

PENNSYLVANIA BULLETIN

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Pages 1481—1624

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the Pennsylvania Gaming Control
Board's Temporary Regulations
and Statement of Policy

See Part III page 1591 for the Subject
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Part I

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Department of General Services
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Philadelphia Regional Port Authority
Public School Employees' Retirement Board
State Board of Auctioneer Examiners

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

No. 377, April 2006

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)		49 Pa. Code (Professional and Vocational Standards)	
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GENERAL ASSEMBLY

Recent Actions during the 2006 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2006 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2006 GENERAL ACTS ENACTED—ACT 020 through 021					
020	Mar 15	SB0437	PN1306	60 days	Enforcement Officer Disability Benefits Law—extension of benefits to correction employees
021	Mar 15	SB0987	PN1297	Immediately	Conveyance—Commonwealth property in Benner Township, Centre County
2006 VETOES OF BILLS—VETO 001 through 002					
001	Mar 15	HB1318	PN3587	Immediately*	Pennsylvania Election Code—omnibus amendments
002	Mar 17	HB1467	PN3588	60 days	Residential Construction Dispute Resolution Act—enactment

*denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 06-523. Filed for public inspection March 31, 2006, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Correction to Rule 502 of the Pennsylvania Rules of Disciplinary Enforcement Regarding the Client Security Fund

The Order of April 25, 1997, published at 27 Pa.B. 2413 (May 17, 1997), amended the annual fee in Rule 502(b) for the 1997-1998 assessment year. The order rescinded this amendment for the 1998-1999 assessment and thereafter. This notice corrects the annual fee currently published in the *Pennsylvania Code*, with ellipses referring to the existing text of Rule 502.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter E. CLIENT SECURITY FUND GENERAL PROVISIONS

Rule 502. Pennsylvania Lawyers Fund for Client Security.

* * * * *

(b) *Additional assessment.* Every attorney who is required to pay an annual assessment under Enforcement Rule 219 (relating to periodic assessment of attorneys; voluntary inactive status) shall pay an additional annual fee of \$45.00 for the use of the fund. Such additional annual assessment shall be added to, and collected with and in the same manner as, the basic annual assessment, but the statement mailed by the Administrative Office pursuant to Enforcement Rule 219 shall separately identify the additional assessment imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the fund.

* * * * *

[Pa.B. Doc. No. 06-524. Filed for public inspection March 31, 2006, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 64

Section 91.3 of the rules of the Board designates the person who is to hear a challenge to a subpoena, but does not provide any time limits for the filing or service of

motions and answers, or the scheduling of a hearing. The Board has adopted the amendments to its rules set forth in Annex A to address those timing issues. A Notice of Proposed Rulemaking regarding the amendments was published at 35 Pa.B. 6494 and no comments were received in response.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that the amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS

IN GENERAL

§ 91.3. Determination of validity of subpoena.

(a) *In general.* Enforcement Rule 213(d) provides that any attack on the validity of a subpoena issued under these rules shall be handled as follows:

* * * * *

(b) *Procedure.*

(1) **A motion attacking a subpoena must be filed with the Office of the Secretary within ten days after service of the subpoena. A copy of the motion must be served on the other party to the investigation or proceeding.**

(2) **Any answer to the motion must be filed with the Office of the Secretary within five days after service of the motion on the other party under paragraph (1).**

(3) **The Office of the Secretary must transmit the motion and any answer to the person designated in subsection (a)(1) or (2) to hear the motion, who must schedule a hearing on the motion within ten days after the date by which an answer must be filed. A report with findings of fact and conclusions**

of law must be filed with the Office of the Secretary within ten days after the conclusion of the hearing.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

§ 93.23. Powers and duties.

(a) *General rule.* Enforcement Rule 205(c) provides that the Board shall have the power and duty:

* * * * *

(7) To assign periodically, through its Secretary, senior or experienced hearing committee members within each disciplinary district to:

* * * * *

(ii) hear and determine attacks on the validity of subpoenas issued pursuant to § 91.2 (relating to subpoenas and investigations), as provided in § [91.3(2)] 91.3(a)(2) (relating to determination of validity of subpoena); or

* * * * *

[Pa.B. Doc. No. 06-525. Filed for public inspection March 31, 2006, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
[204 PA. CODE CH. 207]**

Adjustment of Fines, Costs, Fees and Other Remittances

By Order of the Supreme Court of Pennsylvania of October 14, 1988, Judicial Administration Docket No. 88, the Court Administrator has been delegated the authority under the Judicial Code, 42 Pa.C.S. § 3502(c)(3), to adjust, through regulation, the level of fines, costs, fees and other remittances as otherwise fixed by law so as to facilitate the transmission of remittances through or by a financial intermediary.

In accordance therewith, the following regulation is hereby promulgated for the Traffic Court of Philadelphia.

Filed in the Administrative Office of the Pennsylvania Courts on March 20, 2006.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 207. TRANSMITTING REMITTANCES

§ 207.2. Philadelphia Traffic Court—Adjustment of Fines, Costs, Fees and Other Remittances.

(a) Pursuant to 42 Pa.C.S. § 3502(c)(3), the Court Administrator of Pennsylvania hereby adjusts the level of fines, costs, fees and other remittances in all cases under the Motor Vehicle Code (Title 75, *Pennsylvania Consolidated Statutes*) and local ordinances prosecuted in the Philadelphia Traffic Court by increasing such costs, fees and remittances to the amount of twenty-five dollars (\$25.00) per citation or traffic violation report. Said amount shall be paid to a contracting financial intermedi-

ary and shall be added to the fines, costs, fees and other remittances at such time as the Philadelphia Traffic Court sends or causes to be served a written notice other than a summons to a defendant.

(b) This regulation shall become effective April 1, 2006, and shall apply to all citations and traffic violation reports filed with the Traffic Court prior to that date.

[Pa.B. Doc. No. 06-526. Filed for public inspection March 31, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

VENANGO COUNTY

Promulgation of Local Rules 1910.10, 1910.12, 1910.16-1, 1910.25-1, 1915.4, 1915.11, 1920.16, 1920.51 and 1920.74; Civ. No. 373-2006

Order of the Court

And Now, this 14th day of March, 2006, we hereby order that Venango County Local Rules 1910.10, 1910.12, 1910.16, 1910.25-1, 1915.4, 1915.11, 1920.16, 1920.51, and 1920.74 are adopted. These rules shall be continuously available for public inspection and copying in the office of the prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary shall furnish to any person a copy of any local rule. The said local rules shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

H. WILLIAM WHITE,
President Judge

Local Domestic Relations Rules—Venango County

SUPPORT RULES

Rule 1910.10. Alternative Hearing Procedures.

(c) Venango County shall conduct support proceedings in accordance with the alternate hearing procedure, Pa.R.C.P. No. 1910.12.

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) There shall be an office conference in all cases. If possible, counsel will be present on behalf of the plaintiff, upon request of plaintiff and assignment by Domestic Relations. Defendant may also have counsel present.

(b) Before exceptions argument, counsel for either party or any pro se party, upon request to Domestic Relations, shall be afforded the opportunity to review the domestic relations file, particularly the domestic relations hearing notes of the domestic relations hearing officers, under procedures guided by Domestic Relations. The review of the file must be accomplished no later than 2 days before the scheduled exceptions argument.

Rule 1910.16-1. Amount of Support. Support Guidelines.

(c) If at any time motions or proceedings for alimony pendente lite or spousal support are pending or in any spousal support action where a divorce action is pending in which a claim for alimony pendente lite is asserted, the

proceedings shall be consolidated. Any party who files a petition for spousal support or alimony pendente lite when a claim for the other is pending will file a Motion to Consolidate and transfer that component of the proceeding to Domestic Relations if appropriate.

Rule 1910.25-1. Civil Contempt.

(c) The court will, in all cases, upon a petition for civil contempt, provide an immediate hearing.

CUSTODY RULES

Rule 1915.4. Prompt Disposition of Custody Cases

(f) Custody proceedings shall, once the complaint is filed, proceed on one of two tracks. All custody cases, including those that involve issues of partial custody or visitation, if not earlier resolved by mediation or conciliation, shall be heard by a judge and not a hearing officer. Custody proceedings shall progress as follows:

1. The parties may proceed through voluntary mediation as provided in Pa.R.C.P. No. 1940.1. If the mediation is unsuccessful, the matter will then be referred to the court for judicial conciliation as provided in paragraph 3 herein.

2. The parties may proceed by a conciliation process as follows:

a. Submit with the pleading, or at any time in the process, a request for the court to appoint a conciliator on an order similar to the order that follows:

_____ : IN THE COURT OF COMMON PLEAS OF
_____ : VENANGO COUNTY, PENNSYLVANIA
vs. :
: :
_____ : CIV _____ - _____

ORDER OF COURT

You, _____, have been sued in court to modify custody, partial custody and/or visitation to _____.

_____ is appointed conciliator, for the purpose of conducting a conference with respect to the issues raised in the petition. The conciliator shall conduct such a conference and shall report to the court as to whether or not the issues raised in the petition are capable of resolution by agreement between the parties. The conciliator shall confer with the parties and make every effort to achieve negotiated resolutions of the issues raised in the petition. No testimony will be taken at the conciliation conference. The parties should bring with them any relevant expert reports. If no such resolution can be achieved, the conciliator shall so report to the court. He/she shall also submit an interim proposed order, which shall include a date before a judge.

You are ordered to appear for the custody conciliation conference, which has been scheduled for _____.

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the court may initiate contempt proceedings for your failure to appear.

Plaintiff and defendant are directed to attend the court-sponsored seminar "Helping Families Cope with Divorce and Custody" coordinated by Venango County O.E.O. Brochures concerning the seminar are available in the Prothonotary's Office and Judge's Chambers, or you may call (814) 432-9768. The court will not finalize this proceeding until both parties have attended the seminar.

A video tape which explains the mediation process is available for viewing at every public library within

Venango County, the County Law Library (by appointment only) and Northwestern Legal Services.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northwestern Legal Services
1001 State Street
1200 Renaissance Center
Erie, PA 16501-1833
Phone: (814) 452-6949

The Court of Common Pleas of Venango County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT,

Judge

Date: _____

cc:

b. A conciliator will be appointed by the court from a qualified list of conciliators who have been specially trained in mediation.

c. The conciliation before the conciliator shall be conducted within fifteen (15) days of the appointment.

d. At the conciliation the conciliator will meet with the parties and their attorneys and work toward settlement of the custody issues. If any component of the case is settled, the conciliator will file a report setting forth the agreement and any recommendation of the conciliator and the proposed order to be signed by the court. If any component is not settled or if the entire case is not settled, the conciliator will file a report with the court reciting who attended the conciliation, the results of the conciliation, recommendations for an interim order, recommendations concerning whether an attorney for the child should be appointed pursuant to Pa.R.C.P. No. 1915.11, and such other recommendations which may help the parties in the interim in resolving the matter or may help the court as the court addresses the matter in judicial conciliation and trial. A proposed order of court will be submitted. The order should address whether the children are required to attend the judicial conciliation. The conciliator shall then also, if any component of the case is not settled, either schedule further conciliation before the conciliator, as the parties agree, or refer the matter to the court and obtain a date and time for a conciliation before a judge, which shall occur within thirty (30) days from the date of the report. The conciliator should be prepared, as the matter is scheduled through the District Court Administrator, to estimate the time required for the court to conduct a conciliation.

