyon Creek, HQ-CWF, MF
PAI023905004	Bruce Barker Lehigh Parkway Apartments, LLC 706 Walnut St. Emmaus, PA 18049	Lehigh	City of Allentown	Little Lehigh Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0344-05-001	Andrew B. Wernick 550 South 5th Street P. O. Box 1258 Reading, PA 19603	Mifflin	Granville Township	UNT to Juniata River HQ/CWF
PAI-0307-05-001	Blair County Airport Authority 2 Airport Drive Martinsburg, PA 16662	Blair	North Woodbury Township	Frankstown Branch HQ/CWF

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

Somerset County Conservation District: North Ridge Building, 1590 North Center Avenue, Suite 103, Somerset, PA 15501-7000.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055605001	Seven Springs Mountain Resort 777 Waterwheel Drive Champion, PA 15622	Somerset	Middlecreek Township	Blue Hole Creek/Neals Run (EV/HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064205001	Dominion Transmission Inc. (DTI)	Potter and McKean	Oswayo, and Sharon Township, Shinglehouse Borough in Potter County; Eldred Borough Ceres Township and Smethport City in McKean County	Oswayo Creek-WWF Horse Run-CWF, Bell Run-CWF, Champlin Hollow, Kings Run, Allegheny River, Indian Creek, Barden Brook-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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No.0905504, Public Water Supply

Applicant	Bucks County Water and Sewer Authority
Borough	New Hope
County	Bucks
Responsible Official	John W. Butler
Type of Facility	PWS
Consulting Engineer	Carroll Engineering Corporation
Application Received Date	February 1, 2005
Description of Action	Construction of a Public Water Supply System in New Hope Borough to serve Morrissey Tract and New Hope Manor Properties. The proposed facilities consist of three wells, pump station, transmission main, storage tank and booster station.

Permit No.1505501, Public Water Supply

Applicant	Aqua Pennsylvania, Inc.
Township	Whitemarsh
County	Chester
Responsible Official	Karl Kyriss
Type of Facility	PWS
Consulting Engineer	CET Engineering Services
Application Received Date	February 1, 2005
Description of Action	Construction of a Water Treatment Plant to treat water from Bubbling Springs and two wells.

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

Permit No. 5405501, Public Water Supply

Applicant	Jackson Perry 1703 Panther Valley Road Pine Grove, PA 17963
Township or Borough	Wayne Township
County	Schuylkill
Responsible Official	Jackson Perry 1703 Panther Valley Road Pine Grove, PA 17963

Type of Facility	Bulk Water Hauling System
Consulting Engineer	Edward E. Davis, Sr., P. E. WJP Engineers 1406 Laurel Boulevard Pottsville, PA 17901
Application Received Date	February 2, 2005
Description of Action	The applicant requests approval for the addition of Spring No. 2 to the bulk water loading facility.

WATER ALLOCATIONS

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

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

WA11-1000D, Water Allocations. **Blacklick Valley Municipal Authority**, P. O. Box 272, Twin Rocks, PA 15960, **Cambria County**. The applicant is requesting a service area expansion to include an area of Blacklick and Pine Townships along U. S. Route 422.

WA2-678B, Water Allocations. **West View Water Authority**, 210 Perry Highway, Pittsburgh, PA 15229. The applicant is requesting an additional 15 million gallons per day, peak day, from the Ohio River in Freedom Borough, **Beaver County**.

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

WA 25-726A, Water Allocations. **Millcreek Township Water Authority**, 3608 West 26th Street, Erie, PA 16506, Millcreek Township, **Erie County**. Modification application request for expansion of service area to include portions of McKean Township along Grubb Road, Bargain Road and Colonial Village. Request does not increase existing allocation capacity.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed

remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Hespell Auto Svc., New Britain Borough, **Bucks County**. Jason Hanna, Langan Eng. & Env. Svc., 500 Hyde Park, Doylestown, PA 18901 on behalf of Kyle Hespell, Hespell Auto Svc., has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with No. 2 fuel oil. The intended future use of the property is to remain as automotive service garage. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on October 7, 2004.

SmithKline Beecham Corp. d/b/a GlaxoSmithKline, Upper Merion Township, **Montgomery County**. Michael Gonshor, Roux Assoc., Inc., 1222 Forest Pkwy, Ste. 190, West Deptford, NJ 08066 on behalf of Steven C. Wasserleben, GlaxoSmithKline, 709 Swedeland Rd., King of Prussia, PA 19406-0939 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with other organics and chlorinated solvents.

Litman Residence, Lower Merion Township, **Montgomery County**. Ethan E. Prout, P. G., American Resource consultants, Inc., 1000 West Broad St., Quakertown, PA 18951 on behalf of Ruth and Ronald Litman, 748 S. Latches Ln., Merion, PA 19066 has

submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. The property use will remain residential.

Symphony House proposed, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Assoc., Inc., 3001 Market Street, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with unleaded gasoline. The site will remain residential.

Trent and Torres Properties, West Grove Borough, **Chester County**. David Farrington, P. G., Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 on behalf of Isabel Torres, 128 W. Summit Ave., West Grove, PA 19390 and Sherry Trent, 124 W. Summit Ave., West Grove, PA 19390 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. The sites are currently used and expected to be used in the future, for single-family residential.

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

Laura Potter Residence (Gumtree Lane, Birchwood Lakes), Delaware Township, **Pike County**. Salvatore Sciascia, President, S & M Management, Inc., P. O. Box 1429, Milford PA 18337 has submitted a Notice of Intent to Remediate (on behalf of his client, Laura Potter, R. R. 1, Dingmans Ferry, PA) concerning the remediation of soils impacted by the accidental release of No. 2 fuel oil. The applicant proposes to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate was published in The Pike County Dispatch on January 6, 2005. A revised Final Report was simultaneously submitted. The proposed future use of the property is residential.

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

H. M. Stauffer & Sons, Inc., Upper Leacock Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of H. M. Stauffer & Sons, Inc., 33 Glenola Drive, Leola, PA 17540, submitted a Notice of Intent to Remediate site groundwater contaminated with No. 2 fuel oil. The site is currently used for industrial purposes and will remain so in the future.

Capital City Airport, Fairview Township, **York County**. Arc Environmental Inc., 7118 Reynolds Mill Road, Seven Valleys, PA 17360, on behalf of Susquehanna area Regional Airport Authority, 513 Airport Drive, Middletown, PA 17057, submitted a Notice of Intent to Remediate site soils contaminated with aviation gasoline, diesel fuel, fuel oil No. 2, jet fuel, MTBE, unleaded gasoline, used motor oil and other organics. The site will continue to operate as an airport.

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

BP Site No. 07020, Ross Township, **Allegheny County**. Heather Fazekas, URS Corporation, Foster Plaza 4, 501 Holiday Drive, Pittsburgh, PA 15220 on behalf of Tony Barcia, 1619 Pin Oak Drive, Pittsburgh, PA 15237, and Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204 has submitted a Notice of Intent to Remediate. Site soils contaminated with waste oil and unleaded gasoline to meet Statewide Health Standard.

Remediation includes soil vapor extraction. Planned future use of the property is commercial.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application 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. 100361. McKean County Landfill, 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. Permit reissuance application for the transfer of McKean County (Kness) Landfill from McKean County Solid Waste Authority to Rustick LLC. The application was received by the Northwest Regional Office on February 1, 2005.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

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

PLAN APPROVALS

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

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

48-309-124: Keystone Cement Co. (Route 329, Bath, PA 18014) for modification of the cement manufacturing processes and associated air cleaning devices at their facility in East Allen Township, **Northampton County**. This application will be subject to the Prevention of Significant Deterioration requirements.

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

42-181C: Elkhorn Field Services (60 B Kinzua Road Warren PA 16365) to construct a fractionation skid at the existing gas processing plant at their Lewis Run Plant in Bradford Township, **McKean County**. The facility is subject to Federal New Source Performance Standards 40 CFR Part 60, Subpart KKK pertaining to Equipment Leaks of VOCs from Onshore Natural Gas Processing Plants.

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.

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

40-320-025: Prime Time Rewind, Inc. (173 Gilligan Street, Wilkes-Barre, PA 18702) for construction of a heat-set web offset printing press, controlled by a regenerative thermal oxidizer, at their New Grove Street facility in Hanover Township, **Luzerne County**. This facility is not a Title V facility. VOC emissions from the process will not exceed 20.76 tons per year and hazardous air pollutants (HAPs) will be less than 1 ton per year. The facility will be required to record the amount of inks, solvents, and fountain solution used and calculate the monthly VOC and HAP emissions. The plan approval will

include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source and facility operating within all applicable air quality requirements.

35-399-038A: Flexible Foam Products, Inc. (P. O. Box 126, 220 Elizabeth Street, Spencerville, OH 45887) for installation and operation of three cyclones to control particulate emissions at their facility in Archbald Borough, **Lackawanna County**. The particulate emissions from the cyclones shall not exceed 0.02 grain/dscf. The Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

45-317-001A: CHS, Inc.—Horizon Milling LLC (P. O. Box 147, Harvest Lane, Route 940, Mount Pocono, PA 18344) for modification of a flour milling operation and associated air cleaning devices at their facility in Tobyhanna Township, Pocono Township and Mount Pocono Borough, **Monroe County**. The modification is for the changes (“as-built” and “as-operated” configuration) made to the sources and associated fabric collectors which differed from the application previously approved (Plan Approval No. 45-313-001). The facility is a non-Title V facility. The particulate emissions from each fabric collector will not exceed the best available technology standard of 0.02 grain/dscf. The total particulate emissions from the facility is estimated to be 17.7 tons per year. The plan approval will include emission restrictions, work practice, monitoring, reporting and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements.

48-307-061: International Mill Service, Inc. (1155 Business Center Drive, Suite 200, Horsham, PA 19044) for construction/replacement of two slag processing operations at their facility in Bethlehem, **Northampton County**. An existing steel slag processing plant will be replaced with a smaller steel slag processing plant and a portable screening plant. Both plants will operate at a lower capacity than the existing plant. The facility is a non-Title V (State-only) facility and has been issued Synthetic Minor Operating Permit No. 49-00028. The operation of the two new plants will result in an estimated total particulate emission rate of 17.8 tons per year. The Plan Approval and Operating Permit will include emission restrictions, work practice and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit through an administrative amendment at a later date.

66-303-007: Wyoming Asphalt (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) for modification of their existing batch asphalt plant to use recycled asphalt (RAP) with dryer and baghouse at their site in Eaton Township, **Wyoming County**. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart I. Particulate emission shall not exceed 0.02 grain/dscf. The company will not process more than 400,000 tons/year of asphalt. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

36-05008D: Tyson Foods, Inc. (403 South Custer Avenue, New Holland, PA 17557) for construction of a

vegetable oil poultry fryer controlled by a wet scrubber in Earl Township, **Lancaster County**. The estimated emissions of particulate matter from the operation of the fryer will be about 500 pounds per year. The plan approval and operating permit will include emission limitations, testing, monitoring, recordkeeping, reporting requirements and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-03007A: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola PA 17540) for the construction of a human cremation chamber at their facility in Heidleberg Township, **Lebanon County**. This construction will result in annual emissions of about 1.5 tons of NOx, and 0.5 ton of PM10. The plan approval and operating permit will contain additional testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality regulations.

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

59-00003C: OSRAM SYLVANIA Products, Inc. (One Jackson Street, Wellsboro, PA 16901) for installation of LoNOx burners on an 89.5 mmBtu/hr regenerative glass furnace in Wellsboro, **Tioga County**. The respective facility is a major facility for which a Title V operating permit (59-00003) has been issued.

The Department of Environmental Protection’s (Department) review of the information submitted by OSRAM indicates that the source constructed will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the applicable particulate matter emission limitation of 25 Pa. Code § 123.11, the sulfur oxide emission limitation of 25 Pa. Code § 123.22, the visible emission limitation of 25 Pa. Code § 123.41 and RACT requirements of 25 Pa. Code §§ 129.91–129.95. The plan approval will include applicable testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Muhammad Q. Zaman, Chief, Facilities Permitting Section at (570) 327-0512 within 30 days after publication date.

Based upon this finding, the Department proposes to issue plan approval for the installation of the LoNOx burners. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. The NOx emissions from the glass furnace shall not exceed 375.3 tons in any 12 consecutive month period.
2. The furnace shall only be fired on natural gas or propane.
3. The permittee shall keep records of the amount of glass processed per month and the NOx emissions each month from the glass furnace. These records shall be retained for a minimum of 5 years and shall be presented to the Department upon request.
4. The permittee shall operate the combustion ratio control system associated with the glass furnace so as to maintain optimum combustion conditions.

5. Within 120 days of installation of the LoNOx burners, the permittee shall test for NOx emissions using methods acceptable to the Department while Source ID P109 is operated at its maximum rate.

14-00002F: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) for their facility in Spring Township, **Centre County**. The respective facility is a major facility for which a Title V operating permit (14-00002) has been issued. The Department of Environmental Protection (Department) intends to issue a plan approval to authorize the applicant to construct a pulverized limestone system consisting of the following equipment:

- One No. 2 fuel oil fired rotary dryer with a rated heat input of 10 mmBtu/hr with propane being used for ignition purposes only.
- 12,000 gallon No. 2 fuel oil storage tank.
- Three storage silos.
- One process surge bin.
- One hammermill (grinder).
- One mechanical separator.
- Two bucket elevators.
- Various conveying equipment.
- One screen.

The air contaminant emissions from the proposed project will be controlled by two fabric collectors, low sulfur content No. 2 fuel oil and a low NOx burner for the rotary dryer.

Potential emissions (in tons per year) from the operation of the proposed project are as follows:

<i>PM</i>	<i>PM10</i>	<i>SO₂</i>	<i>NOx</i>	<i>CO</i>	<i>VOC</i>	<i>HAPs</i>
14.0	8.4	9.3	8.8	7.4	0.1	0.02

The Department's review of the information contained in the application indicates that the PLS, as proposed, will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart OOO of the Federal Standards of Performance for Nonmetallic Mineral Processing Plants. Based on this finding, the Department intends to approve the application and issue a plan approval for the proposed construction.

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

1. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the rotary dryer shall be controlled by an IAC (or equivalent*) model 120TB-BHWT-100:S6 (or equivalent*) fabric collector. In addition, the air contaminant emissions from the PLS shall be controlled by an IAC (or equivalent*) model 120TB-BHWT-182:S6 (or equivalent*) fabric collector with dust pickups at the following points:

- a) Conveyor 535-BEC-010 to truck loadout
- b) Loading zone enclosure
- c) Underground conveyor
- d) Conveyor 535-BEC-020 to rotary dryer
- e) Bucket elevator 535-ELE-110
- f) Surge bin 535-SIL-112

- g) Bucket elevator 535-ELE-200—two pickups
- h) Screen 535-IVS-210
- i) Silos 535-SIL-218 and 535-SIL-220
- j) Silo 535-SIL-216
- k) Hammermill 535-HAM-214
- l) Loadouts 535-LSP-216, 218 and 220

*Any equivalent make or model fabric collector shall be designed in accordance with the specifications included in the plan approval application (14-00002F) and supplemental materials.

2. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, all conveyors, the bucket elevators, the mechanical separator, the screen, the hammermill, the silos, the surge bin, the loading zone and the loadouts shall be enclosed.

3. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall pave all unpaved portions of road leading to the PLS location.

4. Under 25 Pa. Code § 123.1, no person may permit the emission into the outdoor atmosphere of fugitive air contaminants from a source other than the following:

- (1) Construction or demolition of buildings or structures.
- (2) Grading, paving and maintenance of roads and streets.
- (3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.
- (4) Clearing of land.
- (5) Stockpiling of materials.
- (6) Open burning operations.

5. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the particulate matter concentration of the exhausts of the rotary dryer fabric collector and the process fabric collector shall not exceed 0.01 grain per dry standard cubic foot.

6. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the opacity of the exhausts of the rotary dryer fabric collector and the process fabric collector shall not exceed 5%, by Method 9, at all times.

7. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall be fired on No. 2 fuel oil only, which contains no reclaimed or waste oil or other waste materials. In addition, propane may be used for ignition purposes only.

8. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the sulfur content of the No. 2 fuel oil used in the rotary dryer shall not exceed 0.2% by weight.

9. Under 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of sulfur oxides, from the rotary dryer in a manner that the concentration of sulfur oxides, expressed as SO₂, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

10. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall be equipped with a low-NOx burner (Coen or Aecometric) with two-stage rich/lean combustion.

11. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the NO_x emissions from the rotary dryer shall not exceed 0.20 pound per mmBtu of heat input.

12. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from the rotary dryer shall not exceed 0.17 pound per mmBtu of heat input.

13. Within 180 days after initial startup, the permittee shall perform stack testing on the rotary dryer to determine the NO_x and CO emissions (on a pounds per mmBtu heat input basis), in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) or with portable exhaust gas analyzers approved by the Department. Testing shall be performed while the dryer is operating at a minimum of 90% of the rated throughput capacity and 100% of the rated burner capacity.