3. Court conciliation following unsuccessful mediation or referred by conciliator. Judicial conciliation shall take the form of a pre-trial conference. At that conference, the court will confer with the parties and counsel and will

attempt to settle the matter by conciliation. If the matter cannot be settled, the judge will set a trial date and take such steps as are necessary to get the case ready for trial. At the conference, the court will address: number of days to try the matter; whether any witness is to appear by deposition, video conference or telephone; witness lists; expert reports; determine whether court appointed experts are required; custody arrangement pending final hearing; and determine whether an attorney should be appointed for the child. The court may talk with the child at the conciliation; however, if the court talks to the child, counsel for the parties shall be present. If either party or the parties are not represented at the conciliation, the court will exercise its discretion whether to talk with the child and may do so out of the presence of both parents but only with the consent of both parents or counsel. If an attorney for the child is participating, the court may talk to the child over the objection of the parents so long as the attorney for the child recommends. In such event, the conversation with the child will be recorded and counsel for the child will initially interrogate the child.

Rule 1915.11. Appointment of Attorney for Child.

(d) If in the conciliator's judgment the child needs counsel in the proceedings, the conciliator will recommend appointment of an attorney for the child. An attorney, or a party, may move the court to appoint counsel for a child. Attorneys representing parents in custody litigation are encouraged not to speak directly with a child who is the subject of custody proceedings except under any of the following conditions:

1. Both parents are present;
2. Opposing counsel is present;
3. An attorney for the child has been appointed by the court and consents to the interview; or
4. The attorney for a party is specially authorized by the court beforehand to speak with the child.

EQUITABLE DISTRIBUTION RULES

Rule 1920.16. Severance of Actions and Claims.

(b) The court will, in all cases where bifurcation is requested by a party, conduct a hearing at which both parties should be present.

(c) The court will colloquy the parties on the impact of a divorce at the time of hearing.

(d) The court will enter findings consistent with the evidence as required by 23 Pa.C.S.A. § 3323(c.1).

(e) The court will, unless otherwise dictated by the circumstances, enter a decree at the hearing.

Rule 1920.51. Hearing by the Court. Appointment of Conciliator. Notice of Hearing.

(a)(1) In addition to the statewide procedure of a court appointing a master, which the parties may use at their election, the parties also have the option of using a conciliator to attempt to resolve equitable distribution issues. The conciliator will meet with the parties and their counsel and attempt to resolve the issues. The court will hear and determine issues that have not been resolved at conciliation rather than refer the matter to a master. Any issues not identified for resolution by the conciliator and not addressed by the conciliator will not be heard by the court. The parties are required to attend the conciliation unless they are excused by the conciliator. The court will assess and may allocate between the parties the costs for referral to the conciliator, which the parties will pay before the conciliation. The parties will

not have any further costs in having the matter heard by the judge, other than expenses that are routine court costs such as paying for transcripts if ordered by the parties.

(2) The motion for the appointment of a conciliator and the appointment order to be submitted with the motion shall be substantially in the form prescribed by Local Rule 1920.74.

(3) The court will appoint a conciliator who is a trained mediator unless both parties request a specific attorney to act as conciliator.

(4) The parties, if they consent to a divorce, will file the necessary consents and waivers immediately after the conciliation.

(5) The conciliator will file a report within 20 days of the conclusion of the session, which will include at least the following topics:

(a) Identify issues resolved and what, if any, work needs to be done to complete resolution of the matter such as who is preparing the settlement agreement, powers of attorney, the qualified domestic relations orders, deeds, bills of sale, praecipe to transmit and other documents.

(b) Identify unresolved issues and provide an analysis of the positions of the parties.

(c) Make a recommendation as to whether experts should be appointed by the court or engaged by the parties.

(d) Make such further recommendations to the court as the conciliator determines will assist the court in getting the case trial ready and in otherwise resolving the matter.

(e) Confer with counsel regarding any issues not resolved and determine the amount of time the parties need to try the case. The conciliator will then schedule a trial date with the court administrator and include that date in the report.

(f) Submit a proposed order of court to implement his recommendations.

(b) When the trial is conducted, the parties will file an updated inventory and pretrial statement not later than 20 days before the trial is scheduled before a judge.

Rule 1920.74. Form of Motion for Appointment of Conciliator. Order.

(a) The motion for appointment of a conciliator shall be substantially in the following form:

_____, : IN THE COURT OF COMMON PLEAS OF
 Plaintiff : VENANGO COUNTY, PENNSYLVANIA
 :
 vs. :
 :
 _____, :
 Defendant : Civ. No. _____ - _____

*MOTION FOR APPOINTMENT OF
 DIVORCE CONCILIATOR*

_____, Attorney for plaintiff
 _____, Attorney for defendant

- 1) Complaint filed: _____
- 2) Complaint served: _____
- 3) Grounds asserted: Section(s) _____ of the Divorce Code

4) Matters at issue:

- ___ Dissolution of marriage
- ___ Equitable distribution of marital property
- ___ Allocation of marital indebtedness
- ___ Alimony
- ___ Alimony pendente lite
- ___ Counsel fees and/or expenses of litigation
- ___ Court costs

Respectfully Submitted,

By _____

Date: _____

(b) The order appointing a conciliator shall be substantially in the following form:

_____, : IN THE COURT OF COMMON PLEAS OF
 Plaintiff : VENANGO COUNTY, PENNSYLVANIA
 :
 vs. :
 :
 _____, :
 Defendant : Civ. No. _____ - _____

ORDER OF COURT

AND NOW, this ____ day of _____, 20____, the court has received the Motion for Appointment of Divorce Conciliator filed by _____ in the above-captioned matter.

_____ is hereby appointed divorce conciliator in this matter. The parties are directed to deposit \$_____ each to pay the conciliator's fee with the Prothonotary within two (2) weeks from the date of this order. The conciliation conference will not be scheduled until the required fees are deposited.

(1) Both parties are expected to file inventories in accordance with Pa.R.C.P. 1920.33(a).

(2) Conciliator will schedule conciliation only after at least one of the parties has filed both the inventory and a pre-trial statement as contemplated in Pa.R.C.P. 1920.33(b) and delivered a copy to the conciliator if filed

after the conciliator is appointed. Conciliator will schedule the conciliation not sooner than 20 days from the date of filing the pre-trial statement.

(3) The other party shall then file the inventory and pre-trial statement not later than 7 days before the scheduled conciliation. Conciliation will proceed whether or not one of the parties has made the required filings.

BY THE COURT,

Judge

[Pa.B. Doc. No. 06-527. Filed for public inspection March 31, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Ross M. Cellino, Jr., having been suspended from the practice of law in the State of New York for a period of six months by Order of the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, entered June 10, 2005, the Supreme Court of Pennsylvania issued an Order dated March 15, 2006, suspending Ross M. Cellino, Jr., from the practice of law in this Commonwealth for a period of six months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

Secretary

The Disciplinary Board of the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 06-528. Filed for public inspection March 31, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 37—LAW

BOARD OF PARDONS

[37 PA. CODE CH. 81]

Representation of Applicant

The Board of Pardons (Board) amends § 81.282 (relating to representation of applicant) to read as set forth in Annex A.

Authority

This final-omitted rulemaking is promulgated in response to the requirements of the act of June 1, 1995 (P. L. 1017, No. 15) (Spec. Sess. No. 1) (Act 215).

Purpose and Legal Requirements

The purpose of the final-omitted rulemaking is to make clear that persons who, by reason of mental incompetence or other mental disability, are unable to apply for clemency on their own or to designate an individual to act on their behalf may nevertheless make application with the Board for clemency. This final-omitted rulemaking will also make clear that applicants may be represented by a public defender or other court-appointed attorney. This amendment will protect a mentally incompetent person's constitutional right to due process of law and his rights under the Americans With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213)

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on February 9, 2006, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Judiciary Committees. A copy of this material is available to the public upon request.

Under section 5.1(j.1) and (j.2) of the Regulatory Review Act, on March 20, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2006, and approved the final-omitted rulemaking.

Affected Parties

The final-omitted rulemaking will affect mentally incompetent persons, as well as other persons authorized by law to act on behalf of the mentally incompetent person and to appear before the Board on behalf of the incompetent person.

Effective Date

This final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

For further information regarding this amendment, contact John L. Heaton, Esq., Secretary, Board of Pardons, 333 Market Street, 15th Floor, Harrisburg, PA, 17126-0333, (717) 787-8125.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations as adopted by this order, under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 204) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), has been omitted under the authority in section 204(1)(iii) of the CDL (45 P. S. § 1204(1)(iii)), because the Board has found that the rulemaking relates to agency practice and procedure.

(2) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for administering the Constitution of Pennsylvania. PA. CONST. Article IV, § 9.

Order

The Board, acting under Article IV, § 9 of the Pennsylvania Constitution, orders that:

(a) The regulations of the Board, 37 Pa. Code Chapter 81, are amended by amending § 81.282 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

JOHN L. HEATON,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 36 Pa.B. 1555 (April 1, 2006).)

Fiscal Note: 56-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart A. BOARD OF PARDONS

CHAPTER 81. BOARD OF PARDONS

REPRESENTATION

§ 81.282. Representation of applicant.

The applicant may be represented by legal counsel or another person designated by the applicant. The applicant may also be represented by a legal guardian, next friend or other person authorized by law to act on behalf of the applicant. If confined, the applicant may request representation from the Department of Corrections.

[Pa.B. Doc. No. 06-529. Filed for public inspection March 31, 2006, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF AUCTIONEER EXAMINERS

[49 PA. CODE CH. 1]

Schedule of Fees

The State Board of Auctioneer Examiners (Board) amends § 1.41 (relating to schedule of fees) to read as set forth in Annex A.

Omission of Proposed Rulemaking

Under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), the Board has omitted the procedures for proposed rulemaking set forth in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202). Proposed rulemaking has been omitted because public comment is unnecessary in that this final-omitted rulemaking merely corrects the Board's fee schedule to replace a line that was inadvertently dropped when § 1.41 was amended at 31 Pa.B. 6941 (December 22, 2001), and because public comment on the fees was provided at the time they were originally adopted at 28 Pa.B. 5869 (November 28, 1998).

Description of Final-Omitted Rulemaking

Section 1.41 is amended to clarify that the application fee for auction house and auction company is \$50 and that the fee for biennial renewal for auction house and auction company is \$200 as originally established by the Board in 1998. The final-form rulemaking at 31 Pa.B. 6941 was not intended to change these fees. At that time, a line was inadvertently dropped from the original language of this section resulting in the inaccurate fees that appear in the official text.

Background and Need for Amendment

Section 1.41 was added in 1998 when the Board restructured its regulations to provide a section where all fees would be conveniently located. As proposed at 28 Pa.B. 1559 (March 28, 1998), the application fee for auction house and auction company was \$50 and the biennial renewal fee for auction house and auction company was \$200. The fees were adopted at 28 Pa.B. 5869.

When the Board adopted amendments to § 1.41 in 2001, a line was inadvertently dropped from the fee schedule. The error resulted in the application fee for auction house and auction company appearing as \$200 in the final-form rulemaking and the biennial renewal fee for auction house and auction company was dropped completely. The final-form rulemaking published at 31 Pa.B. 6941 was intended to add additional fees to the fee schedule. The Board did not intend to make any changes to the existing fees at that time. This final-omitted rulemaking corrects the fee schedule to include the fees as they were originally adopted and as approved by the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC).

Statutory Authority

Section 6(a) of the Auctioneer and Auction Licensing Act (act) (63 P. S. § 734.6(a)) requires the Board to establish fees by regulation.

Fiscal Impact and Paperwork Requirements

The final-omitted rulemaking is expected to have no fiscal impact as it merely corrects the official text of the Board's schedule of fees as originally intended. It also imposes no additional paperwork requirements on the Board, the regulated community or the public.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on January 30, 2006, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on February 14, 2006, the final-form rulemaking was approved by the HPLC. On March 20, 2006, the final-omitted rulemaking was deemed approved by SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2006, and approved the final-omitted rulemaking.

Additional Information

Individuals who require information are invited to submit inquiries to Carmen L. Rivera, Board Counsel, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations as adopted by this order, under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority in section 204(c) of the CDL (45 P. S. § 1204(3)), because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are in this circumstance, unnecessary because the rulemaking corrects an inadvertent error in the official text of the Board's schedule of fees and because public comment was provided at the time the fees were originally adopted in 1998.