14. Within 180 days after initial startup, the permittee shall perform stack testing to determine the precontrol PM₁₀ emissions to the rotary dryer fabric collector and the process fabric collector for the determination of CAM applicability. In addition, stack testing shall be performed on the outlet exhausts of the rotary dryer fabric collector and the process fabric collector to determine compliance with the particulate matter emission limitation of 0.01 grain per dry standard cubic foot. Stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139. Testing shall be performed while the dryer and process is operating at a minimum of 90% of the rated throughput capacity and 100% of the rated burner capacity.

15. At least 60 days prior to the performance of any testing required by condition Nos. 13 and 14 herein, the permittee shall submit two copies of a test protocol to the Department for review and approval. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process data, which will be monitored and recorded to verify the rate of production and heat input during testing.

16. At least 14 days prior to the performance of any testing required by condition Nos. 13 and 14, the permittee shall notify the Department of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of the testing without having been given proper notification.

17. Within 60 days following the completion of the testing required by condition Nos. 13 and 14, the permittee shall submit two copies of a test report to the Department for review and approval. This test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing and operating load calculations (material throughput and burner heat input). Since the testing is required for the purpose of demonstrating compliance with limitations identified in conditions contained herein, the results of the testing shall be expressed in units identical to the units of the limitations identified herein (lbs/mmBtu of heat input and gr/dscf).

18. The permittee shall install and maintain instrumentation to continuously measure the pressure drop across

each fabric collector to assure proper operation of each fabric collector and to determine the possible need for filter replacement or filter cleaning.

19. The permittee shall measure, at least once each month, during source operation, the exhaust opacity of the fabric collectors, by Method 9.

20. The permittee shall keep records of the Method 9 opacity measurements and resulting averages and any corrective actions taken if the average opacity exceeds 5%. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

21. The permittee shall keep records of the pressure drop across each fabric collector at least once each week, and shall record the corrective actions taken if the pressure drop is outside the fabric collector's design pressure range. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

22. The permittee shall keep records of all maintenance performed on the rotary dryer and dryer burner. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

23. The permittee shall keep records of the date and time of each flushing and sweeping of paved roadways leading to the PLS. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

24. The permittee shall obtain and keep fuel oil certification reports from the fuel oil supplier for each delivery of No. 2 fuel oil to be used in the rotary dryer showing that each delivery of No. 2 fuel oil does not contain sulfur in excess of 0.2% by weight.

25. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate the rotary dryer and associated burner with good combustion and maintenance practices in accordance with the burner manufacturer's specifications.

26. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep a water truck onsite to flush and sweep the paved roadway leading to the PLS at a reasonable frequency to prevent particulate matter from becoming airborne.

27. The permittee shall keep on hand spare fabric collector bags to immediately replace any bags that are torn or deteriorated.

28. Under the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the air compressors supplying air to both fabric collectors shall be equipped with an air dryer and oil trap.

29. The PLS is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The permittee shall comply with all applicable requirements specified in 40 CFR 60.670—60.676.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling Kathy Arndt at (570) 327-3693.

Interested persons may submit written comments, suggestions or objections concerning the proposed plan approval to the regional office within 30 days of publication

of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the commentator, identification of proposed plan approval number 14-00002F and a concise statement regarding the relevancy of the information or objections to the issuance of the plan approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

41-00018A: Springs Window Fashions LP (8601 Pennsylvania Route 405, Montgomery, PA 17752-0500) for modification of two existing coil coating lines (Lines 7 and 8) by increasing the maximum line speed from 60 feet per minute to 65 feet per minute at their facility in Clinton Township, **Lycoming County**.

Springs Window Fashions LP is a major facility for VOCs and one for which a Title V operating permit (41-00018) has been issued.

The VOC emissions from the respective two coil coating lines are currently controlled by a catalytic oxidizer which will remain in service following the modification. The VOC and volatile hazardous air pollutant emission increases resulting from the proposed modification are not expected to be in excess of .93 and .24 ton per year, respectively, following control. There will additionally be NO_x, CO, sulfur oxides, VOC and particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM₁₀) emission increases of up to 2.51, 2.1, .015, .135 and .188 tons per year, respectively, associated with the installation of a larger natural gas burner in the catalytic oxidizer than is currently in use (8 million Btu per hour instead of 2 million Btu per hour).

The Department of Environmental Protection's (Department) review of the information submitted by Springs Window Fashions LP indicates that the proposed modification of coil coating Lines 7 and 8 and the proposed installation of a replacement catalytic oxidizer burner will comply with all applicable Air Quality Requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to issue plan approval for the proposed modification and burner replacement. Additionally, if the modified coil coating lines and the replacement burner are subsequently determined by the Department to be operating in compliance with all applicable plan approval conditions and all applicable regulatory requirements, the conditions established in the plan approval will be incorporated into Title

V Operating Permit 41-00018 by means of administrative amendment in accordance with the requirements of 25 Pa. Code § 127.450.

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

1. All conditions contained in Title Operating Permit 41-00018 remain in effect unless superseded or amended by a condition contained herein. If there is a conflict between a condition contained in Title V Operating Permit 41-00018 and a condition contained herein, the permittee shall comply with the condition contained herein rather than the conflicting condition contained in the Title V operating permit.

2. Lines 7 and 8 shall not exceed a speed of 65 feet per minute.

3. The coil coated on Lines 7 and 8 shall not exceed a width of 7 inches.

4. The maximum primer coating thickness applied to coil on Lines 7 and 8 shall be .1 mil (.0001 inch) per side and the maximum topcoat coating thickness shall be .6 mil (.0006 inch) per side.

5. Lines 7 and 8 shall each not operate more than 7,446 hours in any 12 consecutive month period.

6. The VOC and volatile hazardous air pollutant content of the primer applied on Lines 7 and 8 shall not exceed 25.69 and 7.35 pounds per gallon of coating solids, respectively, as mixed for application. The VOC and volatile hazardous air pollutant content of the topcoat applied shall not exceed 10.04 and 2.32 pounds per gallon of coating solids, respectively, as mixed for application. No volatile hazardous air pollutant-containing materials shall be added to coatings onsite.

7. The VOC and volatile hazardous air pollutant content of any solvent used in cleanup operations associated with Lines 7 and 8 shall both not exceed 7.26 pounds per gallon. No solvent containing chlorine, fluorine or sulfur shall be used for cleanup operations.

8. The VOC and volatile hazardous air pollutant emissions from Lines 7 and 8 shall at all times be controlled by the existing DuPont Torvex model 80A catalytic oxidizer at an overall combined capture and destruction efficiency of at least 89.74%.

9. The VOC and volatile hazardous air pollutant emissions from Lines 7 and 8, including the VOC and volatile hazardous air pollutant emissions from any cleanup operations associated with Lines 7 and 8, shall not exceed 12.28 and 3.3 tons, respectively, in any 12 consecutive month period.

10. Records shall be maintained of the identity and amount of each individual coating, coating additive, cleanup solvent and any other VOC-containing material or volatile hazardous air pollutant-containing material used on Lines 7 and 8 each month as well as the VOC content of each such material and the content of each individual volatile hazardous air pollutant in each material. Records shall also be maintained of the mix ratio for each batch of coating to which additives were added on site or which were mixed on site from different coating components. Records shall additionally be maintained of the number of hours Line 7 operates each month and the number of hours Line 8 operates each month.

11. The records shall be maintained as are necessary to demonstrate that the line speed of Lines 7 and 8 never

exceeds 65 feet per minute, that the coil width never exceeds 7 inches and that the primer coating thickness and topcoat coating thickness never exceed .1 and .6 mils, respectively.

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

PA-63-00922A: Robinson Power Co.—RPC (P. O. Box 127, Route 18 Burgettstown, PA 15021) for installation of a 272 net megawatt waste coal fired, circulating fluidized bed boiler in Robinson Township, **Washington County**.

Under 25 Pa. Code § 127.44(a), the Department intends to issue a Plan Approval for the installation of a 272 net

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

Based on the information provided by the applicant and on Department's analysis of that information, this installation will result in facility emissions of no more than 3,154.25 tons of SO₂, 976.06 tons of NO_x, 1,826.09 tons of CO, 72.9 tons of VOC and 369.39 tons of particulate matter (as PM₁₀) each year. Air modeling provided by the applicant indicates the following impacts:

Pollutant	Averaging Period	Modeling Results		Increment Consumption		NAAQS Analysis	
		Significant Impact Modeling Sig. Level µg/m ³	RPC Impact µg/m ³	PSD Increment	RPC Impact µg/m ³	NAAQS µg/m ³	RPC Impact µg/m ³
PM ₁₀	Annual	1	5.7	17	5.8	50	36.3
	24-hour	5	40.1	30	28.2	150	111.0
SO ₂	Annual	1	.6	20	1.8	80	82.1*
	24-hour	5	27.3	91	27.3	365	317.9
	3-hour	25	186.7	512	123.5	1,300	1,051.4
NO ₂	Annual	1	.2	25		100	
CO	1-hour	500	75.2			40,000	
	8-hour	2,000	27.9			10,000	

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

A final plan approval will not be issued prior to Department authorization of the modeling results presented.

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

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

3. *General Conditions*

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

b) The RPC shall install a hydrated fly-ash re-injection or polishing spray dryer system for SO₂ emission control. The RPC shall advise the Department of the specific make and model of equipment and its design details within 10 business days of issuing the purchase order for this air cleaning device by submitting appropriate pages of the Plan Approval Application. [25 Pa. Code § 127.12b]

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

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

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

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

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

Director
Air Toxics and Radiation
US EPA, Region III
1650 Arch Street
Philadelphia, PA
19103-2029

Air Quality Program Manager
PA DEP
Air Quality
400 Waterfront Drive
Pittsburgh PA 15222

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

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

ii) Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

CFB Emission Limits

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

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

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

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

Facility Emission Limits

Pollutant	Total Emissions (tpy)
SO ₂	3,154.25
NO _x	976.06
CO	1,826.09
VOC	72.9
PM10	369.39

c) The owner or operator shall not permit the emission to the outdoor atmosphere of visible emissions from the boilers, in a manner that the opacity of the emission is equal to or greater than 10% for a period, or periods aggregating more than 3 minutes in any 1 hour, or 30% at any time. The presence of uncombined water is not considered a failure to meet the limitations. [25 Pa. Code §§ 127.1 and 127.12(b)].

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

e) Potential emissions of SO₂ from the CFB shall be reduced by at least 97% on a 30 day rolling average.

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

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

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

4. Stack Emissions Limitations

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

Compliance with this requirement shall be demonstrated by calculating daily control efficiencies and averaging them on a 12 month rolling basis using the fuel analysis, waste coal feed rate and the SO₂ CEM. [25 Pa. Code § 127.12b]

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

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

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

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

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

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

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

5. TESTING REQUIREMENTS

a) Within 180 days of initial start-up but no later than 60 days of achieving maximum production, a stack tests shall be performed on the CFB in accordance with the provisions of 25 Pa. Code Chapter 139 to determine the following pollutant emission rates:

- Total PM₁₀
- HCl
- HF
- H₂SO₄
- NMVOC
- Mercury
- Arsenic
- Beryllium
- Cadmium
- Hexavalent Chromium
- Nickel
- Lead
- Ammonia

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

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

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

d) The owner or operator shall submit a stack test report to the Department within 60 days of the completed testing. [25 Pa. Code § 139.2].

6. Continuous Monitoring

a) The company shall install, certify, maintain and operate a CEM system for monitoring SO₂, NO₂, visible emissions (opacity), CO and gas flow from the CFB boiler. O₂ or CO₂ shall be monitored at each location where SO_x, NO_x and CO are monitored in accordance with the requirements of 25 Pa. Code Chapter 139.

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

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

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

This log shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request [25 Pa. Code § 127.12b].

7. Notification/Reporting

a) At least 90 days prior to start-up, the Owner or Operator shall submit information required by Phase I of the Department's "Continuous Source Monitoring Manual," Revision 6, January 1996 to Chief, Division of Technical Services and Monitoring, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468.

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

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

8. Work Practice Standards/Misc.

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

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

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

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

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

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

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

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

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

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

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

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

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

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

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

62-00035: IA Construction Corp.—Warren Plant (240 River Road, Warren, PA 16365) for a Synthetic Minor Permit to operate their hot mix asphalt plant in Conewango Township, **Warren County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

10-00230: IA Construction Corp.—Zelienople Plant (158 Lindsay Road, Zelienople, PA 16063) for a Synthetic Minor Permit to operate a hot mix asphalt plant in

Jackson Township, **Butler County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

PUBLIC HEARINGS

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

63-00922A: Robinson Power Company, LLC.—Beech Hollow Power Project (P. O. Box 127, 563 Route 18, Burgettstown, PA 15021) for installation of a 272 net megawatt waste coal fired, circulating fluidized bed boiler in Robinson Township, **Washington County**.

Per 25 Pa. Code § 127.48, notice is hereby given that the Department of Environmental Protection (Department) will hold a public hearing on March 7, 2005, at 6 p.m. at the Burgettstown Grange, 643 Creek Road, Bulger, PA 15019.

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

Persons wishing to present testimony during the hearing should contact Community Relations Coordinator, Betsy Mallison at (412) 442-4000 before March 7, 2005, to register.

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

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

OPERATING PERMITS

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

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

01-05002: Masterbrand Cabinets, Inc. (80 Keystone Street, Littlestown, PA 17340) for their Wood Furniture Manufacturing facility in Littlestown Boro, **Adams County**. The facility is a major source that primarily emits VOCs. This action is a renewal of the Title V operating permit issued in 2000.

06-05078: FR and S, Inc. (727 Red Lane Road, Birdsboro, PA 19508) for operation of a municipal solid waste landfill controlled by a gas collection system and two enclosed ground flares in Exeter Township, **Berks County**. The facility is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources; Part 61, Subpart M, National Emission Standards for Asbestos; and Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Waste Landfills. This action is a renewal of the Title V Operating Permit issued in 2000.

22-05012: ISG Steelton, LLC (215 South Front Street, Steelton, PA 17113) for a Title V Operating Permit Renewal in Steelton Borough, **Dauphin County**. The facility's major sources of emissions include a DC Electric Arc Furnace for steelmaking, and boilers, soak pits, furnaces and other combustion sources. Steelmaking is controlled by a SO₂ scrubber and a bughouse. The sources primarily emit NO_x, SO_x, particulate matter and VOCs.

36-05002: Armstrong World Industries, Inc. (2500 Columbia Avenue, Lancaster, PA 17604) for the flooring manufacturing plant in the city of Lancaster, **Lancaster County**. The boiler plant and coating operations account for most of the emissions from the facility. All conditions from the Title V operating permit issued in 2000 will be included in the renewal.

38-05017: Greater Lebanon Refuse Authority (1610 Russell Road, Lebanon, PA 17046-1437) for a Title V Operating Permit Renewal in North Lebanon Township, **Lebanon County**. The facility's major sources of emissions include two landfill sites controlled by an enclosed ground flare and/or two engine-generators. The landfill primarily emits VOCs.

38-05022: Weaber, Inc. (1231 Mount Wilson Road, Lebanon, PA 17045-4785) for operation of a hardwood dimensional and flooring mill in South Annville Township, **Lebanon County**. This action is a renewal of the Title V Operating Permit issued in 2000. The facility's major sources of emissions are NO_x and CO from boiler operation and particulate matter from the manufacture of hardwood products. The emissions are estimated at 42 tpy of NO_x, 10 tpy of CO and 9 tpy of PM. There are also approximately 2 tpy of SO_x and 1 tpy of VOC emissions at the facility.

67-05024: Lehigh Cement Co. (200 Hokes Mill Road, York, PA 17404) for their white cement flooring manufacturing plant in West Manchester Township, **York County**. The rotary cement kiln accounts for most of the emissions from the facility. All conditions from the Title V operating permit issued in 2000 will be included in the renewal.

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

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

36-05084: Ephrata Community Hospital (169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522-1002) for operation of two boilers and two emergency generators at their facility in Ephrata Borough, **Lancaster County**. The operations primarily emit SO_x. Operational and fuel throughput limits will ensure that the operation stays below the Title V emission threshold limit for SO_x. This action is a renewal of the Federally enforceable operating permit issued in August 1999.

36-05093: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) for operation of the company's Denver asphalt plant in East Cocalico Township, **Lancaster County**. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. This is a renewal of the facility's synthetic minor permit and will include all of the requirements from the previous permit to ensure the facility complies with the applicable requirements.

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

41-00024: Divine Providence Hospital (Susquehanna Health Systems, 1100 Grampian Boulevard, Williamsport, PA 17701) for operation of a hospital at 1100 Grampian Boulevard in the City of Williamsport, **Lycoming County**.