(2) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for administering the act.

Order

The Board, acting under the act, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 1, are amended by amending § 1.41 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

KENYON B. BROWN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 1555 (April 1, 2006).)

Fiscal Note: Fiscal Note 16A-646 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS

FEES

§ 1.41. Schedule of fees.

Applicants shall pay the following fees:

Application fee for auctioneer license	\$50
Biennial renewal fee for auctioneer license	\$200
Application fee for apprentice auctioneer license ..	\$30
Biennial renewal fee for apprentice auctioneer ...	\$100
Application fee for auction house and auction company	\$50
Biennial renewal fee for auction house and auction company	\$200
Special license to conduct auction	\$200
Application fee to approve course	\$45
Application fee to change sponsor	\$15
Application fee to change auction house or auction company license	\$15
Nonresident exam eligibility review	\$25
Certification of scores, permit or registration	\$25
Verification of license, registration, permit or approval	\$15

[Pa.B. Doc. No. 06-530. Filed for public inspection March 31, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 141]

Preliminary Provisions; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, proposed to amend §§ 131.2 and 141.41 (relating to definitions; and general) to define and implement the use of the atlatl and dart during any firearms deer season.

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

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

The proposed rulemaking was made public at the January 24, 2006, meeting of the Commission. Comments can be sent to, until April 14, 2006, the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, the only lawful devices that may be used to harvest white-tailed deer in this Commonwealth are manually operated centerfire rifles and handguns, shotguns, muzzleloading long guns and long, recurve, compound and crossbows. The Commission has recently received a number of requests from persons wishing to expand the list of lawful devices for deer hunting to include use of the atlatl and dart. This proposed rulemaking certainly represents a new hunting and harvest opportunity requested by a small segment of the hunting community. However, the Commission's staff is concerned that the atlatl and dart in the hand of an average hunter would not possess sufficient lethality to ethically and humanely harvest a deer. After much deliberation and due consideration of the relevant issues and concerns, the Board of Commissioners determined that it is appropriate to accommodate the request of the atlatl and dart supporters. Therefore, the Commission is proposing to amend §§ 131.2 and 141.41 to define and implement the use of the atlatl and dart during any firearms deer season.

Section 322(c)(5) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating . . . the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 131.2 and 141.41 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 131.2 and 141.41 to define and implement the use of the atlatl and dart during any firearms deer season.

3. Persons Affected

Persons wishing to use an atlatl and dart to harvest deer during any firearms deer season will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-229. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

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

* * * * *

Atlatl—A 15 to 30 inch board or rod-like device with a handle at the aft end and a projection (as a hook or thong to hold a dart in place until released) at the fore end, used for propelling a dart by increasing the mechanical advantage of the user's forward arm motion. This device derives its propulsive energy solely from the forward motion of the user's arm and the bending and recovery of the dart. The energy used to propel the dart may not be derived from any other source.

* * * * *

Dart—A flexible projectile propelled by an atlatl with an overall length between 5 and 8 feet, fletching at the aft end (designed only for guidance) and a broadhead mounted at the fore end. No electronic device may be part of or attached to the dart. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be part of or attached to any dart.

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

(a) *Permitted acts.* It is lawful to take:

* * * * *

(4) Deer with an atlatl and dart during any fire-arms season for deer.

* * * * *

[Pa.B. Doc. No. 06-531. Filed for public inspection March 31, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 21, 2006.

BANKING INSTITUTIONS

Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-20-06	Berkshire Interim Bank Wyomissing Berks County	1101 Woodland Road Wyomissing Berks County	Filed
Institution being incorporated solely to merge with and into Berkshire Bank in order to facilitate its reorganization into a holding company structure.			

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-16-06	F.N.B. Corporation, Hermitage, to acquire 100% of the voting shares of The Legacy Bank, Harrisburg, and The Legacy Trust Company, Harrisburg	Hermitage	Filed
The acquisition will result in the subsequent merger of The Legacy Bank with and into the First National Bank of Pennsylvania, Hermitage, and The Legacy Trust Company with and into the First National Trust Company, Hermitage; F.N.B. Corporation is the parent company of both First National Bank of Pennsylvania and First National Trust Company.			
3-16-06	Centra Financial Holdings, Inc., Morgantown, WV, to acquire up to 52.54% of the common stock of Smithfield State Bank of Smithfield, PA.	Morgantown, WV	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-06	East River Bank Philadelphia Philadelphia County	6137 Ridge Avenue Philadelphia Philadelphia County	Filed
3-15-06	Penn Liberty Bank Wayne Delaware County	199 East Lancaster Avenue Malvern Chester County	Opened
3-16-06	Bucks County Bank Doylestown Bucks County	200 South Main Street Doylestown Bucks County	Filed
3-16-06	New Century Bank Phoenixville Chester County	Lincoln Court Shopping Center Route 30 Malvern Chester County	Filed
3-21-06	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	925 West Broad Street Bethlehem Lehigh County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-16-06	Irwin Bank & Trust Company Irwin Westmoreland County	<i>Into:</i> 9350 Lincoln Highway Irwin Westmoreland County <i>From:</i> 8775 Norwin Avenue North Huntingdon Westmoreland County	Filed Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-14-06	White Rose Credit Union, York, and Flinchbaugh Credit Union, Red Lion Surviving Institution— White Rose Credit Union, York	York	Filed

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

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-532. Filed for public inspection March 31, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS**

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<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>
PA0054810	Upper Frederick Township P. O. Box 597 Fredrick PA 19435-0597	Montgomery County Upper Frederick Township	Intermittent Swale Tributary to Goshenhoppen Creek	Y
PA0052451	The Wool House Landenberg Village, LLC 104 Landenberg Road Suite 3 Landenberg, PA 19350	Chester County New Garden Township	White Clay Creek	Y

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>
PA0029483 (Minor Sewage)	Buck Hill Falls Company P. O. Box 426 Buck Hill Falls, PA 18323-0426	Monroe County Barett Township	Buck Hill Creek 1E	Y
PA0044709 Sewage	B'nai B'rith Perlman Camp 2020 K Street NW 7th Floor Washington, DC 20006	Wayne County Buckingham Township	Shehawken Creek 1A	Y
PA060038	Brighten Health Group, LLC 956 East Railroad Avenue Suite 201 Bryn Mawr, PA 19010	Lake Township Wayne County	UNT to Ariel Creek 01C	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>
PA0010294 (IW)	Tyco Electronics Corporation— Williamstown Facility P. O. Box 3608 M.S. 140-42 Harrisburg, PA 17105-3608	Dauphin County Williamstown Borough	Wiconisco Creek 6C	Y
PA0087190 (Sew)	St. Thomas Township Municipal Authority 8855 Edenville Cheesetown Road Chambersburg, PA 17201	Franklin County St. Thomas Township	UNT to Wilson Run 13-C	Y
PA0081434 (Sew)	Countryside Mobile Home Park P. O. Box Elizabethtown, PA 17022	York County North Codorus Township	UNT to South Branch Codorus 7-H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0112933	Penns Creek Municipal Authority P. O. Box 148 Penns Creek, PA 17862	Snyder Count Center Township	Penns-Middle Creeks 6A	Y
PA0111431 IW	H H Knoebel & Sons, Inc. R. R. 1 P. O. Box 317 Elysburg, PA 17824-0317	Columbia County Cleveland Township	South Branch Roaring Creek and Musger Run 5E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221970	Greenville Water Authority 44 Clinton Street Greenville, PA 16125	Borough of Greenville Mercer County	Shenango River 20-A	Y
PA0104469	Kasgro Rail Corporation 121 Rundle Road New Castle, PA 16102	Taylor Township Lawrence County	Shenango River 20-A	Y
PA0102580	Baxter Mobile Home Park 457 Jamisonville Road Butler, PA 16001	Center Township Butler County	UNT to Stony Run 20-C	Y

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

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

PA0011631, IW, SIC 4911, **Exelon Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated processed wastewater and cooling water from a steam electric plant.

The receiving streams, Schuylkill River and Stony Run (Outfall 007), are in the State Water Plan watershed 3D and are classified for WWF, HQ-TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Phoenixville (Intake No. 1) is located on Schuylkill River and is 0.65 miles below the point of discharge.

The proposed monitoring requirements for Outfall 002 are based on an average flow of stormwater runoff:

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>
Oil and Grease	Monitor and Report
pH (Standard)	Monitor and Report
TSS	Monitor and Report
Copper, Total	Monitor and Report
Nickel, Total	Monitor and Report
Zinc, Total	Monitor and Report
Iron, Dissolved	Monitor and Report

The proposed monitoring requirements for Outfalls 008, 009, 011 and 012 are based on an average flow of stormwater runoff:

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>
Oil and Grease	Monitor and Report
pH (Standard)	Monitor and Report
TSS	Monitor and Report
Copper, Total	Monitor and Report
Nickel, Total	Monitor and Report
Zinc, Total	Monitor and Report
Iron, Dissolved	Monitor and Report

There are no proposed monitoring requirements for Outfalls 003, 007, 013, 017—020, 022 and 023 based on an average flow of stormwater runoff.

NOTICES

The proposed effluent limits for Outfall 004 are based on an average flow of 3.477 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature			110°F
pH	within limits of 6.0 to 9.0 Standard Units at all times		
TSS (Net)	30	100	
Spectrus CT 1300		ND	
TSS (Gross)	Monitor and Report	Monitor and Report	
River Water TSS (After Screening)	Monitor and Report	Monitor and Report	

The proposed effluent limits for Monitoring Point 204 are based on an average flow of contaminated stormwater runoff:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TSS	30	100	
Oil and Grease	15	20	30
pH	within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Monitoring Point 104 are based on an average flow of 0.021 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliform	#200/100 ml	#1,000/100 ml
pH	within limits of 6.0 to 9.0 Standard Units at all times	

The proposed effluent limits for Outfall 005 are based on an average flow of 1.19 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TSS (NET)	30	60	75
Spectrus CT 1300		ND	
TSS (Gross)	Monitor and Report	Monitor and Report	
River Water TSS (After Screening)	Monitor and Report	Monitor and Report	

The proposed effluent limits for Outfall 006 are based on an average flow of 326.02 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Oxidants		0.2	0.5
Temperature			110°F
TSS (NET)	30	60	75
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Spectrus OX 1200	0.02	0.1	
Spectrus CT 1300		ND	
TSS (Gross)	Monitor and Report	Monitor and Report	
River Water TSS (After Screening)	Monitor and Report	Monitor and Report	

The proposed effluent limits for Outfall 010 are based on an average flow of 1.83 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TSS	30	100	
Oil and Grease	15	20	30
pH	within limits of 6.0 to 9.0 Standard Units at all times		
NH ₃ -N	Monitor and Report	Monitor and Report	Monitor and Report
Copper, Total	Monitor and Report	Monitor and Report	Monitor and Report
Iron, Total	Monitor and Report	Monitor and Report	Monitor and Report
Selenium, Total	Monitor and Report	Monitor and Report	Monitor and Report

Parameters	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
(year 1 to year 2)	Monitor and Report	Monitor and Report	Monitor and Report
(year 3 to year 5)	0.21	0.33	0.42
Spectrus CT 1300		ND	

In addition to the effluent limits, the permit contains the following Major Special Conditions:

1. Remedial Measures if Necessary.
2. No Stormwater.
3. Acquire Property Rights.
4. No Intake Trash Return.
5. No PCB Discharge.
6. TRO Discharge Duration.
7. TRO Maximum Daily Concentration.
8. Analysis Method for TRO.
9. Copper and Iron Limit when Chemical Cleaning.
10. Intake Temperature Monitoring.
11. TSS Compliance.
12. Thermal Calculations.
13. HRR.
14. 2° Change.
15. Additive Usage Rate.
16. Chemical Additives.
17. Approved Test Method.
18. Change of Ownership.
19. Cooling Water Intake Condition.
20. Proper Sludge Disposal.
21. TMDL/WLA Analysis.
22. I-max Limits.
23. Stormwater Condition.
24. Laboratory Certification.
25. Spectrus CT 1,300 Monitoring.
26. Effluent Flowmeter Installation.
27. ND Sample Results.

PA0244066, Sewage, SIC 22-221, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: Discharge of 8,440 gpd of treated sewage from the treatment plant serving Ferlauto Tract Subdivision into Deep Run Creek. The receiving stream, Deep Run Creek, is in the State Water Plan watershed 2D, Three Mile Run and is classified for WWF. The nearest downstream public water supply intake for NWRA PECO Limerick Station is located on Delaware River and is 12.20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 8,440 gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅			10		20
Total Suspended Solids			10		20
Ammonia (as N)					
(5-1 to 10-31)			1.5		3.0
(11-1 to 4-30)			3.0		6.0
Total Phosphorus			0.5		1.0
Total Nitrogen			10		20
Dissolved Oxygen			6.0 (Minimum)		
Fecal Coliform			50#/100 ml		
pH			6 to 9 Standard Units		
Total Residual Chlorine			0.01		0.025

In addition to the effluent limits, the permit contains the following major special conditions: the EPA waiver is in effect.

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

PA0044423, Industrial, **Lehigh University**, 461 Webster Street, Bethlehem, PA 18015. This proposed facility is located in the City of Bethlehem, **Northampton County**.

Description of Proposed Activity: Application for renewal of an existing NPDES Permit to discharge NCCW.

The receiving stream, Saucon Creek, is in the State Water Plan watershed 2C and is classified for CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 mgd.

<i>Parameter</i>	<i>Instantaneous Maximum</i>
Temperature	110°F

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

Application No. PA 0085430, Sewage, **Robin Hill Camping Resort**, 149 Robin Hill Road, Lenhartsville, PA 19534. This facility is located in Greenwich Township, **Berks County**.

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

The receiving stream, UNT to Maiden Creek, is in Watershed 3-B and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for City of Reading is located on the Maiden Creek, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.01 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	2.8		5.6
(11-1 to 4-30)	8.4		17.0
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		10,000/100 ml as a geometric average	

In addition to the effluent limits, the permit contains the following: A waste load allocation of 0.014 metric ton total phosphorus/year.

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

The EPA waiver is not in effect.

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

PA0032611, Sewage, **Portage Area Sewer Authority**, 606 Cambria Street, Portage, PA 15946. This application is for renewal of an NPDES permit to discharge treated sewage from Portage Area Sewage Treatment Plant in Portage Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Conemaugh River, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Blairsville Municipal Authority.

Outfall 001: existing discharge, design flow of 1.0 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Concentration (mg/l) Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0096725, Sewage, **Belle Vernon Area School District**, 270 Crest Avenue, Belle Vernon, PA 15012. This application is for renewal of an NPDES permit to discharge treated sewage from Belmar-Marion School STP in Washington Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.0163 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5.5			11.0
(11-1 to 4-30)	16.5			33.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218375, Sewage, **Joseph Perri**, Arensberg Estates, P. O. Box 297, Cecil, PA 15321. This application is for renewal of an NPDES permit to discharge treated sewage from Arensberg Estates STP in Cecil Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.0185 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.4			4.8
(11-1 to 4-30)	7.0			14.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.17			0.40
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218901, Sewage, **Totteridge Limited Partnership**, R. R. 4, Box 121, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Totteridge Sewage Treatment Plant in Salem Township, **Westmoreland County**.

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

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.15			0.3
Dissolved Oxygen	not less than 4 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. 0906401, Sewerage, **Bedminster Municipal Authority**, P. O. Box 92, Bedminster, PA 18910. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant to serve 30 single family homes.

WQM Permit No. 4606403, Sewerage, **The Upper Hanover Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant to serve Upper Hanover Township development.

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

WQM Permit No. 5206401, Sewerage, **Pennsylvania America Water Co.**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Lehman Township, **Pike County**.

Description of Proposed Action/Activity: This project involves the upgrade of several pump stations that serve Saw Creek residential estates.

WQM Permit No. 4506404, Sewerage, **Mount Airy No. 1, LLC**, 299 Main Street—Sturges, Olyphant, PA 18447-2319. This proposed facility is located in Paradise Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves replacement of the existing sanitary sewer collection system and a new pump station to serve Mount Airy No. 1, LLC's property resort hotel/casino.

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

WQM Permit No. 2206401, Sewerage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453. This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Upgrade to the Park Avenue pumping station.

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

WQM Permit No. 5606403, Sewerage, **SCI Laurel Highlands**, P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501-0631. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for construction and operation of WWTP capacity expansion to receive and treat landfill leachate from Mostoller Landfill.

WQM Permit No. WQG016124, Sewerage, **Dean Wright**, 1258 Old Little Creek Road, Harmony, PA 16037. This proposed facility is located in Franklin Township, **Beaver County**.

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

WQM Permit No. WQGG026103, Sewerage, **Burrell Township Sewer Authority**, Box 483, Black Lick, PA 15716. This proposed facility is located in Burrell Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of pump station and force main to municipal sewers to service student housing.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906004	Suzi Baskin Basin Subdivision 307 Tower Road Sellersville, PA 18960	Bucks	West Rockhill Township	Tributary Unami Creek (HQ-TSF)
PAI010906008	Reshetar Realty, Inc. Springtown Knoll Development 72C North Main Street Doylestown, PA 18901	Bucks	Springfield Township	Cooks Creek (EV)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506005	Stokes Avenue Development, LLC 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Stroud Township	Brodhead Creek HQ-CWF
PAI024506006	C & M at Mountain Hollow, LP 2421 Bristol Rd. Warrington, PA 18976	Monroe	Stroud Township	Brodhead Creek HQ-CWF
PAI024506007	Chestnut Hill Senior Apartments, LP 536 Crooked Lane King of Prussia, PA 19407	Monroe	Chestnuthill Township	Pohopoco Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906002	Patrick McFadden Kraft Food Global 7352 Industrial Blvd. Allentown, PA 18106	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023906003	David Posocco Posocco Equities 2610 Walbert Ave. Allentown, PA 18104	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404007-1	Honesdale Borough 958 Main St. Honesdale, PA 18431	Wayne	Honesdale Borough	Lackawaxen River HQ-TSF, MF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206004	Spring Valley Builders 107 Hern Rd. Greentown, PA 18426	Pike	Greene Township	Wallenpaupack Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406008	S & A Custom Built Homes Keith Sunderman 2121 Old Gatesburg Rd. Suite 200 State College, PA 16803 Deerhaven Subdivision	Centre	Walker Township	UNT to Nittany Ck CWF UNT to Little Fishing Creek HQ-CWF
PAI041403017(2) Major modification	Penn State University Central Campus Rob Cooper Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Thompson Run HQ-CWF
PAI041406007	Department of Transportation, District 2-0 SR 0080, Section A18, Exit 24 Relocation Kevin R Kline P. O. Box 342 Clearfield, PA 16830	Centre	Marian Township	Nittany Ck (west) CWF Lick Run (east) HQ-CWF

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-8130.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041706001	Houtzdale Municipal Authority 561 Kirk St. Houtzdale, PA 16651	Clearfield and Centre	Gulich, Woodward and Bigler Townships; Houtzdale and Brisbin Boroughs; Clearfield County Rush Township Centre County	Moshannon Creek HQ-CWF HQ-CWF/TSF Whiteside Run; Beaver Run; Upper Morgan Run; and Clearfield Creek CWF

Southwest Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 1522-4725.

PA0253286, Industrial Waste, **CNX Gas Company, LLC**, 4000 Brownsville Road, South Park, PA 15129. This proposed facility is located in Center Township, **Greene County**.

Description of Propose Activity: Treatment facility for coal bed methane fluids.

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

Permit No. 1506502, Public Water Supply

Applicant **Artesian Water Pennsylvania, Inc.**
 Township Franklin
 County **Chester**
 Responsible Official Bruce P. Kraeuter
 Type of Facility PWS
 Consulting Engineer Tetra Tech, Inc.
 Application Received Date March 13, 2006
 Description of Action Construction of a new public water supply system to serve four proposed subdivisions: Avignon, Fox Hunt Farms, Echo Hill and the McMaster Property.

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

Permit No. 2206501, Public Water Supply.

Applicant **United Water Pennsylvania**
 Municipality Susquehanna Township
 County **Dauphin**
 Responsible Official John D. Hollenbach, Vice President
 4211 East Park Circle
 Harrisburg, PA 17111-0151
 Type of Facility Public Water Supply
 Consulting Engineer Arthur Saunders, P. E.
 United Water Pennsylvania
 4211 East Park Circle
 Harrisburg, PA 17111
 Application Received Date 1/24/2006
 Description of Action Installation of sodium bicarbonate and potassium permanganate feed systems at the Rockville Pump Station.

Permit No. 6706505, Public Water Supply.

Applicant **The York Water Company**
 Municipality Spring Garden Township
 County **York**
 Responsible Official Jeffrey R Hines, Vice President—Engineering
 130 E. Market St.
 P. O. Box 15089
 York, PA 17405-7089
 Type of Facility Public Water Supply
 Consulting Engineer Ryan M. Ural, P. E.
 The York Water Company
 130 East Market Street
 P. O. Box 15089
 York, PA 17405-7089

Application Received Date 2/15/2006

Description of Action PWS permit application for reconstruction of the existing secondary raw water intake's screen house at the Brillhart Pumping Station.

Permit No. 2206502, Public Water Supply.

Applicant **United Water Pennsylvania**
 Municipality Hummelstown Borough
 County **Dauphin**
 Responsible Official John D. Hollenbach, Vice President
 4211 East Park Circle
 Harrisburg, PA 17111-0151
 Type of Facility Public Water Supply
 Consulting Engineer Christopher A. Evans, P. E.
 Black & Veatch Corp.
 601 Walnut St
 Philadelphia, PA 19106

Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996510, Public Water Supply.

Applicant **Ice River Spring Water Co., Inc.**
 Township or Borough Feversham, Ontario, Canada
 Responsible Official John Fudge, Quality Assurance Manager
 Type of Facility Out-of-State Bottled Water System
 Application Received Date March 16, 2006
 Description of Action Applicant requesting Department approval to use new spring source water (Gold Mountain Spring). Bottled water to be sold in this Commonwealth under the brand name; Ice River Springs natural Spring Water.

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

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

WA-15-1002, Water Allocations. **Artesian Water Pennsylvania, Inc.**, 664 Churchmans Road, Suite 400, Newark, DE 19702, Franklin Township, **Chester County**. Artesian Water Pennsylvania, Inc., requested the right to purchase up to 100,000 gpd, based on a 30-day average, from Chester Water Authority in Delaware County.

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:

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

Former Cressler Grocery Store, Shippensburg Borough, **Cumberland County**. ARM Group, P. O. Box 797, Hershey, PA 17033-0797 on behalf of William H. and Lois H. Cressler, LP, 307 West King Street, Shippensburg, PA 17257, submitted a Notice of Intent to remediate site soils contaminated with fuel oil. The applicant seeks to remediate the site to a Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101609. BFI Transfer Systems of Pennsylvania LLC, 400 River Road, Conshohocken PA 19428, Upper Merion Township, **Montgomery County**. This application was received for the reissuance of the waste permit for the River Road Transfer Station. The application was received by the Southeast Regional Office on March 15, 2006.

Permit Application No. 301352. Petroleum Recycling Corporation, 3000 E. Ontario Street, Philadelphia, PA 19134, City of Philadelphia. This application was received to repermit operations for an existing residual waste oil processing facility. The application was received by Southeast Regional Office on March 3, 2006.