The hospital incorporates four natural gas/No. 2 fuel oil-fired boilers, one No. 2 fuel oil-fired boiler and five diesel fuel/No. 2 fuel oil-fired emergency generators. The air contaminant emissions from the hospital are not expected to exceed 39.57 tons of NO_x, 58.08 tons of sulfur oxides, 24.56 tons of CO, 1.95 tons of VOCs and 3.41 tons of particulate matter (including particulate matter with an aerodynamic diameter of 10 microns or less, also known as PM₁₀) per year.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued a condition limiting the sulfur content of the No. 2 fuel oil to be fired in four of the facility's five boilers to .5% by weight and the sulfur content of the No. 2 fuel oil-fired in the fifth boiler to .3% by weight, a condition limiting the number of hours per year that the facility's three largest boilers can burn No. 2 fuel oil to 3,000 hours each, a condition limiting the operation of the facility's five emergency generators to no more than 500 hours per year each and a condition requiring that records be maintained of the number of hours each generator is operated each month as well as the number of the hours each month that each of the facility's three largest boilers is fired on No. 2 fuel oil.

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 ¹		greater than 6.0; less than 9.0	

alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

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

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

02891701. NPDES Permit No. PA0215571, Consolidation Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to renew the industrial waste permit for the Harmar Mine in Harmar and Indiana Townships and Fox Chapel Borough, **Allegheny County** and related NPDES permit. No additional discharges. Application received December 27, 2004.

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

32050102 and NPDES Permit No. PA0249700. Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, commencement, operation and restoration of a bituminous surface-auger mine in Burrell Township, **Indiana County**, affecting 108.9 acres. Receiving streams: UNTs to Toms Run/and Conemaugh River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 21, 2005.

32050101. T.L.H. Coal Company, 4401 Pollock Road, Marion Center, PA 15759, commencement, operation and restoration of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 95.9 acres. Receiving streams: UNTs to/and Pickering Run classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 20, 2005.

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

26980103 and NPDES Permit No. PA0212312. Amerikohl Mining, Inc. (202 Sunset Drive Butler, PA 16001). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Wharton and Stewart Townships, **Fayette County**, affecting 211 acres. Receiving stream: UNT to Meadow Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 2, 2005.

03000105 and NPDES Permit No. 0202771. Amerikohl Mining, Inc. (202 Sunset Drive Butler, PA 16001). Renewal application for reclamation only of an existing bituminous surface mine, located in Cowanshannock Township, **Armstrong County**, affecting 87.2 acres. Receiving streams: UNTs to Huskins Run, classified for the following use: WWF. The first potable supply intake within 10 miles downstream from the point of discharge: Cowanshannock Township Water Authority. Renewal application received: February 2, 2005.

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

10030302 and NPDES Permit No. PA0242462. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Brady Township, **Butler County** affecting 340.7 acres. Receiving streams: UNT to Big Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add incidental coal extraction. Application received: February 3, 2005.

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

40823001T. Great Valley Construction Services, LLC, (c/o Mericle Commercial Real Estate Services, 100 Baltimore Drive, Wilkes-Barre, PA 18702), transfer of an existing anthracite surface mine operation from Kaminski Brothers, Inc. in Jenkins Township, **Luzerne County** affecting 28.2 acres, receiving stream: none. Application received January 31, 2005.

40793009T. Great Valley Construction Services, LLC, (c/o Mericle Commercial Real Estate Services, 100 Baltimore Drive, Wilkes-Barre, PA 18702), transfer of an existing anthracite surface mine operation from Kaminski Brothers, Inc. in Jenkins Township, **Luzerne County** affecting 43.63 acres, receiving stream: none. Application received January 31, 2005.

40870101T and NPDES Permit No. PA0594598. Great Valley Construction Services, LLC, (c/o Mericle Commercial Real Estate Services, 100 Baltimore Drive, Wilkes-Barre, PA 18702), transfer of an existing anthracite surface mine operation from Kaminski Brothers, Inc. in Jenkins Township, **Luzerne County** affecting 76.6 acres, receiving streams: Lampback and Gardner Creek. Application received January 31, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

37990302. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77002). Renewal of NPDES Permit No. PA0241547, Shenango and Wayne Townships, **Lawrence County**. Receiving streams: UNTs to Snake Run, classified for the following uses: Unclassified, UNTs to Beaver River, and Snake Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: January 28, 2004.

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

7775SM8C3. Dyer Quarry, Inc. (P. O. Box 188, Birdsboro, PA 19508), correction of an existing quarry operation in Robeson Township, **Berks County** affecting 323.41 acres, receiving streams: Indian Corn Creek and Seidel Creek, classified for the following uses: CWF and WWF. Application received January 27, 2005.

8274SM4A2C6 and NPDES Permit No. PA001011. Rohrer's Quarry, Inc. (70 Lititz Road, P. O. Box 365, Lititz, PA 17543), renewal of NPDES Permit for treatment of mine drainage in Penn and Warwick Townships, **Lancaster County**, receiving stream: Tributary to Little Conestoga Creek classified as a WWF. The first downstream potable water supply intake from the point of discharge is East Petersburg Water Authority. Application received February 1, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the

specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E64-252. Richard S. Egan, 6 Tammany Flats Terrace, Damascus, PA 18415-9504, in Damascus Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove two existing sheds and to construct and maintain a 28-foot by 32-foot garage in the floodway along the right bank of the Delaware River (CWF, MF). The project is located at 6 Tammany Flats Terrace. (Callicoon, New York NY-PA Quadrangle N: 0.8 inches; W: 7.7 inches).

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

E23-363: East Pennsboro Township, 98 South Enola Drive, Enola, PA 17025 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To fill and maintain 0.1 acre of palustrine emergent wetlands tributary to the Conodoguinet Creek (WWF), for the purpose of relocating the wetland outside of the existing Acri Meadow Park ball field, located approximately 6,000 feet south of Route 944 on the west bank of the creek (Harrisburg West, PA Quadrangle N: 18.8 inches; W: 15.25 inches) in East Pennsboro Township, Cumberland County.

E50-225: Perry County Board of Commissioners, P. O. Box 37, New Bloomfield, PA 17068 in Wheatfield Township, **Perry County**, ACOE Baltimore District.

To construct and maintain a two span bridge with a total span of 190 feet with an underclearance of 15 feet across Sherman Creek (WWF) on T-456 (Pine Hill Road) and associated improvements in order to improve the traffic safety condition located in Dellville Village (Wertzville, PA Quadrangle N: 20.63 inches; W: 16.3 inches) in Wheatfield Township, Perry County.

E67-756: Cornerstone at Hunters Creek, 300 Bailey Drive, Suite 106, Stewartstown, PA 17363 in Conewago Township, **York County**, ACOE Baltimore.

To maintain a 60-inch twin pipe culvert then to construct and maintain 1) 42" by 73' culvert 2) 4' by 76' culvert 3) 3" by 96' culvert 4) 24" by 101' culvert 5) 24" by

82' culvert 6) 36" by 58' culvert 7) six 8" water line crossings 8) five 8" sanitary sewer line crossings all in UNTs to the Little Conewago Creek (TSF). The project will also impact 0.97 acre of palustrine emergent wetlands. These impacts result from both direct and indirect activities. The permittee is required to create a minimum of 0.97 acre of replacement wetlands. The project is located west of the Susquehanna Trail (Dover, PA Quadrangle N: 0.45 inches; W: 2.95 inches) in Conewago Township, York County.

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

E17-406. Huston Township, P. O. Box 38, Penfield, PA 15849-0038, Munn Road Bridge Replacement, in Huston Township, **Clearfield County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 12.8 inches; W: 12.1 inches).

To remove and existing structure and construct, operate and maintain a single span prestressed concrete box beam bridge to carry Munn Road (T-786) across Bennetts Branch, Sinnemahoning Creek (CWF for improved public access on Munn Road. The Munn Road Bridge shall be constructed with a minimum clear span of 45-feet, underclearance of 13 feet, and a skew of 75°. All construction and future repair work shall be conducted during stream low flow, and dry work conditions by dams and pumping or diverting stream flow around the work area. Since Bennetts Branch is a stock trout stream, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without the prior written approval of the Pennsylvania Fish and Boat Commission. As proposed the project will impact 0.003-acre of wetland while impacting 100-feet of waterway that is located along the eastern right-of way of SR 0255 approximately 300 feet east of Woodward Road (T-407) and Munn Road (T-786) intersection.

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

E02-885 A1. Washington's Landing Marina, 100 Waterfront Drive, Pittsburgh, PA 15222. Construction of dock facilities in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh East, PA Quadrangle N: 6.0 inches; W: 14.2 inches and Latitude: 40° 27' 47"—Longitude: 79° 58' 38". The applicant proposes to amend Permit No. E02-885 which authorized the construction and maintenance of docking facilities for 250 boats, a boat launching system, and a gas dock located on the east shore of Herr's Island beneath the Thirty-First Street Bridge at Mile Point 2.4 in the Allegheny River (WWF). This amendment will authorize the expansion to the Marina. The downstream end will be expanded 600' and the upstream end will be expanded 600', making the marina a total of 2,100' long. The applicant also proposes to construct and maintain two caissons in the river located approximately 150' upstream of the marina.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and

92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0061590 Sewage	Little Washington Wastewater Company 762 West Lancaster Avenue Bryn Mawr, PA 19010	Schuylkill County North Union Township	Tomhicken Creek (5E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080756 (Sewage)	Hershey Farm, Inc. P. O. Box 159 Strasburg, PA 17579	Lancaster County Strasburg Township	Pequea Creek/7-K	Y
PA0086690 (Industrial Waste)	Kalas Manufacturing, Inc., Plant No. 2 25 Main Street Denver, PA 17517	Lancaster County East Cocalico Township	Stony Run/7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0028123 Industrial Waste	PA American Water Company 800 West Hersheypark Drive Hershey, PA 17033	Allegheny County City of Pittsburgh	UNT to the Monongahela River (Becks Run)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0033871 Sewage	GSP MGMT Co. P. O. Box 677 Morgantown, PA 19543	Indiana County White Township	UNT of McKee Run	Y
PA0094676 Sewage	Twin Lakes Center, Inc. 224 Twin Lake Road Somerset, PA 15501	Somerset County Somerset Township	East Branch Coxes Creek	Y
PA0098469 Sewage	Community Bank 100 North Market Street Carmichaels, PA 15320	Greene County Center Township	South Fork Ten Mile Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0220981	Darrell L. Kysor P. O. Box 34 Corry, PA 16407-034	Elgin Borough Erie County	Beaver Run	Y
PA0222976	Albert R. Shouey R. D. 2, Box 113B Worthington, PA 16262	Barnett Township Jefferson County	UNT to Cather Run	Y
PA0221023	Christopher S. Arford 942 Hatch Run Road Warren, PA 16365	Glade Township Warren County	UNT to Hatch Run	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. PA0024651 Amendment No. 1, Sewage, **Atglen Borough**, 125 West Main Street, P. O. Box 250, Atglen, PA 19310. This proposed facility is located in Atglen Borough, **Chester County**.

Description of Proposed Action/Activity: Approval to amend existing permits maximum monthly flow of 140,000 gpd into the facility's hydraulic capacity.

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

NPDES Permit No. PA0023744, Amendment No. 1, Sewage, **Northeastern York County Sewer Authority**, 175 Chestnut Street, P. O. Box 516, Mount Wolf, PA 17347. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-F.

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

NPDES Permit No. PA0218766-A1, Sewage, **Edward Hallisey**, 1252 Lovi Road, Freedom, PA 15042. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Change of monitoring frequency for flow, TSS, fecal coliform and pH to once per year at the Hallisey Small Flow STP.

NPDES Permit No. PA0252760, Sewage, **Pine Township Supervisors**, P. O. Box 311, Templeton, PA 16259. This proposed facility is located in Pine Township, **Armstrong County**.

Description of Proposed Action/Activity: proposed discharge of treated sewage from Templeton STP to the Allegheny River.

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

NPDES Permit No. PA0006378, Industrial Waste Amendment No. 1, **Wheatland Tube Company—Division of John Maneely Company**, One Council Avenue, Wheatland, PA 16161. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River in Watershed 20-A.

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

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

WQM Permit No. 4604415, Sewerage, **Lower Moreland Township Municipal Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a pumping station serving 107 EDUs and discharging into Lower Moreland Township sanitary sewer collection system.

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

WQM Permit No. 4503407, Sewerage, **Pocono Mountain Industrial Park Authority**, 556 Main Street, Stroudsburg, PA 18360. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 3604418, Sewerage, **Mount Joy Township Authority**, 157 Merts Drive, Elizabethtown, PA 17022. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Schwanger Road Pump Station.

WQM Permit No. 2804407, Sewerage, **Chambersburg Borough**, 100 South Second Street, Chambersburg, PA 17201. This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Modifications to the Falling Spring Interceptor.

WQM Permit No. 3105401, Sewerage, **Hopewell Township**, R. D. 1, Box 95, James Creek, PA 16657. This proposed facility is located in Hopewell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction of sewer extension to serve the Village of Puttstown.

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

WQG Permit No. 016106, Sewerage, **Carl W. Schwarcz**, 67 Cazneau Avenue, Sausalito, CA 94965. This proposed facility is located in Indiana Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility for a single residence.

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

WQM Permit No. 1004404, Sewerage, **David K. and Lori A. Mason**, 760 Sarver Road, Sarver, PA 16055. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. 3304401, Sewerage, **Young Township**, 1517 Walston Road, P. O. Box 125, Walston, PA 15781. This proposed facility is located in Young Township, **Jefferson County**.

Description of Proposed Action/Activity: This project is for sewer extensions and a pump station to serve 86 residential customers.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904001	Wawa, Inc. Wawa Proposed Food Market 260 West Baltimore Pike Wawa, PA 19063	Bucks	Milford Township	Molasses and Unami Creeks (HQ-TSF)
PAI010904017	Dawn Ward Ward Site Plan Development 1493 Amherst Court Bethlehem, PA 18015	Bucks	Springfield Township	Cooks Creek (EV)
PAS10G548	Heritage Building Group, Inc. Domin-Allison/Miller Property 3326 Old York Road, Ste. A100 Furlong, PA 18925	Chester	East Coventry Township	UNT Schuylkill River and Pigeon Creek (HQ-TSF)
PAI011503095	Rolling Hill Partners Blossom Meadows III 2500 East High Street Pottstown, PA 19464	Chester	East Coventry Township	Pigeon Creek (HQ)
PAI011504053	JA Forcine Company, Inc. JA Forcine Warehouse and Office Addition 282 Woodland Road Radnor, PA 19087-2453	Chester	East Whiteland Township	Valley Creek (EV)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504077	Benjamin F. Freigh, Jr. Freigh Jr. Subdivision 1730 South Keim Street Pottstown, PA 19464	Chester	East Coventry Township	Pigeon Creek (HQ-TSF)
PAI012304003	Glenn M. White Builders, Inc. Brick House Farm Development 4 Zachary Drive West Chester, PA 19382	Delaware	Edgmont Township	Ridley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904033	Minukumar and Karan Desai 5650 West Tilghman St. Allentown, PA 18104	Lehigh	Upper Macungie Township	Little Lehigh Creek, HQ-CWF
PAI023904015	2204 Route 100 Professional Office Campus, LLC Suite 212, Zack Bldg. 6235 Hamilton Blvd. Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF
PAI024804004	Forks Village, L.P. 6065 William Penn Hwy. Easton, PA 18042	Northampton	Forks Township	Bushkill Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0336-04-004	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	Pequea Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI084204002	Otter Exploration, Inc. 104 College Street Hudson, OH 44236	McKean	Lafayette Township	Lewis Run, Miam Run, and Lewis Brook HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