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 to the date of the hearing.

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

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

PLAN APPROVALS

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

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

39-302-181: Cedar Crest College (100 College Drive, Allentown, PA 18104) for modification of two boilers fueled with No. 2 fuel oil in Allentown, **Lehigh County**.

40-399-057: Certainteed Corp. (1220 Oak Hill Road, Mountaintop, PA 18707) for modification to their VOC limitation contained in their Reasonably Available Control Technology Permit in Wright Township, **Luzerne County**.

40-309-040: Certainteed Corp. (1220 Oak Hill Road, Mountaintop, PA 18707) for modification to their existing wool fiberglass insulation manufacturing plant in Wright Township, **Luzerne County**. The proposed changes will trigger Prevention of Significant Deterioration requirements for PM, including PM10.

40-317-028: The Hershey Co. (1025 Reese Avenue, Hershey, PA 17033) for modification of Line 6 Confectionary Process on Scotch Pine Drive, Hazle Township, **Luzerne County**.

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

06-05085B: New Morgan Landfill Co., Inc. (420 Quarry Road, P. O. Box 128, Morgantown, PA 19543-0128) for modification of a municipal solid waste landfill in the Borough of New Morgan, **Berks County**. The modification involves the expansion of the landfill and the installation of additional flares to control the gaseous emissions from the landfill. The modification is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants from Municipal Solid Waste.

36-03052A: Boose Aluminum Foundry Co., Inc. (77 North Reamstown Road, Reamstown, PA 17567) for installation of a replacement thermal sand reclamation system at the foundry in East Cocalico Township, **Lancaster County**.

36-05117A: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) to combust Nos. 4—6 fuel oil in the facility's two boilers at the Pitney Road facility in East Lampeter Township, **Lancaster County**.

67-05108: AN-COR Industrial Plastics, Inc. (100 Melody Lane, North Tonawanda, NY 14120) for construction of a plastic chimney liner for the exhaust stacks at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

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

46-0041D: Smurfit-Stone Container Enterprises, Inc. (1035 Longford Road, Pheonixville, PA 19460) to install a new offset lithographic press at 1035 Longford Road, Upper Providence Township, **Montgomery County**. This plan approval will authorize the construction of the press, and the transfer and use of VOC emission reduction credits (ERCs). The press is described in the Applicant's application of March 23, 2005, and subsequent submissions.

Based on the information provided by the Applicant and the Department of Environmental Protection's (Department) own analysis, the operation of the press will emit 12.5 tons per year of VOC.

Copies of the application, the Department analyses and other documents used in evaluation of the application are available for public inspection during normal business hours at the address shown.

To assure compliance with the applicable standards, the Department will place the following conditions on the plan approval:

This Plan Approval is issued to the permittee for the installation of a sheetfed, nonheatset, offset lithographic print press, No. 3 Press.

25 Pa. Code § 127.207—ERC generation and creation

1. The permittee shall shutdown its North Wales Plant to generate 107.5 tons of VOC ERC.

2. Operating Permit No. TVOP-46-00062 is hereby revoked at the issuance of this Plan Approval.

25 Pa. Code § 127.208—ERC use and transfer requirements

1. The permittee shall use 77.6 tons from 107.5 tons VOC ERC, generated from shutting down its North Wales Plant, to offset the net VOC emission increase of 59.7 tons.

2. The remaining 29.9 tons VOC ERC are in the Department ERC Registry System for future offset or sell.

3. The lifetime of the 29.9 ton VOC ERC expires June 2015.

25 Pa. Code § 127.211—Applicability determination

1. The permittee shall offset the VOC net emissions increase of 59.7 tons since January 1, 1991, as per 25 Pa. Code § 127.211(e).

2. The permittee shall provide VOC ERC at a 1.3:1.0 ratio to offset the VOC net emissions increase of 59.7 tons as per 25 Pa. Code §§ 127.211(e), 127.205(3) and 127.210.

The No. 3 Press shall be installed, maintained and operated in accordance with the plans submitted with the application and as approved.

Emission Restrictions

1. The total VOC from No. 3 press shall not exceed 12.5 tons per year in a 12-month rolling sum.

2. The permittee shall meet one of the following requirements for the fountain solution used on the press:

a. Maintain the as applied VOC content of the fountain solution at or below 5.0% by weight;

b. Maintain the as applied VOC content of the fountain solution at or below 8.5% by weight and refrigerate the fountain solution to 60°F or less; or

c. Maintain the as applied VOC content of the fountain at or below 10.0% by weight, and refrigerate the fountain solution to 55°F or less.

3. The permittee shall meet one of the following requirements for blanket and roller cleaning solutions used on the press:

a. VOC content, as applied, is less than or equal to 30% by weight; or

b. VOC composite partial vapor pressure, as used, is less than or equal to 10mmHg at 68°F.

4. Except specialty inks, the VOC content in the inks, as applied, shall not exceed 30% by weight.

Testing Requirements

1. The permittee shall determine the VOC content of fountain solution by one of the following procedures:

a. Analysis by USEPA Method 24 of a fountain solution sample; or

b. Calculation which combines USEPA Method 24 analytical VOC content data for the concentrated materials used to prepare the press ready fountain solution and records of the proportions in which they are mixed. The calculation shall only be performed once for each press ready fountain solution and kept in the form of a batch log. The analysis of the concentrated fountain solution may be performed by the suppliers of those materials.

2. The permittee shall determine the VOC content or VOC composite partial vapor pressure of cleaning solutions by one of the following procedures:

a. Analysis by USEPA Method 24 of a cleaning solution sample for VOC content or by an appropriate method for composite partial vapor pressure;

b. Calculation which combines USEPA Method 24 analytical VOC content data for the concentrated materials used to prepare the press ready cleaning solution and records of the proportions in which they are mixed. The calculation shall only be performed once for each press ready cleaning solution and kept in the form of a batch log. The analysis of the concentrated cleaning solution may be performed by the suppliers of those materials; or

c. Calculation for VOC composite partial vapor pressure which combines analytical VOC vapor pressure data for the concentrated materials used to prepare the press ready cleaning solution and records of the proportions in which they are mixed. The analysis and vapor pressure determinations of the concentrated materials may be performed by the suppliers of the materials.

Monitoring Requirements

If using an automatic blanket wash system that mixes cleaning solution at the point of application, the permittee must demonstrate compliance with the VOC limitations for the blanket cleaning solutions, and shall document that flow meters or fixed volume spray systems result in the VOC content of the mixed solution complies with the VOC content in the blanket cleaning solutions.

Recordkeeping Requirements

1. The permittee shall collect and record the applicable information specified:

a. The ink usage in pounds or gallons in a monthly basis; the percent by weight VOC and HAP content, as applied, and, an estimate of VOC and HAP emissions. Alternately, the ink with the highest VOC and HAP content may be used to represent all inks used by the press.

b. The fountain solution and additive usage in pounds or gallons in a monthly basis; the percent by weight or weight to volume ration (lbs/gal) VOC and HAP content, and, an estimate of VOC and HAP emissions.

c. The blanket and roller cleaning solution usage in pounds or gallons in a monthly basis; the percent by weight or weight to volume ration (lbs/gal) VOC and HAP content, and, an estimate of VOC and HAP emissions.

d. For each month of operation, an estimate of VOC and HAP emissions during the latest 12 months.

2. The records shall be maintained at the facility for a minimum of 5 years and shall be made available to an authorized Department representative at any time during normal work hours.

Work Practice Requirements

1. The permittee shall keep all solvent containers closed at all times unless filling, draining or performing cleanup operations.

2. The permittee shall keep all solvent laden shop towels in a closed container when not being used.

The ERC-generating facility, Smurfit-Stone Container Enterprises, Inc. located at 500 Church Street, Upper Gwynedd Township, Montgomery County, has generated 107.5 tons VOC ERC. The ERCs were generated from shutdown VOC sources at the Upper Gwynedd Township plant in Montgomery County, PA. 77.6 tons of the ERC will be transferred to Smurfit-Stone Container Enterprises, Inc. Oaks Plant for use as emission offsets for this construction. The remaining 29.9 tons VOC ERC will be banked into DEP ERC Registry for future use.

Persons wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address as follows. Each written comment shall include the following:

1) Name, address and telephone number of the person submitting the comments.

2) Identification of the proposed Plan Approval No. 46-0041D.

3) Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing the Department at the address as follows. A public conference may be held, if the Department in its discretion decides that a conference is

warranted on the basis of the information received. Persons who have submitted comments or have requested a conference will be notified of the decision to hold a conference by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, when the Department determines that notification by telephone is sufficient.

Francine Carlini, Regional Manager Air Quality, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. For additional information, contact Xiaoyin Sun at (484) 250-5072.

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

40-310-055: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 18711) for modification of a batch asphalt plant at the Summit Station facility in Wayne Township, **Schuylkill County** that will replace an existing fabric collector and utilize recycled asphalt pavement (RAP) and waste derived liquid fuel (WDLF). This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 20.0% RAP into the 480 ton per hour facility while any WDLF used will meet all regulatory specifications. The company has elected to take a voluntary production restriction of 450,000 tons of asphalt per year. Total emissions from the plant will not exceed 27.7 tpy of NO_x, 90.2 tpy of CO, 20.0 tpy of SO_x, 8.5 tpy of VOC and 7.5 tpy of PM. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90–60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

48-304-032: Ametek, Inc. (42 Mountain Avenue, Nesquehoning, PA 18240) for installation of an air cleaning device (to facilitate exhausting outdoors) to capture particulate emissions from the existing starch processing operation in Nesquehoning Borough, **Carbon County**. The expected particulate emission rate from the baghouse filter will be less than 0.02 grain/dscf and will result in particulate emissions of 3.5 tons per year at the facility. The company will operate the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Synthetic Minor Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-03005C: Rohm and Haas Chemical, LLC (150 Columbia Street, Reading, PA 19612-5209) for modification of an existing thermo-plastic manufacturing facility in the City of Reading, **Berks County**. The facility is a non-Title V (State-only) facility. The modification involves the construction of several new sources used in the production of thermo-plastic powders all controlled by fabric collectors. A new fabric collector will also be installed as part of this modification. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-03135A: Stone Arch Associates (57 Wellington Boulevard, Wyomissing, PA 19610) for construction of a

human crematory controlled by an afterburner at their funeral home in West Reading Borough, **Berks County**. The source has the following annual potential emissions: 1.7 tons NO_x, 0.6 ton PM₁₀ and 0.5 ton SO_x. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03052A: Boose Aluminum Foundry Co., Inc. (77 North Reamstown Road, Reamstown, PA 17567) for installation of a replacement thermal sand reclamation system at the foundry in East Cocalico Township, **Lancaster County**.

36-05019G: Anvil International, Inc. (1411 Lancaster Avenue, Columbia, PA 17412) for construction of a new molding line and consolidation of existing operations at the foundry in Columbia Borough, **Lancaster County**. The planned modifications including a reduction in the allowable melt rate are expected to decrease the facility's overall emissions of VOCs by about 42 tpy, and PM by about 22 tpy. The plan approval and operating permit will include process and emission restrictions, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05109A: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19612) for construction of four portable 1500 KW diesel-fired peak electrical generating units at their existing Queen Street Substation in York Township, **York County**. The facility has the following annual potential emissions based on an annual restriction of 438 operating hours per unit: 25.1 tons NO_x, 4.1 tons SO_x, 3.6 tons CO, 0.6 ton VOC and 0.5 ton PM₁₀. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

17-00001C: Reliant Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg, PA 15317) for installation of two selective noncatalytic reduction (SNCR) systems to control NO_x emissions from four pulverized bituminous/synfuel fired boilers (Source IDs 031–034) at their Shawville generating station in Bradford Township, **Clearfield County**. The Shawville generating station is a Title V facility.

The Department of Environmental Protection's (Department) review of the information submitted by Reliant indicates that the proposed SNCR systems will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants. The Department's review of the information contained in the application indicates that the installation of the SNCR systems will comply with all state and federal requirements. The operation of the SNCR systems will result in a reduction of NO_x emissions of up to 25% from the boilers. The installation of the SCNR systems will emit ammonia from the boilers due to "ammonia slip." Additionally, if the Department determines that the SNCR units are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 17-00001 through an administrative operating permit amendment under 25 Pa. Code § 127.450.

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

1. The SNCR systems shall be operated in accordance with the manufacturer specifications and good air pollution control practices.

2. Within 120 days of the initial operation of the SNCR systems, the permittee shall conduct Environmental Protection Agency (EPA) reference method stack testing for ammonia emissions upon the exhausts of Source IDs 031 and 032 and Source IDs 033 and 034 to determine ammonia emissions from each SNCR system associated with the boilers. Additionally, the sulfur trioxide/ammonia flue gas conditioning system, as well as the SNCR system, must be operated when conducting ammonia emissions stack testing on Source IDs 031 and 032.

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

4. The Department shall be given at least 14 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

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

6. The Department may establish ammonia emission limitations based on stack tests data and good air pollution control practice monitoring parameters. The Department may require additional ammonia emission tests to establish the ammonia emission limitations if not completely satisfied by the previous emissions and monitoring data.

7. The permittee shall install and maintain instrumentation to monitor and record the ammonia injection rate of the SNCR systems associated with Source IDs 031—034 on a continuous basis. Additionally, the permittee shall continuously monitor and record the flue gas temperature at the ammonia injection location, steam load and NO_x emissions. These monitoring parameters shall be correlated to maximize NO_x reductions at reasonable ammonia slip levels. These records shall be retained for a minimum of 5 years and shall be presented to the Department upon request.

8. All conditions contained in the Title V operating permit remain in effect and the permittee shall comply with all conditions contained in TVOP 17-00001.

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

gional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

47-399-016: Augusta Fiberglass Coatings, Inc. (86 Lake Cynthia Road, Blackville, SC 20817) for the construction of a temporary fiberglass stack liner manufacturing operation on the site of the PPL Montour, LLC Montour Steam Electric Station near Washingtonville in Derry Township, **Northumberland County**.

The respective manufacturing operation will be used to construct flue liners for a new electric utility boiler exhaust stack being constructed by PPL Montour, LLC and is expected to be in operation for only approximately 1 year. The resultant air contaminant emissions from the fiberglass stack liner manufacturing operation are not expected to exceed 25.13 tons of VOCs, 25.11 tons of volatile HAPs (of which 24.51 tons will be styrene and .275 ton will be methylene chloride), 1.5 tons of PM including PM₁₀ and 2.75 tons of acetone per year.

The fiberglass stack liner manufacturing operation is a major (Title V) facility for HAPs.

The Department's review of the information submitted by Augusta Fiberglass Coatings, Inc. indicates that the fiberglass stack liner manufacturing operation should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12 and the applicable requirements of Subpart WWWW of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.5780 through 63.5935 (National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production). Based on this finding, the Department proposes to issue plan approval for the construction of the proposed fiberglass stack liner manufacturing operation.

Although the Department would ordinarily also require a fiberglass stack liner manufacturing operation which is a major facility for hazardous air pollutants to obtain a Title V operating permit following its construction (provided the Department found the manufacturing operation to be in compliance with all applicable plan approval conditions and all applicable regulatory requirements), in this case, because of the short duration of operation (approximately 1 year), the Department intends to authorize operation via the plan approval and, if need be, subsequent extensions of the plan approval.

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

1. The VOC, volatile HAP, acetone and PM emissions from the entire operation shall not exceed 25.13, 25.11, 2.75 and 1.5 tons, respectively, in any 12-consecutive month period.

2. The combined styrene and methyl methacrylate content of the resin used in the robotic spray and hand lay-up portions of the operation shall not exceed 41.5%, by weight, and the combined styrene and methyl methacrylate content of the resin used in the filament winding portion of the operation shall not exceed 46.0%, by weight.

3. The resin applied in the robotic spray portion of the operation shall be applied by nonatomized spray technology only, the resin applied in the filament winding portion of the operation shall be applied by filament winding only and resin applied in the hand lay-up portion of the operation shall be applied by hand only.

4. No more than 220,000 pounds of resin shall be used in the robotic spray portion of the operation, no more than 330,000 pounds of resin shall be used in the filament winding portion of the operation, and no more than 75,000 pounds of resin shall be used in the hand lay-up portion of the operation, in any 12-consecutive month period.

5. Nothing shall be mixed with resin onsite other than catalyst.

6. No more than a combined total of 1,520 pounds of styrene monomer shall be used in the entire operation in any 12-consecutive month period.

7. The only solvents that may be used for any cleanup activities associated with the operation are acetone and methylene chloride. Methylene chloride may, however, only be used to clean cured resin from equipment, and the like. The use of methylene chloride to clean uncured resin from equipment, and the like is prohibited.

8. No more than a combined total of 550 pounds of methylene chloride and 5,500 pounds of acetone may be used in the entire operation in any 12 consecutive month period.

9. Any container of methylene chloride into which anything is placed to be cleaned shall have a capacity no greater than 2 gallons.

10. All containers of VOC-containing material, volatile HAP-containing material and acetone-containing material shall be kept closed except when material is being removed from or introduced into the respective container and/or, if the container of material is one into which equipment, and the like is placed for cleaning purposes, when the equipment, and the like is being placed into or removed from the respective container.

11. Any solvent-wet cloths or rags shall be kept in closed containers when not in actual use.

12. Acetone shall only be used to clean by immersion. Acetone shall not be applied to equipment, and the like by cloth or any means other than immersing the equipment, etc. into a container of acetone.

13. Cleaning activities involving the use of methylene chloride and acetone shall be carried out using work practices, as identified in this plan approval, which are intended to minimize evaporative loss (such as: upon the removal of an object from a container of solvent, the object must be allowed to drain until the dripping of solvent has ceased, solvent in a container may not be air or pump agitated, solvent may not be flushed over an object, absorbent materials may not be cleaned, and the like).

14. The operation shall comply with all applicable requirements specified in Subpart WWWW.

15. Comprehensive accurate records of material identity, material composition and material usage shall be maintained and submitted to the Department. These records shall be detailed enough to allow compliance to be determined with all limitations and requirements contained in this plan approval.

14-00002G: 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 lime hydrate process consisting of the following equipment:

One 30 ton per hour hydrator, seven bucket elevators, 17 screw conveyors, one belt/weigh conveyor, three hammer mills, two cyclones, two whizzers, five separators, one 250 ton load out densification, three truck loadouts and eight storage bins (80 ton pebble lime, 40 ton PLS, two 20 ton hydrate feeds, 50 ton reject, two 250 ton hydrated lime and 220 ton hydrated lime).

The air contaminant emissions from the proposed project will be controlled by five fabric collectors. Potential emissions from the operation of the proposed project are 11.34 tons per year of PM/PM10. The Department's review of the information contained in the application indicates that the lime hydrate process, as proposed, will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. 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 BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the lime hydrate process shall be controlled by a Cimprogetti (or equivalent*) model Cim-ZeroPoll 1,000 (or equivalent*) fabric collector, an IAC (or equivalent*) model 120TB-BHT-49:S6 (or equivalent*) fabric collector, an IAC (or equivalent*) model 120TB-BHT-81:S6 (or equivalent*) fabric collector, a Johnson March model Sky Kleen STH 22 fabric collector and a Fuller/Dracco model 48-3-1500 fabric collector in accordance with the plans and specifications approved by the Department.

*Any equivalent make or model fabric collector shall be designed in accordance with the specifications approved by the Department.

2. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, all process equipment shall be fully enclosed and sealed so that PM does not leak from the enclosed equipment and interconnections.

3. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, volume displaced during the loading of trucks shall be returned to hydrated lime storage bin 410-SIL-412 by means of a truck blow off pipe.

4. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the PM concentration of the exhausts of the two IAC fabric collectors and the Johnson March fabric collector shall not exceed 0.01 grains per dry standard cubic foot.

5. Under the BAT provisions provisions in 25 Pa. Code §§ 127.1 and 127.12, the PM concentration of the exhaust of the Cimprogetti fabric collector shall not exceed 0.02 grain per dry standard cubic foot.

6. Under the BAT provisions 25 Pa. Code § 123.13 (c)(1)(i), the PM concentration of the exhaust of the Fuller/Dracco fabric collector shall not exceed 0.04 grain per dry standard cubic foot.

7. Under the BAT provisions provisions in 25 Pa. Code §§ 127.1 and 127.12, the opacity of the exhausts of the Cimprogetti, the two IACs and the Johnson March fabric collectors shall not exceed 5% (6 minute average).

8. The permittee shall install and maintain instrumentation to continuously and accurately 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.

9. For each pressure drop gauge, the permittee shall comply with the Cleaning, Inspection, Maintenance, Repair and Calibration Plan submitted as Attachment 8 with the Title V operating permit renewal documentation dated December 23, 2005. The Plan contains weekly cleaning procedures, weekly inspection/repair procedures, annual maintenance procedures and annual calibration procedures.

10. A pressure drop between 4" and 5" of w.g. shall initiate pulse-jet cleaning of the Cimprogetti fabric collector.

11. A pressure drop between 5" and 6" of w.g. shall initiate pulse-jet cleaning of the two IAC and Johnson March fabric collectors.

12. The permittee shall measure, at least once each month, during source operation, the exhaust opacity of the Cimprogetti, the two IACs and the Johnson March fabric collectors, by USEPA Method 9.

13. Within 180 days after initial startup, the permittee shall perform stack testing to determine compliance with the PM emission limitation of 0.01 gr/dscf for the Johnson March fabric collector and 0.02 gr/dscf for the Cimprogetti fabric collector. Stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing). Testing shall be performed while the process is operating at a minimum of 90% of the rated throughput capacity.

14. At least 60 days prior to the performance of any testing required by condition No. 13, the permittee shall submit two copies of a test protocol to the Department's Northcentral Region 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 during testing.

15. At least 14 days prior to the performance of any testing required by condition No. 13, 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.

16. Within 60 days following the completion of the testing required by condition no. 13 herein, the permittee shall submit two copies of a test report to the Department's Northcentral Region 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). 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 (gr/dscf).

17. The permittee shall keep records of the monthly USEPA Method 9 opacity measurements and resulting averages and any corrective actions taken to comply with the opacity limitation. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

18. 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.

19. The permittee shall keep records of actions performed, on each pressure drop gauge, for each weekly cleaning, weekly inspection/repair, annual maintenance and annual calibration as required by the Cleaning, Inspection, Maintenance, Repair and Calibration Plan. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

20. The permittee shall keep records of the date and time of each watering of roadways leading to the hydrated lime loadouts. These 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 results of each semiannual inspection of each fabric collector. In addition, the records shall include all maintenance actions performed. 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 inspect each fabric collector semiannually and shall perform maintenance as necessary.

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

24. The air compressors supplying air to all five fabric collectors shall be equipped with an air dryer and oil trap.

25. Under 25 Pa. Code § 123.1, the permittee shall keep and maintain an operable water truck onsite to water the roadways leading to the hydrated lime loadouts at a reasonable frequency to prevent PM from becoming airborne.

26. The hydrator, the bucket elevator, the screw conveyor and the weigh belt feeder whose emissions are controlled by the Cimprogetti fabric collector are subject to the compliance assurance monitoring requirements specified in 40 CFR Part 64. The permittee shall submit the information required by 40 CFR 64.4 as part of an application for renewal of the operating permit.

27. Issuance of an operating permit for the lime hydrate process is contingent upon all sources being constructed, all air cleaning devices being installed and all sources and air cleaning devices being maintained and operated as described in the plan approval application and supplemental materials submitted with the application, and in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified, as well as in compliance with the requirements specified in 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41, as well as in compliance with the requirements specified in, or established under, any other applicable rules and regulations contained in 25 Pa. Code Part I, Subpart C, Article III.