PAG-11 (To Be Announced)
 PAG-12 CAFOs
 PAG-13 Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG2000904179	Terry Sands Sands Brothers North 602 Main Street Red Hill, PA 18076	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000904166	Paul Sabia 222 Norristown Road Dev 1828 Roberta Avenue Abington, PA 19001	Delaware/Neshaminy Rivers (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904076	Sunoco, Inc. Sunoco Station Development Ten Penn Center 1801 Market Street Philadelphia, PA 19103	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkasie Borough Bucks County	PAG2000904134	Moulton Builders 108 East Walnut Street Dev 301 North Broad Street Lansdale, PA 19446	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Bucks County	PAG2000904197	Michael Norris 11 Kings Cross Circle Doylestown, PA 18901	Tohickon Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904097	Toll Brothers, Inc. Oskanian Tract 3103 Philmont Avenue Huntingdon Valley, PA 19006	North Branch Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001504036-1	Charles Shreiner The Church Farm School P. O. Box 2000 Paoli, PA 19301	Valley Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAG2001504103	Oakcrest, LP Oakcrest Development 1246 West Chester Pike West Chester, PA 19382	UNT Sucker Run (WWF, MF); UNT Rock Run (TSF, MF); West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001505000	Tredyffrin/Easttown School Dist. Teamer Field 738 First Avenue Berwyn, PA 19312-1779	Darby Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bridgeport Borough Montgomery County	PAG2004604120	416 Johnson Properties 4th Street Market Place P. O. Box 460 416 Depot Street Bridgeport, PA 19045	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004604205	Michael Gola RMG Properties, LLC Dev. 305 Cumbrian Court West Chester, PA 19382	UNT Minister Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Perkiomen Township Montgomery County	PAG2004603113	Penn Gwyn, LP Woodbridge at Perkiomen 040 Sumneytown Pike, Ste. 200 North Wales, PA 19454	Lodel Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604089	Toll Brothers, Inc. Providence Chase aka Torrance 3103 Philmont Avenue Huntington Valley, PA 19006	Norman Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Norristown Borough Montgomery County	PAG2004604237	MD Development Co., Inc. Green Valley Court 770 Crooked Lane King of Prussia, PA 19406	Saw Mill Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201510416	The Temple Group, Inc. Enon Tabernacle Baptist Church 230 West Coulter Street Philadelphia, PA 19144-3916	Municipal Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104022	Westrum Development Co. The Villas at Packer Park/ Regency at Packer Park 370 Commerce Drive Fort Washington, PA 19304	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105002	Transcor Transcor Proposed Warehouse 4250 Wissahickon Avenue Philadelphia, PA 19129-1212	Municipal Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Saucon Township Lehigh County	PAG2003904032	Dennis Benner 2005 City Line Rd. Bethlehem, PA 18017	Saucon Creek, CWF	Lehigh Co. Cons. Dist. (610) 391-9583
City of Scranton Lackawanna County	PAR10N116(2)	Christopher Speicher 1710 Madison Ave. Dunmore, PA 18509	Keyser Creek and Lackawanna River, CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Bridgewater Township Susquehanna County	PAG2005805001	The Church of Jesus Christ of Latter Day Saints New York, NY Project Management Office P. O. Box 318 Ramesy, NJ 07446-0318	Hop Bottom Creek, CWF	Susquehanna Co. Cons. Dist. (570) 278-4600
West Mahanoy Township Schuylkill County	PAG2005405005	John W. Rich, Jr. P. O. Box 1 Frackville, PA 17931	Mill Creek, CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
West Mahanoy Township and Mahanoy Township Schuylkill County	PAG2005405006	John W. Rich, Jr. P. O. Box 1 Frackville, PA 17931	Mill Creek, CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Fairview Township York County	PAG2-0067-04-116	Defense Distribution Depot Facilities Engineering Division New Cumberland, PA 17070-5001	Marsh Run Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hopewell Township York County	PAG2-0067-05-004	Gerald Mitchell 1743 Rohrerstown Road Lancaster, PA 17601	Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

NOTICES

1377

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York Township York County	PAG2-0067-04-126	Walgreens Newman-Tillman Properties LLC 850 Ridge Lake Blvd. Memphis TN 38120	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAG2-0067-04-120	Smalls Field Upgrades City of York School District 329 S. Lindbergh Ave. York, PA 17403	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG2-0067-04-094	West Manheim Elementary South Western School District 225 Bowman Road Hanover, PA 17331	Furnace Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAR10Y591	Mountain Crest Estates, Phase 2 Keven Anderson Anderson Properties 19 N. Baltimore Street Dillsburg, PA 17019	Dogwood Run N.L.	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Middleton/Middlesex, Cumberland County	PAG2-0021-04-057	Pamay Development Co., Inc. 332 Gregor Way State College, PA 16803	Conodoguinet Creek/WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Centre County Worth Township	PAG2001404014	PNW Enterprises, Inc. Steve Williams 1246 E. College Ave. State College, PA 16801	Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Wolf Township	PAG2004105002	H. Carlton Decker 15875 SW 79 Ct. Miami, FL 33157	Greg Run and Tributary to Muncy Creek CWF	Lycoming County Conservation Dist. 542 County Farm Rd., Suite 202 Montoursville, PA 17754 (570) 433-3003
Beaver County Marion Township	PAG2000405001	T. S. O. of Ohio, Inc. John Lawrence 115 West Road Fombell, PA 16123	Connoquenessing Creek (WWF)	Beaver County CD (724) 774-7090
Fayette County City of Uniontown	PAG2002605003	Anchor Properties 30 West Third Street 6th Floor Cincinnati, OH 45202	Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Butler County Slippery Rock Borough	PAG2001004026	Sr. Development Properties, LP Multi-Unit Housing Sean Swidzinski Sr. Development Properties, LP 141 Reiber Road Renfrew PA 16053	UNT to Slippery Rock Creek-CWF	Butler County Conservation District (724) 284-5270
Butler County Middlesex Township	PAG2001004028	Hickory Knoll Farms Linda Starr 400 Isle Road Butler, PA 16001	UNT to Bull Creek-TSF	Butler County Conservation District (724) 284-5270

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Venango County Sugarcreek Borough	PAG2006105001	Daniel Fisher Sugarcreek Borough 212 Fox Street Franklin, PA 16323	UNT to Patchel Run and Two Mile Run	Venango County Conservation District 814-676-2832
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County Hanover Borough	PAR603547	Staiman Recycling Hanover Division P. O. Box 1235 Williamsport, PA 17703-1235	Plum Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Snyder Township	PAR603562	Donald Miller Miller Parts & Service R. D. 3, Box 140 Tyrone, PA 16686	Little Juniata Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Annville Township	PAR603539	Carl W. Weber Weber Brothers Auto 795 North Mill St. Lebanon, PA 17046	UNT to Swatara Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Reading City	PAR123522	Hershey Foods Reading Plant 200 North Eighth St. Reading, PA 19612-5087	Schuylkill River/ WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County St. Lawrence Township	PAR223529	Fleetwood Industries 3301 St. Lawrence Ave. Reading, PA 19606	Antietam Creek/ CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bell Township, Jefferson County	PAR808371	Punxsutawney Municipal Airport Authority	UNT to Mahoning Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township, Mercer County	PAR808350	Vance E. Oakes Borough Manager Greenville Borough 125 Main street Greenville, PA 16125	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Bradford City, McKean County	PAR238312	Graham Packaging Company, L.P. 2401 Pleasant Valley Road York, PA 17402-9600	Tunungwant Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County West St. Clair Township	PAG043630	Lorne J. Bowser 279 Mitzler Road Alum Bank, PA 15521	UNT Barefoot Run/11-C/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Perry County Rye Township	PAG043655	David Thomas 1458 Valley Road Marysville, PA 17053	UNT Fishing Creek/7-A/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

NOTICES

1379

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington County Amwell Township	PAG046206	Larry L. Day P. O. Box 5 Prosperity, PA 15329-0005	UNT to Fork Bane Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Hempfield Township	PAG046210	Harold C. Lepro R. D. 11, Box 618A Greensburg, PA 15601-9141	UNT to Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Indiana Township	PAG046297	Carl W. Schwarcz 67 Cazneau Avenue Sausalito, CA 94965	UNT of Rawlins Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Hayfield Township, Crawford County	PAG048667	Richard L. Van Buren 17352 State Highway 98 Meadville, PA 16335-7726	Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township, Erie County	PAG048671	Brian C. and Kelley C. Van Matre 12485 Trask Road Waterford, PA 16441	UNT to LeBoeuf Lake	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Scrubgrass Township, Venango County	PAG048651	Mark C. Chalmers 115 Hickman Road Kennerdell, PA 16374	Perry Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Trainer Borough Delaware County	PAG050065	Atlantic Richfield Company 9 Research Drive, Suite 3 Amherst, MA 01002	Delaware River	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Butler Township Butler County	PAG058363	Handee Marts, Inc. Store 56168 714 Warrendale Road Gibsonia, PA 15044	UNT to Sullivan Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lake City Borough, Erie County	PAG088310	Lake City Borough 2350 Main Street Lake City, PA 16423	Lake City Municipal Authority Maple Avenue Lake City, PA 16423	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Dilick Farm Biosolids Site Burrell Township Armstrong County	PAG086106	Redevelopment Auth. of the City of Johnstown Public Safety Building, 4th Floor Johnstown PA 15901	Dilick Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
McGee Farm Biosolids Site Young Township Indiana County	PAG086106	Redevelopment Auth. of the City of Johnstown Public Safety Building, 4th Floor Johnstown PA 15901	McGee Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133705	Township of Antrim 10655 Antrim Church Road Greencastle, PA 17225	Franlin County	Antrim Township	UNT Conococheague Creek/WWF UNT Marsh Run West Branch/WWF UNT Marsh Run/WWF	Y

**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. 0904511, Public Water Supply.
 Applicant **Doylestown Township Municipal Authority**
 425 Wells Road
 Doylestown, PA 18901
 Township Doylestown
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer SC Engineers, Inc.
 3446 Eton Road
 Allentown, PA 18104
 Permit to Construct Issued February 7, 2005

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

Permit No. 4504504, Public Water Supply.
 Applicant **Stroudsburg Municipal Authority**
 410 Stokes Avenue
 East Stroudsburg, PA 18301
 Borough or Township Stroud Township
 County **Monroe**
 Type of Facility PWS
 Consulting Engineer John Davis, P. E.
 RKR Hess Associates, Inc.
 310 Spruce Street, Suite 202
 Scranton, PA 18503
 Permit to Construct Issued January 28, 2005

Permit No. 4503508, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Borough or Township Middle Smithfield Township
 County **Monroe**
 Type of Facility PWS
 Consulting Engineer William Malos, P. E.
 Pennsylvania American Water Company
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701
 James Palumbo, P. E.
 Quad Three Group, Inc.
 37 North Washington Street
 Wilkes-Barre, PA 18701
 Permit to Construct Issued February 1, 2005

Permit No. 4503505, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Borough or Township Middle Smithfield Township
 County **Monroe**
 Type of Facility PWS

Consulting Engineer William Malos, P. E.
 Pennsylvania American Water Company
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701
 James Palumbo, P. E.
 Quad Three Group, Inc.
 37 North Washington Street
 Wilkes-Barre, PA 18701
 Permit to Construct Issued February 1, 2005

Permit No. 4803502, Public Water Supply.
 Applicant **Nestle Water North America, Inc.**
 405 Nestle Way
 Breinigsville, PA 18031
 Borough or Township Washington Township
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer Edward E. Davis, Sr., P. E.
 WJP Engineers
 1406 Laurel Blvd.
 Pottsville, PA 17901
 Permit to Construct Issued February 4, 2005

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

Permit No. Minor Amendment—Construction Public Water Supply.
 Applicant **Kreamer Municipal Authority**
 Township or Borough Middlecreek Township
 County **Snyder**
 Responsible Official Frank C. Pollock
 Kreamer Municipal Authority
 P. O. Box 220
 Kreamer, PA 17833
 Type of Facility Public Water Supply—Construction
 Consulting Engineer William Sidler, P. E.
 Engineering Consultation & Services
 52 School House Lane
 Turbotville, PA 17772-9512
 Permit Issued Date February 7, 2005
 Description of Action Interconnect between Well No. 9 and Well No. 4.

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

Operations Permit issued to **East Dunkard Water Association**, P. O. Box 241, Dilliner, PA 15327-0241, (PWSID No. 5300012) Dilliner, **Greene County** on February 2, 2005, for the operation of facilities approved under Construction Permit No. 3000501-A1.

Operations Permit issued to **National Pike Water Authority**, 4888 National Pike, Markleysburg, PA 15459, (PWSID No. 5260048) Wharton, Stewart and Henry Clay

Townships, **Fayette County** on February 4, 2005, for the operation of facilities approved under Construction Permit No. 2603501.

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

Permit No. 1604501, Public Water Supply
 Applicant **Limestone Township General Municipal Authority**
 Borough or Township **Limestone Township**
 County **Clarion County**
 Type of Facility **PWS**
 Permit to Construct Issued **February 7, 2005**

WATER ALLOCATIONS

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

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

WA 16-1004. Water Allocation Permit. The Department grants **Limestone Township General Authority's** request for the right to purchase 80,000 gpd, based on a 30-day average from the Pennsylvania American Water Company-Clarion District. Consulting Engineer: Jack A. Rokavec, P. E., Maguire Group Inc., 1040-4 Benner Pike, State College PA 16801-7305. Subsidiary Water Allocation issued February 7, 2005.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Moscow Borough	123 Van Brunt Street Moscow, PA 18444	Lackawanna

Plan Description: The Plan Update provides for increasing the permitted capacity of Moscow Sewer Authority's wastewater treatment plant from 0.180 mgd to 0.300 mgd, with construction of a facility designed to produce a nondegrading effluent discharge into Roaring Brook Creek, a HQ-CWF. The selected alternative of the Plan also recommends that Moscow Sewer Authority should continue an aggressive program to maintain its sewage collection and conveyance system. 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.

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>
North Newton Township	255 Ott Road, Shippensburg, PA 17257	Cumberland

Plan Description: The approved plan provides for a Small Flow Treatment Facility of 600 gpd to serve the existing Big Spring Fish and Game property on Steelstown Road. The proposed SFTF is to repair a malfunctioning onlot sewage system with a treated discharge to an UNT of Conodoguinet Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Lansdale Holding Group, Assoc., LP, Lansdale Borough, **Montgomery County**. Terry McKenna, P. E., Keating Env. Mgmt., Inc., 123 John Robert Thomas Dr., Exton, PA 19341, on behalf of Peter Economou, Lansdale Holding Group Assoc., LP, 230 Windsor Ave., 1st Floor, Narberth, PA 19072 has submitted a Work Plan for Remedial Investigation concerning remediation of site soil and groundwater contaminated with other organics and chlorinated solvents. The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

Philadelphia Gas Works Richmond, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 W. Montgomery Ave., Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs and semi-VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Academic Prop., Inc., City of Philadelphia, **Philadelphia County**. Greg Van Hook, INTEX Env. Group., Inc., 6205 Easton Rd., Pipersville, PA 18947 on behalf of Alice Beck Dubow, Academic Prop., Inc., 3201 Arch St., Ste. 310, Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soil and paved alleyway contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former Lincoln Textile Manufacturing Company (Belvidere and Whitfield Streets), Nazareth Borough, **Northampton County**. Vincent M. Carbone, P. G., Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Final Report (on behalf of his client, Michael Mitch, Lincoln Textile Manufacturing Company, Inc., 900 Conroy Place, Easton, PA) concerning the remediation of site soil and/or groundwater found or suspected to have been contaminated with No. 5 fuel oil. The report was submitted to document attainment of the residential Statewide health standard.

Laura Potter Residence (Gumtree Lane, Birchwood Lakes), Delaware Township, **Pike County**. Salvatore Sciascia, President, S & M Management, Inc., P. O. Box 1429, Milford PA 18337 has submitted a revised Final Report (on behalf of his client, Laura Potter, R. R. 1, Dingmans Ferry, PA) concerning the remediation of soils impacted by the accidental release of No. 2 fuel oil. A Notice of Intent to Remediate was simultaneously submitted. A previously submitted Final Report was submitted within 90 days of the release, but was disapproved on June 10, 2004. The revised report was submitted to document attainment of the residential Statewide health standard.

Former Rossville Chromatex, Borough of West Hazleton, **Luzerne County**. Thomas Hippensteal, P.G., Mid-Atlantic Associates, P. O. Box 1128, North Wales, PA 19454, has submitted a Final Report (on behalf of his client, Kenneth Ludwig, Vice-President, Culp, Inc., P. O. Box 2686, High Point, NC 27261) concerning the remediation of site soil and/or groundwater found or suspected to

have been contaminated with No. 2 fuel oil constituents. The report was submitted to document attainment of the Statewide health standard.

Leeward Asphalt Plant No. 1, Cherry Ridge Township, **Wayne County**. Thomas Quinnan, Leeward Construction, Inc., 9 Collan Park, Honesdale, PA 18431 has submitted a Final Report (on behalf of the property owner, Bill Goodwin Excavating, Paupack, PA 18451) concerning the remediation of soils found or suspected to have been impacted by heating oil. The report was submitted to document attainment of the residential Statewide health soil standard.

Buckeye Pipeline Macungie Station (valve fitting release), Lower Macungie Township, **Lehigh County**. Scott A. Alderfer, P. G., EMS Environmental, Inc., 4550 Bethlehem Pike, Bethlehem, PA 18017 has submitted a Final Report (on behalf of his client, Buckeye Pipeline Co., LP, 5002 Buckeye Road, Emmaus, PA 18049) concerning the remediation of soils impacted by the release of unleaded gasoline constituents. The report was submitted in order to demonstrate attainment of the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

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

Friends of the Riverfront, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Jerry Dettore, Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soil contaminated with PAHs. The applicant proposes to remediate the site to meet the Site Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Pusey Prop./The Hills of London Grove, London Grove Township, **Chester County**. Andrew L. Marchioni, JCMECI, 100 Lake Dr., Newark, DE 19702 on behalf of Phil Pusey, P. O. Box 485, Avondale, PA 19390 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 28, 2005.

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

Union Trade Center, City of Pottsville, **Schuylkill County**. Joseph T. McNally, P. G., GeoServices, LTD, 1525 Cedar Cliff Drive, Camp Hill, PA 17011 submitted a Baseline Environmental Report (on behalf of his client, Hope Towers Associates, LLC, 1530 Mount Hope Avenue, Pottsville, PA 17901) concerning the characterization of site soils and groundwater found or suspected to have been impacted by low concentrations of petroleum hydrocarbons, PCBs and inorganics as the result of historic operations. The report was submitted in partial fulfillment of the Special Industrial Area Standard and was approved on January 25, 2005. A Baseline Environmental Report Workplan had previously been submitted and was approved on May 21, 2004.