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.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

63-00014F: Reliant Resources, Inc.—Orion Power Mid-West, LP (121 Champion Way, Suite 200, Canonsburg, PA 15317) Modification of Plan Approval PA-63-00014F to change allowable ammonia emission rate resulting from the operation of selective noncatalytic reduction on unit No. 4 from 3.0 ppmv to 10.0 ppmv at Elrama Power Plant in Union Township, **Washington County**. This is a Title V Facility

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

25-053C: Urick Foundry Co. (1501 Cherry Street, Erie, PA 16502) for construction of a new core making system in City of Erie, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This 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. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31, and 123.41 for fugitive, odor and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

- The permittee shall perform a daily operational inspection of the control device. The permittee shall maintain records of the operational inspections. These records shall, at a minimum, contain the following:

- Pressure drop across the scrubber.
- Scrubber gas flow rate.
- Scrubber liquid pressure and/or flow rate.
- Scrubber liquid pH.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- Scrubber operating parameters, including pH and pressure drop shall be operated in a range defined by the manufacturer, or in a range developed during compliant stack testing. Pressure drop and pH meters shall be mounted in accessible areas, and shall be maintained in good operating conditions at all times.

- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects, and any routine maintenance performed.

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

AMS 06014: Sun Chemical (3301 Hunting Park Avenue, Philadelphia, PA 19132) for installation of one Kady mill, 16 mixers, one post mixer and 8 table top mixers. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 05186: Sunoco Chemicals—Frankford Plant (Margaret and Bermuda Streets, Philadelphia, PA 19137) to replace the individual column capacities from permit applications with facility-wide production capacities of 1,115 million pounds of phenol per rolling 12-month period, 691 million pounds of acetone per rolling 12-month period, and 78 million pounds of alpha-methyl styrene per rolling 12-month period in the City of Philadelphia, **Philadelphia County**. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

15-00008: Buckeye Terminals, LLC—Malvern Terminal (8 South Malin Road, Frazer, PA 19355) for renewal of Title V Operating Permit No. TVOP-15-00008, in East Whiteland Township, **Chester County**. The facility operates a loading rack and associated vapor recovery unit, and is major for VOCs. The loading rack is subject to a gasoline loading limit. The facility is subject to individual and aggregate HAP emission restrictions.

The loading rack is subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR. Part 64. CAM requirements for the loading rack have been added to the renewed permit.

Other minor changes to the initial Title V Operating permit have been made.

The Title V Operating Permit will contain all necessary monitoring, recordkeeping, reporting and work practice requirements to keep the facility operating within all applicable air quality requirements.

23-00004: Covanta Delaware Valley, LP (10 Highland Avenue Chester, PA, 19013) for a permit renewal to Title V Operating Permit 23-00004 in Chester City, **Delaware County**. The permit also addresses a change of ownership and a name change from American Ref-Fuel of Delaware Valley, LP to Covanta Delaware Valley, LP. No changes have taken place at the facility since the previous permit was issued on April 30, 2001, and no sources are subject to CAM at this time. The Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

54-00021: Pine Grove Landfill, Inc. (193 Shultz Road, Pine Grove, PA 17963-8634) for renewal of a Title V Operating Permit in Pine Grove Township, **Schuylkill**

County. The facility sources include a landfill and gas collection system, three landfill gas flares and one diesel fuel fired emergency generator. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

63-00014 Reliant Resources, Inc, Orion Power MidWest, LP (121 Champion Way, Suite 200, Canonsburg, PA 15317) Modification of Title V Operating Permit to change allowable ammonia emission rate resulting from the operation of selective non-catalytic reduction on Units Nos. 1—3 from 3.0 ppmv to 10.0 ppmv at Elrama Power Plant located in Union Township, Washington County. This is a Title V Operating Permit modification being processed in accordance with 25 Pa. Code §§ 127.541 and 127.542(a)(3).

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

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

15-00099: Multiserv—Plant 64 (South 1st Avenue, Coatesville, PA 19320) for operation of their scrap metal cutting/reprocessing plant in South Coatesville, East Fallowfield Township, **Chester County**. The permit is for a non-Title V (State-only) facility. Multiserv Plant is a scrap metal cutting/reprocessing plant consisting of a scrap cutting machine (torch) and two baghouses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-05005: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for operation of their limestone crushing and asphalt plants at the quarry in Oley Township, **Berks County**. This is a non-Title V (State-only) facility. The operating permit will contain appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

22-03009: Dauphin Precision Tool, LLC (200 Front Street, Millersburg, PA 17061) for their machining and heat treat operations at the Millersburg Plant in Millersburg Borough, **Dauphin County**. This action is a renewal of the facility's State-only operating permit issued in April of 2001.

36-05008: Tyson Foods, Inc. (403 South Custer Avenue, New Holland, PA 17557) for operation of a chicken processing facility in Earl Township, **Lancaster County**. This action is a renewal of the facility's State-only operating permit issued in May of 2001.

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

41-00069: Fisher Mining Co. (40 Choate Circle, Montoursville, PA 17754) for operation of a coal rail loading operation in the Newberry Railyard in the City of Williamsport, **Lycoming County**.

The facility consists of a paved stockpile area, onto which coal is dumped from trucks, and from which coal is removed by means of front-end loaders and loaded into rail cars. The only potential air contaminant is fugitive PM, some of which may also be PM10.

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 conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously existing in Operating Permit 41-305-012, issued on August 29, 2001. These previously-existing conditions include:

1. A condition limiting the coal throughput to a maximum of 200,000 tons in any 12-consecutive month period.
2. A condition requiring all onsite roadways to be treated with either a Department-approved road oil or calcium chloride unless paved.
3. A condition requiring all trucks loaded with coal entering or exiting the site by a means of a public roadway to be tarped or otherwise covered.
4. A condition requiring that records be maintained of the amount of coal delivered to the site each month.

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

25-00983: Rupp Auto Livery (303 East 32nd Street, Erie, PA 16504-1548) for operation of a crematorium in the City of Erie, **Erie County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an applica-

tion within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

30-day period to review and submit comments on the requirements.

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

03991302 and NPDES Permit No. PA0235385, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to renew the permit for the Stitt Mine in Rayburn Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received January 9, 2006.

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

Permit No. 56880103 and NPDES Permit No. 0598143, Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552-0157, permit revision—land use change on Robert, Richard and Edmond Sanner property from wildlife habitat to industrial/commercial in Summit Township, **Somerset County**, affecting 10 acres. Receiving streams: UNTs to/and Casselman River, UNTs to/and Lick Run, UNTs to Bigby Creek and UNTs to Cranberry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 9, 2006.

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

03900110 and NPDES Permit No. PA0592404, State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued operation and reclamation of a bituminous surface mine, located in Boggs Township, **Armstrong County**, affecting 81.3 acres. Receiving streams: North Fork Pine Creek and UNT to North Fork of Pine Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 16, 2006.

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

33990108 and NPDES Permit No. PA0241482, T.L.H. Coal Co. (4401 Pollock Road, Marion Center, PA 15759). Revision to an existing bituminous surface strip operation in Young Township, **Jefferson County** affecting 49.5 acres. Receiving streams: UNT to Sawmill Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a postmining landuse change from forestland to unmanaged natural habitat. Application received: March 15, 2006.

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

17060101, Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 232.0 acres. Receiving streams: UNTs to Little Clearfield Creek, classified for the following use: HQF. Application received February 22, 2006.

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

54060101, Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), commencement, operation and restoration of an anthracite surface mine and coal refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 1,039.8 acres. Receiving stream: none. Application received March 1, 2006.

40823205R4, HUD, Inc. t/a Emerald Anthracite, II, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in

Hanover Township, **Luzerne County** affecting 239.2 acres. Receiving stream: none. Application received March 2, 2006.

54060102 and NPDES Permit No. PA0224529. Kuperavage Enterprises, Inc. (Box 99, Middleport, PA 17953), commencement, operation and restoration of an anthracite surface mine and coal refuse disposal operation in Blythe Township, **Schuylkill County** affecting 66.0 acres. Receiving stream: Bushy Creek, classified for the following use: CWF. Application received March 3, 2006.

54851601R4. Superior Coal Preparation Coop, LLC (184 Schwenks Road, Hegins, PA 17938), renewal of an existing anthracite coal preparation operation in Hegins and Hubley Townships, **Schuylkill County** affecting 19.0 acres. Receiving stream: none. Application received March 6, 2006.

54861603R4 and NPDES Permit No. PA0592897. Pine Creek Coal Co. (P. O. Box 100, Spring Glen, PA 17978), renewal of an existing anthracite coal preparation

operation in Hubley Township, **Schuylkill County** affecting 23.6 acres. Receiving stream: Pine Creek. Application received March 8, 2006.

13010201R. Rossi Excavating Co. (9 West 15th Street, Hazleton, PA 18201), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 580.0 acres. Receiving stream: none. Application received March 9, 2006.

49061301 and NPDES Permit No. PA0224537. Excel Coal Company (R. R. 2 Box 665, Shamokin, PA 17872), commencement, operation and restoration of an anthracite underground mine operation in Coal Township, **Northumberland County** affecting 2.5 acres. Receiving stream: UNT to Shamokin Creek. Application received March 9, 2006.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

40860301C2 and NPDES Permit No. PA0593133. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Newport Township, **Luzerne County**. Receiving stream: Newport Creek, classified for the following use: CWF. Application received March 8, 2006.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 522-101.1, Montgomery Township, **Indiana County**, 50 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., May 1, 2006, to be considered. Telephone inquiries shall be directed to Bob MacBlane, Division of Mine Hazards at (717) 783-0476.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-369. Jaindl Land Company, 3150 Coffeetown Road, Orefield, PA 18069, in Allen Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a wooden pedestrian bridge having a span of 36 feet and a maximum underclearance of 6 feet across Dry Run (CWF) and two access ramps having lengths of 41 feet and 37 feet. The purpose of the bridge is to provide a safer access to areas north of Dry Run without having to walk along the busy Willowbrook Road. The project is located approximately 40 feet upstream of Willowbrook Road (Catasauqua, PA Quadrangle N: 10.9 inches; W: 13.2 inches).

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

E22-503: Ned Smith Center for Nature and Art, 176 Water Company Road, P. O. Box 33, Millersburg, PA 17061 in upper Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 10-foot wide, 236-foot long, 2-span pedestrian bridge with a 100 foot clear span, 10 foot vertical clearance for span 1 (abutment 1 to pier 1) and a 136 foot 6 inch clear span, 17.8 ft vertical clearance for span 2 (pier 1 to abutment 2) over Wiconisco Creek (WWF) at a site (Millersburg, PA Quadrangle, N: 6.5 inches; W: 7.0 inches; Latitude: 40° 32' 07"; Longitude: 76° 55' 31") 150 feet downstream of the Ned Smith Center in Upper Paxton Township, Dauphin County.

E36-807: Chester Water Authority, 415 Welsh Street, P. O. Box 467, Chester, PA 19106-0467 in Fulton Township, **Lancaster County**, ACOE Baltimore District.

To construct a new building at the Chester Water Authority's Susquehanna River Pump Station site to house existing and new equipment needed for improvements to the pump station (Conowingo Dam Quadrangle N: 21.8 inches, W: 14.2 inches; Latitude: 39° 44' 42", Longitude: 76° 13' 32").

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

E08-438. Howard Mahady, R. R. 3, Box 213, Columbia Cross Roads, PA 16914. Bentley Creek Stabilization Project D/S of SR 4018 bridge, in Ridgebury Township, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 8.79 inches; W: 9.62 inches).