Comfort Inn—West Hazleton, West Hazleton Borough, **Luzerne County**. Matthew Gordon, Walter B. Satterthwaite Associates, Inc., 720 Old Fern Road, West Chester, PA 19380 submitted a Final Report (on behalf of his client, West Hazleton Hospitality, LP, 1244 West Chester Pike, West Chester, PA 19380) concerning the remediation of site groundwater impacted by a known

upgradient release of petroleum hydrocarbons. The report demonstrated attainment of a background standard for groundwater and was approved on January 11, 2005.

HRA Unit A, City of Hazleton, **Luzerne County**. Larry Roach, P. G., Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 submitted a Baseline Environmental Report (on behalf of his client Hazleton Redevelopment Authority, City Hall, 40 N. Church St., Hazleton, PA 18201) concerning the remediation of site soils and groundwater found to be impacted by low concentrations of chlorinated solvents, used motor oil, metals, pesticides and PCBs as the result of historic site operations. The report was submitted in partial fulfillment of the Special Industrial Area standard and was approved on January 6, 2005.

HRA Units B and C, City of Hazleton, **Luzerne County**. Larry Roach, P. G., Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 submitted a Baseline Environmental Report (on behalf of his client Hazleton Redevelopment Authority, City Hall, 40 N. Church St., Hazleton, PA 18201) concerning the remediation of site soils and groundwater found to be impacted by low concentrations of chlorinated solvents, used motor oil, metals, pesticides and PCBs as the result of historic site operations. The report was submitted in partial fulfillment of the Special Industrial Area standard and was approved on January 6, 2005.

Gansfuss Property (41 Crest Drive, Split Rock Resort Development), Kidder Township, **Carbon County**. Scott Alderfer, P. G., Project Manager, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 submitted a Final Report (on behalf of his client, Yawga Energy Products LLC, f/k/a Agway Energy Products, 5790 Widewaters Parkway, Dewitt, NY 13214) concerning the remediation of an accidental release of No. 2 fuel oil in a residential home basement. The report documented attainment of the residential Statewide health soil standard and was approved on December 29, 2004.

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

Saint Mary's Church of the Assumption—Rectory, Wyalusing Borough, **Bradford County**, Marshall Miller & Assoc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Final Report concerning soil and groundwater contaminated with fuel oil. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 31, 2005.

Scientific Systems, Inc.—Carolean Drive Property, College Township, **Centre County**, Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 has submitted a Final Report concerning soil and groundwater contaminated with chlorinated solvents. This Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on February 2, 2005.

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

Former Pittsburgh Metals Purifying Site, Ivy Woods, Clinton Township **Butler County**. William G. Wier, Civil & Env. Consultants, Inc., 333 Baldwin Rd., Pittsburgh PA 15205 on behalf of Ivy Woods Ind. Works, 161 Deer Creek Rd., Saxonburg PA 16056 has submitted a Final Report concerning the remediation of site Soil contaminated with Asbestos. The Final report demon-

strated attainment of the Site Specific, nonresidential standards requirements and was approved by the Department on February 4, 2005.

GE Thermometrics, Mount Jewett Borough, **McKean County**. Michael Sykes, MWH Americas Inc., 10 Airline Dr. Suite 200, Albany, NY 12205, on behalf of William Trumbull, GE Thermometrics, 967 Windfall Rd., St. Marys, PA 15857-3397 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics and other organics. The Final Report demonstrated attainment of the nonresidential standards and was approved by the Department on January 13, 2005.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Issued

Perma-Fix of Maryland, Inc., dba A & A Environmental, 5200 Raynor Avenue, Linthicum, MD 21090. License No. PA-AH0715. Effective January 13, 2005.

Hazardous Waste Transporter License Renewed

Pollution Control Industries, Inc., 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH0537. Effective January 28, 2005.

Monarch Transport, Inc., P. O. Box 330, Woodstown, NJ 08098. License No. PA-AH0558. Effective January 31, 2005.

Reserve Environmental Services, Inc., P. O. Box 1038, Ashtabula, OH 44005-1038. License No. PA-AH0678. Effective January 31, 2005.

Ecoflo, Inc., 2750 Patterson Street, Greensboro, NC 27407. License No. PA-AH0225. Effective February 2, 2005.

The Pennohio Corporation, 4813 Woodman Avenue, Ashtabula, OH 44004. License No. PA-AH0618. Effective February 2, 2005.

Brenntag Northeast, Inc., P. O. Box 13788, Reading, PA 19612. License No. PA-AH0082. Effective February 2, 2005.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 100714. West Fallowfield Township Municipal Landfill, 3095 Limestone Road, Cochranville, PA 19330, West Fallowfield Township, **Chester County**. Final closure certification was approved and the 1978 permit was revoked by the Southeast Regional Office on February 4, 2005.

AIR QUALITY

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

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

46-0041C: Jefferson Smurfit Corp. (1035 Longford Road, Phoenixville, PA 19460) on February 2, 2005, to operate a flexographic printing press in Upper Providence Township, **Montgomery County**.

09-0016A: Exelon Generation Co., LLC (955 River Road, Bristol, PA 19007) on February 4, 2005, to operate a combustion turbines Nos. 21 and 32 in Bristol Township, **Bucks County**.

15-0099: MultiServ (South 1st Avenue, Coatesville, PA 19320) on February 1, 2005, to modify a scrap cutting torch with baghouses in South Coatesville Borough, **Chester County**.

46-0054A: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) on February 3, 2005, to operate two emergency generators in Abington Township, **Montgomery County**.

23-0003F: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on February 2, 2005, to operate an internal scrubber platformer unit in Trainer Borough, **Delaware County**.

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

40-312-044: Scranton Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) on January 26, 2005, construct a truck unloading rack and associated air cleaning device at their Ease Dupont Terminal at 801 Suscon Road, Pittston Township, **Luzerne County**.

54-399-036: GHM, Inc. (17 Pinedale Industrial Road, Orwigsburg, PA 17961) on January 18, 2005, to construct a fiberglass water and foam storage tank manufacturing process at their facility in West Brunswick Township, **Schuylkill County**.

48-322-005: Grand Central Sanitary Landfill, Inc. (1963 Pen Argyl Road, Pen Argyl, PA 18072) on January 31, 2005, to install an air cleaning device at their facility in Plainfield Township, **Northampton County**.

40-399-054: Fairchild Semiconductor Corp. (125 Crestwood Drive, Mountaintop, PA 18707) on January 31, 2005, to construct a wafer manufacturing process and associated air cleaning devices at their facility in Wright Township, **Luzerne County**.

48-318-136: Lifetime Doors, Inc. (4111 Kesslersville Road, Easton, PA 18040) on January 31, 2005, to construct a paint spray booth and associated air cleaning device at their facility in Easton, **Northampton County**.

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

36-05027E: R R Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) on February 1,

2005, to install two 20 chrome plating tanks at their Lancaster East facility in Lancaster City, **Lancaster County**.

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

08-399-045A: OSRAM SYLVANIA PRODUCTS, Inc. (Hawes Street, Towanda, PA 18848) on January 21, 2005, to construct a thermal spray system and associated air cleaning system (fabric collector and HEPA filter) in North Towanda Township, **Bradford County**.

08-399-023F: OSRAM SYLVANIA PRODUCTS, Inc. (Hawes Street, Towanda, PA 18848) on January 27, 2005, to install a fabric collector to control particulate emissions from their Grade Mix powder department in North Towanda Township, **Bradford County**.

08-399-019D: OSRAM SYLVANIA PRODUCTS, Inc. (Hawes Street, Towanda, PA 18848) on January 28, 2005, to construct a new Corp. chemical digestion reactor in North Towanda Township, **Bradford County**.

49-302-028B: Catawissa Lumber and Specialty Co. (P. O. Box 176 Catawissa, PA 17820-0176) on December 20, 2004, to construct a 17.44 mmBtu/hr wood waste fired boiler and associated air cleaning device (a multi-clone collector) in Ralpho Township, **Northumberland County**.

41-318-048: Keystone Leather Distributors, LLC (2925 West Fourth Street, Williamsport, PA 17701) on January 11, 2005, to construct a leather shoe sole waterproofing operation in the City of Williamsport, **Lycoming 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.

09-0009D: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) on February 1, 2005, to operate a printing press and thermal oxidizer in New Britain Township, **Bucks County**.

09-0157: Barrett Asphalt, Inc. (7503 Weymouth Road, Hammonton, NJ 08037) on January 28, 2005, to operate a bituminous concrete drum-mix plant in Falls Township, **Bucks County**.

23-0066A: PyroPure, Inc.—t.a. Pyromet (5 Commerce Drive, Aston, PA 19014) on February 1, 2005, to operate three crucible and three rotary furnaces in Chester Township, **Delaware County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on February 1, 2005, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

46-0035B: SmithKline Beecham dba GlaxoSmith-Kline (1250 South Collegeville Road, Collegeville, PA 19426) on February 1, 2005, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

46-0112A: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on February 1, 2005, to operate a four liquid resin process vessel in Skippack Township, **Montgomery County**.

09-0075A: Dunmore Corp. (145 Wharton Road, Bristol, PA 19007) on February 4, 2005, to operate a two coater and mixing equipment in Bristol Township, **Bucks County**.

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

14-00014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on January 31, 2005, to operate a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis until May 31, 2005, in Spring Township, **Centre County**. The plan approval has been extended.

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

32-00238A: Weimer's Iron and Scrapmetal (5639 Tunnelton Road, Saltsburg, PA 15681) on February 7, 2005, for their Aluminum Melting Furnace at Saltsburg Facility in Conemaugh Township, **Indiana County**. This plan approval was extended.

56-00011B: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on February 7, 2005, for their Crushing Plant at Central City Sand Plant in Shade Township, **Somerset County**. This plan approval was extended.

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

25-911A: Humane Society of Northwestern PA (418 West 38th Street, Erie, PA 16508) on December 31, 2004, to construct a crematory incinerator in Erie, **Erie County**.

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

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

06-05004: Baldwin Hardware Corp. (P. O. Box 15048, Reading, PA 19612) on February 7, 2005, to operate their brass hardware manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the Title V operating permit.

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 Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

09-00063: New Hope Crushed Stone (P. O. Box 248, New Hope, PA 18938) on February 7, 2005, to operate a Synthetic Minor Operating Permit in Solebury Township, **Bucks County**.

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

06-03048: Fusion Coatings, Inc. (P. O. Box 224, Robeson, PA 19551) on February 7, 2005, to operate a small metal parts specialty finishing facility in Heidelberg Township, **Berks County**.

28-03026: Gish Logging, Inc. (4980 Path Valley Road, P. O. Box 282, Fort Loudon, PA 17224) on February 4, 2005, for their Natural Minor Operating Permit in Metal Township, **Franklin County**.

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

41-00059: Stroehmann Bakeries LC (3375 Lycoming Creek Road, Williamsport, PA 17701) on January 4, 2005, to operate a bread/roll baking facility in Old Lycoming Township, **Lycoming County**.

17-0022: Walker Lumber, Inc. (P. O. Box 60, Woodland, PA 16881) on January 11, 2005, to operate their sawmill facility in Bradford Township, **Clearfield County**.

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

S03-009: Jowitt and Rodgers Co. (9400 State Road, Philadelphia, PA 19114) on February 4, 2005, to operate an abrasive grinding wheel manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the solvent cleaning of tools and molds, 10 curing ovens, 16 space heaters, a gas-fired steam cleaner, and wheel and segment blow-off, cutting and grinding.

S03-006: Germantown Hospital and Community Health Services (One Penn Boulevard, Philadelphia, PA 19144) on February 4, 2005, to operate in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include two 600 hp boilers, a 350 hp boiler and two emergency generators.

S03-008: Nazareth Hospital (2601 Holme Avenue, Philadelphia, PA 19152) on February 4, 2005, to operate in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include a 500 hp boiler, a 400 hp boiler, a 350 hp boiler, and four emergency generators.

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

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

23-00009: Boeing Co.—Integrated Defense Systems—Rotocraft (P. O. Box 16858, MC P25-75, Philadelphia, PA 19142) on February 7, 2005, to amend the operation of a facility Title V Operating Permit in Ridley Township, **Delaware County**.

46-00035: SmithKline Beecham dba GlaxoSmith-Kline (1250 South Collegeville Road, Collegeville, PA 19426) on February 7, 2005, to amend and modify the operation of their facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

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

38-03007: Eagle Evans Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) on January 31, 2005, to operation a human crematorium in Heidelberg Township, **Lebanon County**. This Operating Permit was adminis-

tratively amended to reflect a change of ownership from Con-O-Lite Burial Vault Company. This is Revision No. 1.

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

59-00004: Ward Manufacturing, Inc. (115 Gulick Street, Blossburg, PA 16912) on February 1, 2005, to incorporate, by means of administrative amendment, the conditions established in Plan Approval 59-00004C, issued on July 20, 2004, for the installation of an air cleaning device (a fabric collector) on an iron melting cupola in Blossburg Borough, **Tioga County**. The facility is a major (Title V) facility.

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

20-00035: Molded Fiber Glass Co.—Tray Company (6175 US Highway 6, Linesville, PA, 16424) on February 1, 2005, to issue an administrative amendment of the Title V Operating Permit to incorporate a change of Responsible Official for their facility in Linesville Borough, **Crawford County**.

10-00309: Multiserv (Route 8 South, Butler, PA 16001) on February 3, 2005, for an administrative amendment of Natural Minor Permit to incorporate the conditions of plan approval No. 10-309C for Scalper and change of facility's name from Heckett MultiServ to MultiServ. The facility is operating a slag processing plant in Butler Township, **Butler County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

30831303. NPDES Permit No. PA0013511, Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine in Whiteley Township, **Greene County** and related NPDES permit from RAG Cumberland Resources, LP. No additional discharges. Permit issued January 31, 2005.

30841307. NPDES Permit No. PA0213438, Emerald Coal Resources, LP (P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** and related

NPDES permit from RAG Emerald Resources, LP. No additional discharges. Permit issued January 31, 2005.

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

03000101 and NPDES Permit No. PA0202711. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal permit for reclamation only of an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 233 acres. Receiving streams: Cherry Run and UNTs to Cherry Run. Renewal application received: November 11, 2004. Renewal permit issued: January 31, 2005.

02823014 and NPDES Permit No. PA0617661. Xecol Corporation (200 Marshall Drive, Coraopolis, PA 15108). Renewal permit issued for reclamation and post mining discharge remediation only of an existing bituminous surface mine, located in Robinson Township, **Allegheny County**, affecting 72.0 acres. Receiving streams: Campbells Run to Chartiers Creek to Ohio River. Application received: June 1, 2004. Renewal permit issued: February 8, 2005.

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

10040102 and NPDES Permit No. PA0242501. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Concord Township, **Butler County** affecting 179.0 acres. Receiving streams: six UNTs to Bear Creek. Application received: March 23, 2004. Permit Issued: January 28, 2005.

1475-10040102-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities within 25 feet of an UNT to Bear Creek. Receiving streams: six UNTs to Bear Creek. Application received: March 23, 2004. Permit Issued: January 28, 2005.

33990114 and NPDES Permit No. PA0241687. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Pine Creek Township, **Jefferson County** affecting 62.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Five Mile Run and Five Mile Run. Application received: December 9, 2004. Permit Issued: February 2, 2005.

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

54840105R4. Mine Hill Coal Co. No. 7, Inc. (P. O. Box 466, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 372.2 acres, receiving stream: none. Application received November 8, 2004. Renewal issued February 1, 2005.

Noncoal Permits Actions

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

37042801. Mayberry Sand & Gravel, Inc. (442 18 South, New Castle, PA 16102). Commencement, operation and restoration of a small noncoal sand and gravel operation in North Beaver Township, **Lawrence County** affecting 3.6 acres. Receiving stream: Beaver River. Application received: September 30, 2004. Permit issued: February 2, 2005.

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

6374SM1C4 and NPDES Permit No. PA0224383. Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044), correction to an existing quarry operation for a boundary correction and to add NPDES for discharge of treated mine drainage in Hemlock and Madison Townships, **Columbia County** affecting 210.97 acres, receiving stream: UNT to Little Fishing Creek. Application received March 15, 2004. Correction issued February 1, 2005.

5273SM1T2 and NPDES Permit PA0594261. Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), transfer of an existing quarry operation and renewal of NPDES Permit for discharge of treated mine drainage in Aston Township, **Delaware County** affecting 50.02 acres, receiving stream: Chester Creek. Application received August 11, 2004. Transfer issued February 3, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

14054002. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16804), for construction blasting, located in Spring and Boggs Township, **Centre County**, with an expected duration of 288 days. Permit issued: February 1, 2005.

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

06054003. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Woodgate Apartment Homes in Exeter Township, **Berks County** with an expiration date of December 24, 2005. Permit issued January 31, 2005.

22054001. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Winding Oaks in Swatara Township, **Dauphin County** with an expiration date of February 24, 2006. Permit issued January 31, 2005.

36054002. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Arbor Rose Development in Mt. Joy Borough, **Lancaster County** with an expiration date of January 30, 2006. Permit issued January 31, 2005.

36054107. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Cross Gates Development in Millersburg Borough and Manor Township, **Lancaster County** with an expiration date of January 28, 2006. Permit issued February 2, 2005.

36054108. Keystone Blasting Service (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for Lancaster Evangelical Free Church in Warwick Township, **Lancaster County** with an expiration date of May 30, 2005. Permit issued February 2, 2005.

46054104. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Belmont Estates in Franconia Township, **Montgomery**

County with an expiration date of February 28, 2006. Permit issued February 2, 2005.

28054005. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Shadow Creek Development in Antrim Township, **Franklin County** with an expiration date of January 31, 2006. Permit issued: February 3, 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.

E15-633. County of Chester, Office of the County Engineer, 117 W. Gay Street, West Chester, PA 19380-2901, London Grove Township, **Chester County**, ACOE Philadelphia District.

To remove an existing three span concrete encased steel bridge structure and to construct and maintain a 65-foot single span steel bridge spanning the Middle Branch of White Clay Creek with an underclearance of 5 feet, 11 inches. This work also includes the removal of an unvegetated gravel bar located upstream of the bridge and stabilize adjacent stream banks. In addition, this permit will authorize the construction of a temporary road crossing consisting of five 5-foot diameter CMP pipes downstream of the bridge. This site is located on Valley Road approximately 400 feet southwest of its intersection with South Guernsey Road (West Grove, PA-DE, Quadrangle N: 12.35 inches; W: 12.15 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)).

E09-878. ZJ and T, LLC, 18 Lodi Hill Road, Upper Black Eddy, PA 18972, Bridgeton Township, **Bucks County**, ACOE Philadelphia District.

To maintain an existing boat launch, to remove the existing floating dock and to construct and maintain 992 square feet of new floating dock in and along the Delaware River (WWF, MF). The site is located at 1469 River Road (Frenchtown, NJ-PA N: 11.00 inches; W: 13.75 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)).

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

E39-442. City of Allentown, Bureau of Parks, 2700 Parkway Boulevard, Allentown, PA 18104-5399. City of Allentown, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an 8-foot wide prefabricated pedestrian bridge (Cedar Beach Crossing) on existing stone masonry abutments, having a 32.75-foot span and a 2.7-foot approximate underclearance across Cedar Creek (HQ-CWF) and to modify and maintain an existing 5-foot wide pedestrian bridge (Rose Garden Crossing) having 20.5-foot span and a 3-foot approximate underclearance across Cedar Creek with work consisting of replacing the wooden superstructure.

The Rose Garden Crossing is located approximately 1,300 feet downstream of Ott Street (Allentown West, PA Quadrangle N: 16.5 inches; W: 2.3 inches) and the Cedar Beach Crossing is located approximately 600 feet upstream of Ott Street (Allentown West, PA Quadrangle N: 17.0 inches; W: 1.5 inches) in the City of Allentown, Lehigh County. (Subbasin: 2C)

E13-140. Franklin Township, 900 Fairyland Road, Lehighton, PA 18235. Franklin Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an open-bottom concrete arch culvert driveway crossing having a 16-foot span and a 4-foot underclearance across Sawmill Run (CWF) for the purpose of providing access to Lot No. 41 of the Sawmill Run Subdivision and to construct and maintain a

temporary construction crossing consisting of a 42-inch diameter corrugated pipe across Sawmill Run. The project is located approximately 0.25 mile downstream of the Pennsylvania Turnpike's crossing of Sawmill Run (Christmans, PA Quadrangle N: 1.3 inches; W: 3.5 inches). (Subbasin: 2B)

E54-317. Hegins-Hubley Authority, 915 West Maple Street, Valley View, PA 17983. Hubley Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To place fill in approximately 0.31 acre of EV, PFO wetlands for the purpose of constructing an approximate 900-foot long road to provide access to a proposed well and well house. The permittee is required to provide 0.32 acre of replacement wetlands. The project is located east of Kushwa Road, approximately 0.25 mile south of S.R. 0025 (Valley View, PA Quadrangle N: 0.1 inch; W: 16.6 inches). (Subbasin: 6B)

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

E05-327: Woodbury Township Supervisors, 4100 Woodbury Pike, P. O. Box 280, Woodbury, PA 16695 in Woodbury Township, **Bedford County**, ACOE Baltimore District

To construct and maintain 24 linear feet of 29-inch by 45-inch concrete culvert, a 6-foot by 6-foot riprap pad at the culvert outlet, and a 15-foot by 12-foot riprap pad at the culvert inlet all within the channel of an UNT to Yellow Creek (HQ-CWF), an ephemeral watercourse, at a point (Martinsburg, PA Quadrangle N: 0.8 inch; W: 14.0 inches) along Over Road (T-645) approximately 660 feet west of SR 866 in Woodbury Township, Bedford County. The project will result in 45 feet of direct permanent impacts to the channel of the UNT to Yellow Creek.

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

E14-468. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 4004, Section A01, Culvert Replacement over Bush Hollow Run, Union Township, **Centre County**, ACOE Baltimore District (Bear Knob, PA Quadrangle N: 12.88 inches; W: 0.99 inch).

To remove the existing bridge and to construct and maintain: 1) a 13 foot by 5 foot 6 inch reinforced concrete box culvert that has baffles, wingwalls and is buried 1 foot into the streambed of Bush Hollow Run; 2) R-6 riprap choked with native rock or R-3 riprap along the wingwalls and the culvert openings; 3) a temporary coffer dam with two 48-inch diameter pipe bypass system; 4) a stormwater 18-inch reinforced concrete pipe outlet and its associated R-3 riprap outfall on the right stream bank down stream of the roadway, located 50 feet southwest of the intersection of SR 4004 (Bush Hollow Road) and T-302 (Dubbs Road) (Bear Knob, PA Quadrangle N: 12.88 inches; W: 0.99 inch) in Union Township, Centre County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-379. Lamar Township, 148 Beagle Road, Mill Hall, PA 17751. Bolopue Road, in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 15.5 inches; W: 10.5 inches).

To remove a variety of existing encroachments, while they construct and maintain: 1) 955 feet of reconstructed

channel, 2) four 18-inch PE cross-pipes for storm sewer totaling 195 feet in length, 3) 2,400 linear feet of cut and fill for a new 20-foot wide roadway partially within 50 feet of the top of bank of the existing and proposed stream channel, 4) one 71-inch by 47-inch CMPA 60-foot in length, 5) three 64-inch by 43-inch CMPA totaling 175 linear feet, 6) five rock grade controlling cross vanes, 7) R-5 and R-7 riprap aprons and bank stabilization, 8) one 77-inch by 52-inch CMPA 40-foot long, 9) two 57-inch by 38-inch CMPA totaling 130 linear feet with a low flow/high flow splitting concrete inlet structure connected to both pipes, 10) two 18-inch PE driveway pipes totaling 185 feet, 11) a 36-inch PE diameter pipe 223 feet long, 12) a 36-inch reinforced concrete pipe 141 feet long, 13) a 29-inch by 45-inch elliptical reinforced concrete pipe 99 feet long, in an ephemeral UNT to Long Run to stop regular flooding of a township road located at the intersection of SR 0477 and Bolopue Road.

E49-284. Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823. Water Obstruction and Encroachment Permit, in the City of Sunbury, **Northumberland County**, ACOE Susquehanna River Basin District (Sunbury, PA Quadrangle N: 17.625 inches; W: 7.625 inches).

To construct and maintain a concrete access ramp measuring 30 feet wide by 155 feet long with gabion basket and R-6 rock protection located at the existing Sunbury Fish and Boat Commission access ramp along the western right-of-way of SR 0147. This project proposes to have a minimal impact on the Susquehanna River, which is listed as a WWF. The project does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E33-224. Jefferson County Commissioners, Jefferson Place, 155 Main Street, Brookville, PA 15825. Jefferson County Bridge No. 17, T-464 Over Little Mill Creek, in Pine Creek Township, **Jefferson County**, ACOE Pittsburgh District (Brookville, PA Quadrangle N: 6.8 inches; W: 4.7 inches).

To 1) demolish and remove from the floodway/plain the existing concrete arch bridge having a single clear span of 38' 2" and an under clearance of 7' 11", a clear roadway width of 14' 5" and a skew of 90°; 2) to construct and maintain a reinforced concrete box beam bridge having an approximate clear span of 46' 9" and an under clearance of 8' 0", a clear roadway width of 28' 0" and a skew of 75°; 3) to construct a temporary road crossing; 4) fill a de minimis 0.027 acre of PSS wetlands at a point approximately 1.25 miles north of SR 0322 on T-464 (Sulgar Road) over Little Mill Creek (HQ-CWF).

ENVIRONMENTAL ASSESSMENTS

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

EA01-003. Gettysburg National Battlefield Museum Foundation, 6259 Reynolds Mill Road, Seven Valleys, PA 17360 in Cumberland Township, **Adams County**, ACOE Baltimore District

The Gettysburg National Battlefield Museum Foundation and the National Park Service are requesting Environmental Assessment Approval to restore 530 linear feet of an UNT to Rock Creek, locally called Guinn Run, and

create 840 linear feet of new channel. The stream restoration is associated with the removal of three on stream ponds associated with the old Fantasyland amusement park. The project is located just south of Hunt Avenue (Gettysburg, PA Quadrangle N: 11.2 inches; W: 14.7 inches) in Cumberland Township, Adams County. The project will implement a natural stream channel design using bed sills, single and double toe boulders, and boulder step pools. The project will permanently impact 0.23 acres of shrub/forested wetland. The permittee is required to create a minimum of 0.45 acres of replacement wetlands on-site in accordance with the approved wetland mitigation plan. The permittee is required monitor both the stream and wetland for a 5-year period as proposed and approved.

Initial Publication December 4, 2004
 Bulletin Expiration January 3, 2005

SPECIAL NOTICES

Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) hereby announces the following grants to counties under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.901), section 208 of the Small Business and Household Pollution Prevention Act (35 P. S. § 6029.208) and the Waste Tire Recycling Act (35 P. S. §§ 6029.101—6029.115).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the Municipal Waste Planning, Recycling and Waste Reduction Act, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grant

Region	County	Applicant	Project Description	Grant Award
Northwest	Erie	Erie County	Plan Revision	55,011
Northwest	Mercer	Mercer County	Feasibility Study	61,251

[Pa.B. Doc. No. 05-321. Filed for public inspection February 18, 2005, 9:00 a.m.]

Advanced Energy Project Development; Letter of Interest Solicitation

The Department of Environmental Protection (Department) is interested in promoting the development of a new manufacturing sector in this Commonwealth that focuses on advanced and renewable energy systems, energy efficiency and conservation and clean advanced energy businesses. In addition, the Department seeks to encourage manufacturers in this sector who are located elsewhere to consider establishing manufacturing, sales, marketing and distribution businesses in this Commonwealth. Proposals for manufacturing relocations, expansions or proposals related to specific energy project development opportunities are of particular interest to the State. Interested parties are encouraged to respond with a letter of interest that should include the following:

A two-page executive summary that includes a description of the project, project principals, goals and objectives of the project, financial requirements, if any, and expected project benefits, including job statistics, economic development benefits, environmental improvements, and the like. Include a general overview of the company, including its history, present situation and future goals. If past sales and market development data are available, include these.

The Department is most interested in project proposals that will establish long-term manufacturing operations within this Commonwealth or will provide low-cost, reliable energy to manufacturers and industrial customers from energy resources indigenous to this Commonwealth, such as coal gasification, coal-mine methane, waste coal, biomass, wind and solar. However, project summaries should not be limited to these categories. The Department will entertain any energy projects that provide the potential for long-term economic and environmental benefits to this Commonwealth.

The deadline for response to this letter of interest solicitation is April 1, 2005. The Department will work with the Governor's Action Team and the Departments of Community and Economic Development and Agriculture to identify project funding from various Commonwealth funding sources. As appropriate, the Department may also help to identify project partners for promising proposals.

What the Department has to Offer Successful Applicants

Governor Rendell has made the promotion of advanced energy a cornerstone of this Commonwealth's economic revitalization strategy. Affordable, reliable and environmentally beneficial energy is the foundation for a growing economy. The Commonwealth has adopted a number of progressive policy and financial tools designed to promote advanced energy projects in this Commonwealth, including:

- An Advanced Energy Portfolio Standard requiring 18% of the electricity sold at retail in this Commonwealth to come from advanced sources, including 8% from renewables with a substantial solar requirement.
- The Commonwealth is in the process of adopting Statewide standards for net metering and interconnection.
- A restructured, competitive electricity market, including the largest competitive wholesale electricity market in the world managed by PJM.
- Up to \$1 billion in tax-exempt bond financing for energy development in this Commonwealth.

- Up to \$100 million to support energy efficiency and renewable-energy projects that benefit the agricultural sector.

- \$20 million in grants for alternative fuels projects.
- \$5 million in grants annually for small-scale renewable, energy efficiency and advanced energy projects.
- \$10 million in grants, loans and loan guarantees for advanced energy projects.
- Opportunities for low-cost, long-term partnerships with existing manufacturers and industrial operations.
- Other funding, financing guarantees, tax and research credits are also available.

This Commonwealth has a wealth of natural resources and infrastructure that makes it a prime location for advanced energy development, including approximately 300 years of proven coal reserves, 11.3 trillion cubic feet of coal-mine methane, the largest stream and river system in the continental United States, a large agricultural sector and some of the most significant wind resources in the northeastern United States.

This Commonwealth is located at the center of the largest, wealthiest market in North America. Six out of ten major United States markets lie within a 500-mile radius of this Commonwealth's capital, Harrisburg. This radius provides access to more than 40% of the United States and Canadian population and purchasing power. This Commonwealth's sophisticated transportation system includes six international airports, 5,600 miles of railways, 44,000 miles of highways and three major ports with access to the Great Lakes, the Atlantic Ocean and the Gulf of Mexico.

Questions related to this letter of interest solicitation should be referred to Eric Thumma or Jeanne Dworetzky, (717) 783-0540, ethumma@state.pa.us or jdworetzky@state.pa.us.

Responses to this letter of interest solicitation should be mailed to the Office of Energy and Technology Development, Department of Environmental Protection, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-322. Filed for public inspection February 18, 2005, 9:00 a.m.]

Availability of Technical Guidance

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

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

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not avail-

able, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

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

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 383-3301-106. Title: Turbidity Reporting Instructions for Public Water Systems Using Filtered Surface Water or Groundwater Under the Direct Influence of Surface Water (GUDI) Sources. Description: This manual, which was formerly titled Filter Rule Reporting Instructions for Public Water Systems Using Filtered Surface Water Resources, contains detailed instructions for reporting monitoring results for turbidity to the Department as required by the PA Filter Rule (Federal Surface Water Treatment Rule), the Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1 ESWTR). The turbidity reporting instructions in this manual were recently updated to reflect the new Federal monitoring and reporting requirements for turbidity, as specified in the IESWTR and LT1 ESWTR rules. Substantive changes to the manual were made and advertised for public comment at 34 Pa.B. 5723 (October 16, 2004). Those changes included the lowering of turbidity standards for combined filter effluent, the incorporation of new monitoring and reporting requirements for individual filters and the incorporation of a revised SDWA-5 Form for reporting monthly filter plant performance data. No public comments were received during the public comment period, which was open from October 16, 2004, to November 15, 2004. The instructions in this manual apply to public water systems that are required to submit surface water turbidity monitoring results to the Department. The monitoring and reporting requirements described in this manual are in addition to other routine monitoring and reporting requirements for public water systems and do not supersede them. Contact: Phil Consonery, Bureau of Water Supply and Wastewater Management, (717) 772-2184, pconsonery@state.pa.us. Effective Date: February 19, 2005.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-323. Filed for public inspection February 18, 2005, 9:00 a.m.]

Regional Stormwater Management Manual Focus Group Meetings

The Department of Environmental Protection (Department) is developing a Pennsylvania Stormwater Best Management Practices Manual (manual). The manual will support the implementation of Federal and State water quality programs, emphasizing innovative best management practices that encourage onsite stormwater management and increased groundwater infiltration as a

means to minimize stormwater discharges and limit the amount of surface pollutants entering streams in this Commonwealth. A Statewide oversight committee was appointed to monitor the development of the manual and to provide expert advice, technical review and general guidance to the project contractor that will develop the manual.

On January 28, 2005, the Department finished the first round of six regional focus group meetings. These meetings were convened to provide an opportunity to individuals who are actively involved with stormwater management at the local level to participate in the manual development process but who could not attend the Statewide oversight committee meetings. Members of the regional focus groups were asked to review the manual for its applicability, develop comments and provide recommendations to the Department. The input provided by the regional focus groups ensured that the contents of the manual, including recommended approaches, methodologies and best management practices, are regionally sensitive and applicable.

A second round of regional focus group meetings will be held to discuss the comments and recommendations provided by each regional focus group member. If necessary, a third meeting will be held to ensure that all the recommendations and suggestions provided by the regional focus groups are given full and thorough consideration. All meetings are open to the public. The dates and times of the second round of meetings are as follows:

- | | |
|-------------------|---|
| February 28, 2005 | 10 a.m.—4 p.m.
DEP Northeast Regional Office
Susquehanna Rooms A and B
2 Public Square
Wilkes-Barre, PA 18711 |
| March 2, 2005 | 9 a.m.—3 p.m.
DEP Northwest Regional Office
First Floor Conference Room B
230 Chestnut Street
Meadville, PA 16335 |
| March 3, 2005 | 9 a.m.—3 p.m.
Westmoreland County Conservation
District
211 Donohoe Road
Greensburg, PA 15601 |
| March 7, 2005 | 10a.m.—4 p.m.
DEP Southeast Regional Office
Delaware and Schuylkill River
Rooms
2 East Main Street
Norrstown, PA 19401 |
| March 10, 2005 | 10 a.m.—4 p.m.
DEP Northcentral Regional Office
Goddard Room, Suite 101
208 West Third Street
Williamsport, PA 17701 |
| March 11, 2005 | 9 a.m.—3 p.m.
DEP Southcentral Regional Office
Susquehanna Rooms A and B
909 Elmerton Avenue
Harrisburg, PA 17110 |

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5963 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Questions concerning the regional focus group meetings should be directed to Dennis Stum, Bureau of Watershed Management, (717) 772-5963, dstum@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-324. Filed for public inspection February 18, 2005, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Wednesday, March 9, 2005, at 10 a.m. in the 3rd Floor Conference Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

The ADA contact is Gina Meckley, (717) 783-9424.

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 05-325. Filed for public inspection February 18, 2005, 9:00 a.m.]

Public Comment on Amendments to the State Plan

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973 as amended in the Workforce Investment Act of 1998, announces a period of public comment throughout this Commonwealth. The purpose of this period of comment is to provide individuals, advocates and other interested parties and/or organizations the opportunity to present their views and recommendations regarding vocational rehabilitation (VR) services for persons with disabilities. In this Commonwealth, those services are provided by the OVR through a network of 21 local district offices and Hiram G. Andrews.

The OVR is required under law to develop and implement a Combined Agency State Plan (State Plan) which must be reviewed and, as necessary, revised annually when there are changes to the Commonwealth's VR program. The State Plan currently in effect for Federal Fiscal Year 2005 is a compliance document filed with the Commissioner, Rehabilitation Services Administration, United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities in this Commonwealth.

This period of public comment gives interested parties an opportunity to provide input regarding the Commonwealth's public VR program. Specifically, comment is being solicited regarding the following State Plan components: input and recommendations of the Pennsylvania Rehabilitation Council; comprehensive system of personnel development; annual estimate of individuals to be served and costs of services; the Commonwealth's goals and priorities; order of selection; distribution of supported employment funds; and innovation and expansion activities. In addition to these areas, the Bureau of Blindness and Visual Services (BBVS) will accept public comment on the Business Enterprises Program, Specialized Services for Children and Adults and Independent Living Services for Older Persons Who are Blind.

All meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests, individuals should call the OVR district office or BBVS district office conducting the public meeting they wish to attend.

If an individual or organization is unable to attend a public meeting, but wishes to give testimony, written comments should be mailed to the appropriate OVR or BBVS district office serving the area in which the individual or organization resides. Written comments should be submitted to that district office by April 15, 2005.

A listing of OVR district offices, Hiram G. Andrews and BBVS district offices and their addresses and telephone numbers (voice and TTY) follows. The public meetings are planned for April 4, 2005, through April 15, 2005. Persons or organizations who wish to obtain information regarding the specific time and location of a meeting in their area, a copy of the State Plan Attachments or other information regarding available services should contact the appropriate district office in their area.

Copies of the current State Plan Attachments are available on the OVR website: www.state.pa.us, PA Keyword: "Disability Services."

OVR District Offices

Allentown OVR District Office
(Carbon, Lehigh, Monroe and Northampton Counties)
45 North 4th Street, Allentown, PA 18102
(800) 922-9536 (Voice)
(888) 377-9207 (TTY)

Altoona OVR District Office
(Bedford, Blair, Centre, Fulton and Huntingdon Counties)
1101 Green Avenue, Altoona, PA 16601
(800) 442-6343 (Voice)
(866) 320-7955 (TTY)

Altoona BBVS District Office
(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)
1101 Green Ave., Room 139, Altoona, PA 16601
(866) 695-7673 (Voice)
(866) 320-7956 (TTY)

DuBois OVR District Office
(Cameron, Clearfield, Elk, Jefferson and McKean Counties)
199 Beaver Drive, DuBois, PA 15801
(800) 922-4017 (Voice/TTY)

Erie OVR District Office
(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)
3200 Lovell Place, Erie, PA 16503
(800) 541-0721 (Voice)
(888) 217-1710 (TTY)

Erie BBVS District Office
(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)
3100 Lovell Place, Erie, PA 16503
(866) 521-5073 (Voice)
(888) 884-5513 (TTY)

Harrisburg OVR District Office
(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)
2971-B North Seventh Street, Harrisburg, PA 17110
(800) 442-6352 (Voice)
(877) 497-6545 (TTY)

Harrisburg BBVS District Office
(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)
2971-B North Seventh Street, Harrisburg, PA 17110
(866) 375-8264 (Voice)
(888) 575-9420 (TTY)

Johnstown OVR District Office
(Cambria, Indiana, Somerset and Westmoreland Counties)
727 Goucher Street, Section 10, Johnstown, PA 15905
(800) 762-4223 (Voice)
(866) 862-6891 (TTY)

New Castle OVR District Office
(Armstrong, Beaver, Butler and Lawrence Counties)
100 Margaret Street, New Castle, PA 16101
(800) 442-6379 (Voice)
(888) 870-4476 (TTY)

Norristown OVR District Office
(Bucks, Chester, Delaware and Montgomery Counties)
1875 New Hope Street, Norristown, PA 19401
(800) 221-1042 (Voice)
(888) 616-0470 (TTY)

Philadelphia OVR District Office
(Philadelphia County)
444 North Third Street, Fifth Floor
Philadelphia, PA 19123
(800) 442-6381 (Voice)
(800) 772-9031 (TTY)

Philadelphia BBVS District Office
(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)
444 North Third Street, Fifth Floor
Philadelphia, PA 19123
(866) 631-3892 (Voice)
(888) 870-4473 (TTY)

Pittsburgh OVR District Office
(Allegheny County)
217 State Office Building, 300 Liberty Avenue,
Pittsburgh, PA 15222
(800) 442-6371 (Voice)
(888) 870-4474 (TTY)

Pittsburgh BBVS District Office
(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)
1075 Kossman Building, 400 Stanwix Street,
Pittsburgh PA 15222
(866) 412-4072 (Voice)
(877) 255-5082 (TTY)

Reading OVR District Office
(Berks and Schuylkill Counties)
1090 Commons Boulevard, Reading, PA 19605
(800) 442-0949 (Voice)
(877) 475-7326 (TTY)

Washington OVR District Office
(Fayette, Greene and Washington Counties)
201 West Wheeling Street, Washington, PA 15301
(800) 442-6367 (Voice/TTY)

Wilkes-Barre OVR District Office
(Bradford, Columbia, Lackawanna, Luzerne, Pike,
Sullivan, Susquehanna, Wayne and Wyoming Counties)
300 G Laird Street, Wilkes-Barre, PA 18702
(800) 634-2060 (Voice/TTY)

Wilkes-Barre BBVS District Office
(Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne,
Monroe, Northampton, Pike, Schuylkill, Sullivan,
Susquehanna, Tioga, Wayne and Wyoming Counties)
300 G Laird Street, Wilkes-Barre, PA 18702
(866) 227-4163 (Voice/TTY)

Williamsport OVR District Office
(Clinton, Lycoming, Montour, Northumberland, Potter,
Snyder, Tioga and Union Counties)
The Grit Building, Suite 102, 208 West Third Street,
Williamsport, PA 17701
(800) 442-6359 (Voice)
(800) 706-0884 (TTY)

York OVR District Office
(Adams, Franklin, Lancaster and York Counties)
2550 Kingston Road, Suite 101, York, PA 17402
(800) 762-6306 (Voice)
(866) 466-1404 (TTY)

Hiram G. Andrews
727 Goucher Street, Johnstown, PA 15905
(800) 762-4211 (Voice)
(814) 255-5873 (TTY)

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 05-326. Filed for public inspection February 18, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Franklin County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Yeakle Mill Bridge over Little Cove Creek in Warren Township, Franklin County. The project includes minor approach roadway work in conjunction with replacing the bridge. The Yeakle Mill Bridge is listed in the National Register of Historic Places and is a contributing element to the National Register Eligible Yeakle Mill Historic District. The effect of this project will be mitigated by a Memorandum of Agreement (MOA) for the proposed action, which has been signed by all appropriate agencies. The MOA includes a stipulation for a commitment to prepare a Historic American Engineering Record documentation package as a permanent record of the bridge's existence. In addition, the MOA includes the stipulation that engineering designs for the project shall maintain the historic fabric of the historic district with the use of stone face form liners, weathered steel guide rail and muted colored concrete.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has con-

cluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 05-327. Filed for public inspection February 18, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Estate of Charles Peters By and Through Its Trustees, Jeanne Rupp, Charles P. Eyer and James Gallagher; Charles Eyer and Jeanne Rupp v. DEP and Pennsylvania Public Utility Commission, Permittee; EHB Doc. No. 2005-023-K

The Estate of Charles Peters, et al. has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA 0037290 to the Pennsylvania Public Utility Commission for a facility in Lehman Township, Pike County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-328. Filed for public inspection February 18, 2005, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on March 8, 2005, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Great Valley and Piedmont Region

- 1. *Stanley (Fox Chase Farm)*, 8500 Pine Road, Rockledge, Abington Township and Philadelphia
- 2. *Walnut Park Plaza*, 6232-6250 Walnut Street, Philadelphia
- 3. *First National Bank and Trust Company of Fleetwood*, Fleetwood, Berks County
- 4. *McCullum and Post Silk Mill*, 368 Madison Avenue, Nazareth, Northampton County
- 5. *Illick's Mill*, 130 Illick's Mill Road, Bethlehem, Northampton County
- 6. *Yardley Historic District*, roughly bounded by Main Street, Afton Avenue, Canal Street, S. Edgewater Avenue and the Delaware Canal, Yardley, Bucks County
- 7. *Roberts & Mander Stove Company Buildings*, Jacksonville Road, Tanner and Lincoln Avenues, Hatboro, Montgomery County

Southwestern Pennsylvania

- 8. *Armstrong Cork Company*, 23rd and Railroad Streets, Pittsburgh, Allegheny County
- 9. *Elmridge*, Beaver Road at Camp Meeting Road, Leetsdale, Allegheny County
- 10. *Sperling Building*, 1007-1013 Penn Avenue, Wilkensburg, Allegheny County
- 11. *New Colonial Hotel*, 319 Main Street, Meyersdale, Somerset County

12. *Arlington Hotel*, 726 Saint Augustine Road, Dysart, Clearfield Township, Cambria County

13. *Longue Vue Club and Golf Course*, 400 Longue Vue Drive, Verona, Penn Hills Township, Allegheny County
Allegheny Plateau, Anthracite Region and Poconos, Ridge and Valley

No nominations

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 05-329. Filed for public inspection February 18, 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 regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
1/10/05	2/9/05

<i>Reg. No.</i>	<i>Agency/Title</i>
14-491	Department of Public Welfare Home Health Agency Services 34 Pa.B. 6544 (December 11, 2004)

Department of Public Welfare Regulation #14-491 (IRRC # 2452)

**Home Health Agency Services
February 9, 2005**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on January 10, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. General—Consistency with other regulations; Clarity.

The Preamble to this regulation states that all references to the term "homebound" must be deleted from the regulation to bring the Department's policies into compliance with federal regulations. Accordingly, The Department has deleted the definition of and references to the term "homebound" in Sections 1249.2, 1249.42(1)(ii), 1249.52 and 1249.57(b) of the proposed regulation. How-

ever, Section 1249.2a in existing regulation contains a statement of policy by the Department outlining conditions which may render a Medical Assistance recipient "homebound."

We understand the Department will be rescinding Section 1249.2a and replacing it with a statement of policy that is consistent with the proposed changes to this regulation. We recommend the Department publish the final-form version of this regulation and the updated statement of policy concurrently to avoid inconsistencies in Chapter 1249.

2. Section 1249.52. Payment conditions for various services.—Reasonableness.

Subsection (a) reads:

(a) Home health agencies are reimbursed for services furnished to MA recipients within the MA Program Fee Schedule limits if the following conditions are met:

* * * * *

(2) The attending physician certifies that the recipient requires care in the home and either of the following conditions exist:

(i) The only alternative to home health agency services is *hospitalization*. (Emphasis added.)

Subsection (a)(2)(i) states “hospitalization” is the only alternative to HHA services. It is our understanding that all recipients of MA can qualify for home health care services if they are residing or are eligible to reside in nursing homes, rehabilitative facilities or mental institutions. Therefore, the term “hospitalization” should be replaced with a broader term that encompasses all institutional care settings.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-330. Filed for public inspection February 18, 2005, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-280	State Board of Education Pupil Personnel Services and Students	2/4/05
50-119	Pennsylvania Securities Commission Investment Advisors; Exchange Transactions	2/1/04
57-232	Pennsylvania Public Utility Commission Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunications Companies	2/8/05
19-6	Department of Corrections Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs	2/4/05
7-389	Coal and Clay Mine Subsidence Insurance Board Mine Subsidence Fund	2/4/05

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-227	Pennsylvania Public Utility Commission Regarding Preservation of Records	2/8/05
7-394	Environmental Quality Board Storage, Handling and Use of Explosives	2/8/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-331. Filed for public inspection February 18, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Balmer Insurance Agency, Inc. under Act 143; Penn National Insurance; Doc. No. AT05-02-002

A pre-review telephone conference initiated by this office is scheduled for March 23, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 11, 2005. A date for a review shall be determined, if necessary, at the pre-review telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 13, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 3, 2005.

No pre-review memoranda or other written submissions are required for the pre-review conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-332. Filed for public inspection February 18, 2005, 9:00 a.m.]

Agency Contract Termination of Seltzer Insurance Agency, Inc. under Act 143; The Cincinnati Insurance Companies; Doc. No. AT05-01-043

A prereview telephone conference initiated by this office is scheduled for March 17, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 10, 2005. A date for a review shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 2, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 9, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-333. Filed for public inspection February 18, 2005, 9:00 a.m.]

Application for Acquisition of a Controlling Interest of a Domestic Insurance Company

Randall & Quilter Investment Holdings Limited, a United Kingdom-based limited liability corporation, has filed an application to acquire control of ACE American Reinsurance Company. The initial filing was received on February 3, 2005, and was made under Article XIV of the Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this acquisition are invited to

submit a written statement to the Insurance Department (Department) within 45 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient details and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

Comments received will be part of the public record regarding the filing. Additionally, copies of the comments received will be forwarded to Randall & Quilter Investment Holdings Limited for appropriate response.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-334. Filed for public inspection February 18, 2005, 9:00 a.m.]

Application for Domestic Certificate of Authority

Highmark Senior Resources Inc. has applied for a Certificate of Authority to operate as a domestic stock life insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—991.2466). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-335. Filed for public inspection February 18, 2005, 9:00 a.m.]

Randy Aikens Citgo; Prehearing

Appeal of Randy Aikens Citgo under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 03-065(F); Doc. No. UT05-01-038

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on March 22, 2005. A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-336. Filed for public inspection February 18, 2005, 9:00 a.m.]

Edwin M. Marks, M.D.; Prehearing

Appeal of Edwin M. Marks, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-01-040

On or before March 9, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's December 23, 2004, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 30, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 15, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 2, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 14, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-337. Filed for public inspection February 18, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Michael Gustin, Jr.; file no. 04-183-12847; USAA Insurance Company; doc. no. P05-01-042; March 31, 2005, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured

wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-338. Filed for public inspection February 18, 2005, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed but not published, call (717) 783-1530.

Executive Board

Resolution # CB-05-010, Dated January 24, 2005. This resolution authorizes the interest arbitration award between the Commonwealth and the Pennsylvania State Troopers Association, effective July 1, 2004.

Governor's Office

Management Directive No. 315.20—Taxability of the Use of State-Provided Vehicles, Revision No. 8, Dated January 19, 2005.

Administrative Circular No. 05-01—Computation of Interest Penalties, Act 1982-266 Amended, Dated January 3, 2005.

Administrative Circular No. 05-02—2005-06 Budget Hearing Materials, Dated January 13, 2005.

Administrative Circular No. 05-03—Distribution of the 2005-2006 Commonwealth Budget, Dated January 19, 2005.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 05-339. Filed for public inspection February 18, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Delaware County, Wine & Spirits Shoppe # 2305, 8 East State Street, Media, PA 19063.

Lease Expiration Date: 90-day status since September 1, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 10,000 net useable square feet of new or existing retail commercial space within the Borough of Media.

Proposals due: March 11, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Shoppe # 2320, 1305 W. Chester Pike, Havertown, PA 19083.

Lease Expiration Date: January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of Route 3 and Eagle Road.

Proposals due: March 11, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Shoppe # 2327, 793 E. Lancaster Avenue, Villanova, PA 19085.

Lease Expiration Date: July 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 10,000 net useable square feet of new or existing retail commercial space within a 2-mile radius of Routes 30 and 320.

Proposals due: March 11, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-340. Filed for public inspection February 18, 2005, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Comment Period for the Wireless E-911 State Plan

Under 35 P. S. § 7021.2, the Pennsylvania Emergency Management Agency (Agency) gives notice that the Wire-

less E-911 State Plan (E-911 State Plan) providing for all aspects of the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order is available for public notice and opportunity to comment.

The E-911 State Plan is on file with the Agency. Persons may receive a copy of the E-911 State Plan by requesting a copy from the Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110, (717) 651-2001, fax (717) 651-2040, rflinn@state.pa.us or mmusser@state.pa.us. The E-911 State Plan is also available on the Agency's website: www.pema.state.pa.us.

Persons who wish to comment may do so by sending a letter by mail, e-mail or facsimile to the address listed previously.

Comments received by the Agency within 10 days after the date of publication of this notice will be reviewed by the Agency before it decides whether to approve or disapprove the E-911 State Plan.

ADRIAN R. KING, JR.,
Director

[Pa.B. Doc. No. 05-341. Filed for public inspection February 18, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation Order

Public Meeting held
February 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;
Kim Pizzingrilli

*Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff v. Dominican
Corporation (2004.0267.00); Doc. No. C-20044059;
A-310277*

Cancellation Order

By the Commission:

On December 6, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against Dominican Corporation (Respondent), an IXC reseller certificated at A-310277. In the Complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by both first class and certified mail, return receipt requested, that Respondent had failed to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate for failure to file its 2003 Annual Report in violation of 66 Pa.C.S. § 504.

Service of the Complaint was perfected on December, 16, 2004. Respondent filed an answer on December 27, 2004, stating that it ceased doing business in Pennsylvania in 1997. Respondent attached to its answer a copy of its notification to the Pa. Dept. of Revenue that it had ceased doing business and sold all of its assets in 1997. In its answer Respondent stated that it thought the Dept. of Revenue would relay the information regarding the cessation of its business to the Commission. A review of

Commission records show that no application requesting Commission approval to abandon has been filed.

Based upon the foregoing, and upon our determination that Respondent does not have any outstanding assessments or fines, it is appropriate to cancel the certificate of public convenience of Dominican Corporation. We also note that because Respondent was never given any NXX codes, there are no numbering compliance issues. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Order; *Therefore,*

It Is Ordered That:

1. The allegations in Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.
2. The certificate of public convenience held by Dominican Corporation at A-310277 is hereby cancelled.
3. The Secretary strike the name of Dominican Corporation from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.
4. Notice of this Cancellation Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-342. Filed for public inspection February 18, 2005, 9:00 a.m.]

Default Order

Public Meeting held
February 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;
Kim Pizzingrilli

*Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff v. Atlas
Communications, Ltd. (2004.0268); Doc. No.
C-20043979; A-310347*

Default Order

By the Commission:

On December 2, 2004, Law Bureau Prosecutory Staff instituted a complaint against Atlas Communications, Ltd. (Atlas), a telecommunications interexchange reseller certificated at A-310347. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail a notice to Atlas that its 2004-2005 General Assessment was overdue. The complaint charged that Atlas' failure to pay the General Assessment violates 66 Pa.C.S. § 510(c).¹

¹The Commission also notes that Atlas has failed to pay any of its monthly Universal Service Fund assessments for the fiscal year 2003 and has failed to file its Annual Report for 2003. While the complaint did not allege these separate violations, they further support our decision to revoke its certificate of public convenience.

The complaint sought an order from the Commission canceling Atlas' certificate of public convenience for failure to pay these assessments. The complaint was mailed by the Secretary's Bureau on December 2, 2004, to Atlas' last known business address and service was perfected on December 6, 2004. To date, more than 20 days since service was perfected, no answer has been filed to the complaint and the assessment has still not been paid.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the previous and because of Atlas' failure to pay its General Assessment for 2004-2005, we believe it is appropriate to revoke Atlas' certificate of public convenience as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Atlas seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate held by Atlas Communications, Ltd. at Docket No. A-310347 shall be canceled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-343. Filed for public inspection February 18, 2005, 9:00 a.m.]

Merger

A-110550F0160. Peco Energy Company and Public Service Electric and Gas Company. Joint application of Peco Energy Company and Public Service Electric and Gas Company for approval of the merger of Public Service Enterprise Group Incorporated with and into Exelon Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 7, 2005. 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: Peco Energy Company and Public Service Electric and Gas Company

Through and By Counsel for Peco Energy Company:

Thomas P. Gadsden, Esquire	Paul R. Bonney,
Anthony C. DeCusatis, Esquire	Deputy Gen. Counsel
Morgan, Lewis & Bockius, LLP	Kent D. Murphy,
1701 Market Street	Asst. Gen. Counsel
Philadelphia, PA 19103-2921	2301 Market Street
	P. O. Box 8699
	Philadelphia, PA
	19101-8699

Through and By Counsel for Public Service Electric and Gas Company:

Daniel Clearfield, Esquire	Richard P. Bonnifield,
Wolf, Block, Schorr &	Vice President—Law
Solis-Cohen, LLP	80 Park Plaza, TSE
212 Locust Street, Suite 300	Newark, NJ 07102
Harrisburg, PA 17101	

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-344. Filed for public inspection February 18, 2005, 9:00 a.m.]

Petition for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers

P-00042092. Verizon Pennsylvania Inc. and Verizon North Inc. Petition of Verizon Pennsylvania Inc. and Verizon North Inc. for arbitration of an amendment to interconnection agreements with competitive local exchange carriers and commercial mobile radio service providers in this Commonwealth under section 252 of the Communications Act of 1934, as amended, and the Triennial Review Order.

Individuals, or entities that they represent, may have standing to be a party to this arbitration. The legal rights of entities having an interconnection agreement with Verizon Pennsylvania Inc. or Verizon North Inc. will be affected by the outcome of this proceeding. If individuals, or an entities that they represent, wish to be a party to this case before the Pennsylvania Public Utility Commission, they must advise the assigned Administrative Law Judge, in writing, of their request for party status and the basis for believing they qualify for party status within 10 days of the date of publication of this notice in the *Pennsylvania Bulletin*. Include the certificate of public convenience number ("A" number), the docket number for the approval of an interconnection agreement with Verizon Pennsylvania Inc. or Verizon North Inc. and the date the interconnection agreement was approved. The correct address for written notification is Administrative Law Judge Wayne L. Weismandel, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-345. Filed for public inspection February 18, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 14, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers* for transportation of persons as described under each application.

A-00121450. Marlin W. Yoder (3863 W. Main Street, Belleville, Mifflin County, PA 17004)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania, and return.

A-00121449. Roxanne Lucille Yoder (1980 Front Mountain Road, Belleville, Mifflin County, PA 17004)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania, and return.

A-00121451. Gary Harmon t/a Harmons Jitney (P. O. Box 3, Lewistown, Mifflin County, PA 17044)—persons in group and party service, using vehicles with a seating capacity of 11 to 15 passengers, including the driver, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Lewistown, Mifflin County, and within 75 statute miles of the limits of said borough.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-346. Filed for public inspection February 18, 2005, 9:00 a.m.]

Sewage Service

A-230054F0002. Keystone Utilities Group, Inc., formerly Kebert Enterprises, Inc. Application of Keystone Utilities Group, Inc., formerly Kebert Enterprises, Inc., for approval to begin to offer, render, furnish or supply sewage service in an additional portion of Greenwood Township, Crawford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 7, 2005. 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: Keystone Utilities Group, Inc., 764 Bessmer Street, Suite 101, Meadville, PA 16335

Through and By Counsel: Charles B. Zwally, Esquire, and Randall G. Hurst, Esquire, Mette, Evans and Woodside, 3401 North Front Street, P. O. Box 5950, Harrisburg, PA 17110-0950

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-347. Filed for public inspection February 18, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-170.6, Replace Sprinkler System, Pier 38 S., until 2 p.m. on Thursday, March 17, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 1, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer.

Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on March 10, 2005, at 10 a.m. at Pier 38 S., Delaware Ave. and Queen St., north of Christian St., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-348. Filed for public inspection February 18, 2005, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 23, 2005	Michael Thomas Beamer (Class T-D)	1 p.m.
	Dorothy R. Barrick (Effective Date of Retirement)	2:30 p.m.
April 6, 2005	Jeffrey Pelberg (Membership Eligibility)	1 p.m.
	Edward J. Gannon, Jr. (Membership Eligibility)	2:30 p.m.
April 20, 2005	David J. Petrosky (Return to Service)	1 p.m.
	Edna McClintock (Membership Eligibility)	2:30 p.m.
May 4, 2005	Diane and Roland Mariani (Change of Option)	1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 05-349. Filed for public inspection February 18, 2005, 9:00 a.m.]

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 8, 2005	Dennis Clark (Purchase of Service)	1 p.m.
--------------	---------------------------------------	--------

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 05-350. Filed for public inspection February 18, 2005, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 9, 2005	Ronald E. Helman (Change Effective Date of Disability Retirement)	1 p.m.
March 30, 2005	Scott C. Shade (Pension Forfeiture)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,
Secretary

[Pa.B. Doc. No. 05-351. Filed for public inspection February 18, 2005, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to the Public Official and Employee Ethics Law) (Ethics Law), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the Ethics Law and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg on March 1, 2005, at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public

employees, organizations and members of the general public may attend.

Persons seeking to testify or present a statement, information or other comments in relation to the Ethics Law, the regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-

1610 or (800) 932-0936. Written copies of statements should be provided at the time of the meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 05-352. Filed for public inspection February 18, 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.

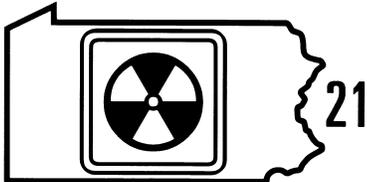
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

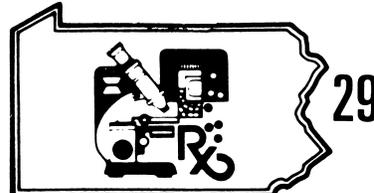
ROBERT P. CASEY, Jr.,
State Treasurer



Hazardous Material Services

63-0270 Provide all labor, material, tools and equipment necessary to remove lead paint in specified areas of (4) existing stair towers that service (5) floors of Anderson Hall. Site visit is scheduled for Monday, Feb. 14, 2005 at 9:00 a.m. meeting at the south entrance to Anderson Hall, 725 S. Church St., West Chester, PA 19383. Bids are due on Wednesday, February 23, 2005 at 11:00 a.m. in the Construction Procurement Office, 201 Carter Drive, Suite 200, West Chester, PA 19383.

Department: State System of Higher Education
Location: West Chester University Campus, 725 S. Church St., West Chester, PA 19383
Duration: Work must begin on Friday, March 4, 2005 at 5:00 p.m. and proceed around the clock and be completed by Sunday, March 13, 2005.
Contact: Barb Cooper, (610) 436-2706



Medical Services

SP1345041023/RE-BID Consultant will provide on-site podiatry service to resident veterans of the long-term care facility as required and requested. Professional services will be provided by a licensed podiatrist in the Commonwealth of PA. Services will include initial examinations of the foot and ankle, routine foot and nail care, ingrown/fungal nail care, skin integrity/wound care, bunion/hammer toe care, and other care as needed. Services will be provided in two (2), three hour (3) on-site sessions to the facility weekly. (Details provided in rfq/bid packet). Vendor must have SAP Vendor Number. Please visit Commonwealth of PA website www.state.pa.us Keyword ImaginePA-Vendor Registration.

Department: Military Affairs
Location: Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475
Duration: Contract to begin on or about March 1, 2005 through June 30, 2005 with four (4) options to renew for One (1) Year
Contact: Patricia M. Urban, PA I, (610) 948-2448

CN00013093 Podiatry Services for patients of Warren State Hospital.

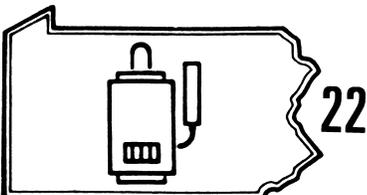
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 07/01/2005 - 06/30/2006
Contact: Ms. Bobbie Muntz, PA III, (814) 726-4496

02013 Provide Physician Services to the Residents of the PA Soldiers & Sailors Home

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08
Contact: Jenny Nowacinski, (814) 878-4930

02012 Lease of Oxygen equipment and related services for the Residents of the PA Soldiers and Sailors Home

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16507
Duration: 7/01/05 through 6/30/08
Contact: Jenny Nowacinski, (814) 878-4930



HVAC Services

RFP 2005-0850-1 The PHMC administers 25 historic sites and museums throughout the Commonwealth. PHMC seeks a solution to provide a wide range of HVAC services to these sites, including design/build, installation of new equipment and systems, renovation of existing systems, repair and preventive maintenance of HVAC systems and the installation, repair, maintenance and monitoring of direct digital control systems.

Department: Historical and Museum Commission
Location: Statewide Contract
Duration: 5 years
Contact: Barry Loveland, (717) 783-5407

02014 Provide On-Call/As Needed Repairs and Maintenance to the Electrical Systems of the PA Soldiers & Sailors Home.

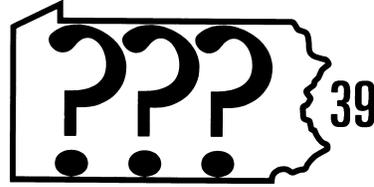
Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08
Contact: Jenny Nowacinski, (814) 878-4930



Personnel, Temporary

SU-04-17 Shippensburg University is seeking Bid Proposals for a vendor to provide temporary personnel services for the University. The vendor will employ and pay the temporary staff, mail temporary staff pay checks, withhold all lawful deduction, provide worker's compensation, liability insurances, handle unemployment claims, prepare earnings records, tax reports, etc. Requests for RFP package for Temporary Personnel Services should be emailed to Pamela King at paking@wharf.ship.edu or faxed to 717-477-1350. All requests must be in writing. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: Beginning July 1, 2005 through June 30, 2006 with renewals possible through June 30, 2010
Contact: Pamela A. King, (717) 477-1386



Miscellaneous

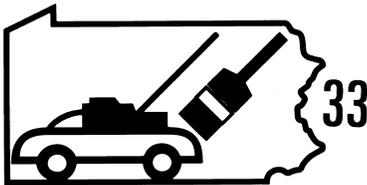
RFP 03-07-12 This RFP is issued to identify a contractor to provide statewide education and outreach about the services of the PA Quitline, a statewide tobacco cessation quitline and community based cessation programs to healthcare providers and identified disparate populations for a 36-month period. Proposal due no later than 2:30 p.m. on Wednesday, March 9, 2005.

Department: Health
Location: Statewide
Duration: 36 Months
Contact: Sandy Titel, (717) 783-6600

RFP 03-07-11 This RFP is issued to identify a contractor who will provide maintenance and support, as outlined in the RFP, of the Pennsylvania Free Quitline, which is a statewide tobacco cessation quitline. Proposal due no later than 2:30 p.m. on Wednesday, March 16, 2005.

Department: Health
Location: Statewide
Duration: 36 months
Contact: Sandy Titel, (717) 783-6600

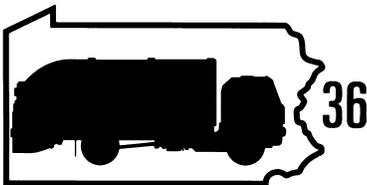
[Pa.B. Doc. No. 05-353. Filed for public inspection February 18, 2005, 9:00 a.m.]



Property Maintenance

C-42A22-04-016 Provide all labor, material, devices and equipment required for removal of existing and installation of new security fencing to expand the existing motor vehicle storage compound at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, March 2, 2005 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 150 Janet St., Beaver Falls, PA 15010
Duration: 90 days from Notice to Proceed.
Contact: Brenda Lower, (717) 861-2118



Sanitation

CNGRN20205 Garbage collection services for SCI Greene, 169 Progress Dr., Waynesburg, PA 15370 from 7/01/05 through 6/30/08.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: 7/01/05 - 6/30/08
Contact: Laura Mohr, Purchasing Agent, (724) 852-5534

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