To realign the stream channel and to construct, operate and maintain 270 linear feet of rip-rap protection six rock barbs, three rock weirs for grade control or stabilization of Bentley Creek a WWF. The channel relocation and stream restoration project shall be limited to a maximum length of 1,000-feet in Bentley Creek. The rock barb and weir structures shall be constructed of a minimum of R-6 rock. The restoration project with impact 1,000-feet of Bentley Creek that is located along the southern right-of-

way of SR 4018 Ridgebury Road. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Bentley Creek. Temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

E08-437. Larry Fulmer, P. O. Box 25, Wysox, PA 18854. Water Obstruction and Encroachment Joint Permit Application, Lanning Creek Stabilization Project near SR 2032 Masonite Road, in Wysox Township, **Tioga County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 3.13 inches; W: 5.76 inches).

To realign the stream channel and to construct, operate and maintain 570 linear feet of rip-rap toe protection and six rock barbs, for grade control or stabilization of Lanning Creek a WWF. The channel relocation and stream restoration project shall be limited to a maximum length of 600-feet in Lanning Creek. The rock barb structures shall be constructed of a minimum of R-6 rock. The restoration project will impact 570 linear feet of Lanning Creek that is located along the western right-of-way of SR 2032 Masonite Road immediately south of SR 0006 and SR 2032 Masonite Road intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Lanning Creek. Temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

E41-562. Justin Bieber, 690 P. Houseknecht Road, Muncy, PA 17756. Water Obstruction and Encroachment Joint Permit Application, in Moreland Township, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 9.75 inches; W: 0.61 inches).

To construct and maintain a 56-foot by 12-foot steel I-beam bridge on a skew of 90° in Laurel Run, 0.5 mile south east of the intersection of SR 0442 and P. Houseknecht Road along (T-662) Houseknecht Road Road. This project proposes to permanently impact 56 linear feet of Laurel Run, which is, designated a HQ-CWF stream and does not propose to impact any jurisdictional wetlands.

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

E02-1527. Irongate Ventures, LLC, 210 Bird Park Road, Pittsburgh, PA 15228. To construct a culvert in North Fayette Township, **Allegheny County**, Pittsburgh ACOE District. (Oakdale, PA Quadrangle N: 9.6 inches; W: 13.8 inches and Latitude: 40° 25' 36"—Longitude: 80° 13' 25"). The applicant proposes to construct and maintain a 14' wide by 4' high con span culvert approximately 64 feet long in a UNT to North Branch of Robinson Run (WWF), to construct and maintain a dual 48" diameter RCP culvert (depressed 1') approximately 248' long and to place and maintain fill in 0.03 acre of wetlands as part of the con span culvert crossing. This project will temporarily impact 50' of the same stream as the con span culvert and 0.03 acre of wetlands for the construction of a

utility line crossing. To construct and maintain a 48" diameter culvert (depressed 1') in the same UNT as the dual culvert. The project is part of a development to be known as Irongate. The project will be located on the south side of Bateman Road. The project will permanently impact 486' of stream channel, temporarily impact 50' of stream channel, permanently impact 0.03 acre of wetlands and temporarily impact 0.03 acre of wetlands.

E63-475 A1. William J. Tomko, Jr., 2559 Route 88, Finleyville, PA 15322. To construct a long stream enclosure and fill wetlands in Union Township, **Washington County**, Pittsburgh ACOE District. (Hackett, PA Quadrangle N: 22.1 inches; W: 2.95 inches and Latitude: 40° 14' 48"—Longitude: 80° 01' 16"). The applicant proposes to amend permit number E63-475 to operate and maintain the existing 54-inch diameter culvert in a UNT to Peters Creek (TSF), to construct and maintain a 420.0 foot long stream enclosure consisting of a 54-inch diameter culvert in a UNT to Peters Creek (TSF) and to place and maintain fill in 0.09 acre of PEM/PSS wetlands for the purpose of expanding applicants business facility. The project is located on the west side of SR 0088. The intersection of SR 0088 and Stonebridge Drive and will impact 420.0 linear feet of stream channel and 0.09 acre of wetlands.

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

E16-130, Clarion Boards, Inc., 143 Fiberboard Road, Box 340, Shippensburg, PA 16243. Laminate Plant Building Project, in Paint Township, **Clarion County**, ACOE Pittsburgh District (Clarion, PA Quadrangle N: 40° 13' 59"; W: 79° 25' 0").

To fill a total of 0.463 acre of seven wetland areas (PEM) for construction of a laminate flooring plant building and associated earthwork adjacent to the existing Clarion Boards, Inc. fiberboard plant on Fiberboard Road south of SR 322 approximately 1 mile east of SR 66. Project proposes creation of replacement wetland onsite.

E24-244, Fox Township Ambulance Association, 128 Scotland Street, Dagus Mines, PA 15831. Fox Township Ambulance Association, in Fox Township, **Elk County**, ACOE Pittsburgh District (Kersey, PA Quadrangle N: 20.4 inches; W: 15.1 inches).

The applicant proposes to remove the existing ambulance building and to construct and maintain an approximately 110-foot by 75-foot ambulance building and associated parking lots partially within the floodway (50 foot top of bank) of a UNT to Daguscanhoda Run having a drainage area of approximately 0.85 square mile. The project proposes to directly impact an area of floodway measuring approximately 110 feet in length by 30 feet in width.

E42-320, Smethport Borough, 201 West Main Street, Smethport, PA 16749. Nelson Street Pedestrian Bridge Over Marvin Creek, in Smethport Borough, **McKean County**, ACOE Pittsburgh District (Smethport, PA Quadrangle N: 10.5 inches; W: 8.3 inches).

The applicant proposes to construct and maintain a steel girder pedestrian bridge having a clear span of 115.1 feet and an underclearance of approximately 9 feet across Marvin Creek approximately 1,500 feet SW of the intersection of SR 6 and SR 46. The project proposes to directly impact approximately 15 feet of stream channel. Marvin Creek is a perennial stream classified as a CWF.

ACTIONS

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

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PAR10I250R	Hess Enterprises No. 13—Aberdeen Shopping Plaza Aberdeen, MD 21001	Dauphin County Londonderry Township	Swatara Creek WWF	Y
PAR10C368R	John Smith Forine Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Berks County Spring Township	Cacoosing Creek TSF	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0113182 SN	Albert A. Drobka P. O. Box 256 State College, PA 16804-0256	Centre County Harris Township	UNT to Spring Creek 9C	Y
PA0114740 IW	Aqua Pennsylvania, Inc. 204 East Sunbury Street Shamokin, PA 17872-4859	Northumberland County Coal Township	South Branch Roaring Creek 5E	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0218634 Sewage	Indiana County Municipal Services Authority 827 Water Street Indiana, PA 15701	Indiana County Pine Township	Yellow Creek	Y
PA0036331 Sewage	George and Marion Fleeher 21 Timbercrest Circle Cecil, PA 15321	Washington County Cecil Township	UNT of Millers Run	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0238520	Camp Bucoco STP Moraine Trails Council Boy Scouts of America 830 Moron Avenue Extension Butler, PA 16001	Slippery Rock Township Butler County	UNT to Slippery Rock Creek 20-C	Y

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

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

NPDES Permit No. PA0247839, Sewage, **King's River Haven Mobile Home Park and Campsite**, 2379 River Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Snitz Creek in Watershed 7-G.

NPDES Permit No. PA0247723, Sewage, **Leroy and Mary Musser**, 1878 Cider Press Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of the Little Chickies Creek in Watershed 7-G.

NPDES Permit No. PA0025399, Sewage, **Christiana Borough**, 10 West Slokum Avenue, Christiana, PA 17509. This proposed facility is located in West Sadsbury Township, **Chester County**.

Description of Proposed Action/Activity: Authorization to discharge to the Buck Run in Watershed 7-K.

NPDES Permit No. PA0009571, Industrial Waste, **Fairmont Products, Inc.**, 15 Kishacoquillas Street, P. O. Box 977, Belleville, PA 17004-0977. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of the Little Kishacoquillas Creek in Watershed 12-A.

NPDES Permit No. PA0248011, Industrial Waste, **Reading Area Water Authority, Ames Way Booster Station**, 815 Washington Street, Reading, PA 19601-3637. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to a storm drainage swale tributary to the Schuylkill River in Watershed 3-B.

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

PA0228869, Sewage 4952, **Department of Conservation and Natural Resources**, North Central Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834. This proposed facility is located in Leidy Township, **Clinton County**.

Description of Proposed Activity: The applicant has been approved for a wastewater treatment facility at the Kettle Creek State Park's Lower Campground. The facility will serve 44 campsites with an anticipated average flow of 2,200 gpd. The treatment plant will consist of an equalization tank, a packaged activated sludge treatment plant, a sludge holding tank, rapid sand filters and ultraviolet disinfection. The discharge will be to Kettle Creek downstream of the Alvin Bush Dam.

The receiving stream, Kettle Creek, is in the State Water Plan watershed 9B and is classified for TSF. The nearest downstream public water supply intake is located on the West Branch Susquehanna River approximately 105 miles downstream of the proposed point of discharge, near Milton, PA.

The proposed effluent limits, based on a design flow of 0.0022 mgd, are:

Parameter	Average	Instantaneous
	Monthly (mg/l)	Maximum (mg/l)
Flow		Report
Fecal Coliforms	200/100ml	
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3
pH	Within the Range of 6.0 to 9.0	

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

NPDES Permit No. PAS698301, Industrial Waste, **Recmix of PA**, 359 North Pike Road, Sarver, PA 16055. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Little Buffalo Creek in Watershed 18-F.

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. WQG02230603, Sewerage, **Concord Campus, LP**, 703 Maiden Lane, Baltimore, MD 21228. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 4605204, Industrial, **Sunoco, Inc. (R & M)**, 350 Eagleview Boulevard, Suite 300, Exton, PA 19341. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a groundwater remediation system.

WQM Permit No. WQG02460607, Sewerage, **Amberley at Blue Bell, LP**, 1030 West Germantown Pike, P. O. Box 287, Fairview Village, PA 19409. This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewage pump station and sewer extension.

WQM Permit. No. 2306401, Sewerage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sanitary sewer ext to service both the Maris Grove Campus and Concordville Town Center.

WQM Permit No. WQG02230602, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewer extension and pump station.

WQM Permit No. WQG02150509, Sewerage, **Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. This proposed facility is located in Oxford Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension and pump station.

WQM Permit No. 4605417, Sewerage, **Upper Montgomery Joint Authority**, 1100 Mensch Dam Road, P. O. Box 6, Pennsburg, PA 18073. This proposed facility is located in Pennsburg Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of removing existing sewage pump and control to install new pumps and controls.

WQM Permit No. WQG02150515, Sewerage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. 0999416, Sewerage, **Amendment**, Warrington Township, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Upgrading the capacity of the Bradford Greene Pump Station to 0.673 mgd by means of the replacement of the three existing pumps.

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

WQM Permit No. WQG022204, Sewerage, **Smithfield Sewer Authority**, R. D.5, Box 5229, East Stroudsburg, PA 18301.

Description of Proposed Action/Activity: Construction of a sanitary sewer system and pump station in Smithfield Township, **Monroe County**, PA.

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

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of CA-150D Cromaglass unit with a 3,000-gallon aerated sludge tank and a 3,000-gallon coagulation/chlorine contact tank.

WQM Permit No. 3605404, Sewerage, **Leroy and Mary Musser**, 1878 Cider Press Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of an ES6 EnviroServer aerobic tank with ultraviolet disinfection preceded by a septic tank and followed by sand filtration.

WQM Permit No. 2105403, Sewerage, **Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Crooke Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a gravity and pump station collection system and three treatment facilities, and subsurface wastewater disposal systems serving the family campground, administrative and public service buildings, the YMCA camp area and the Laurel Lake area.

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

WQM Permit No. 1495201-T1, Industrial Waste (3675), **Spectrum Control, Inc.**, 8031 Avonia Road, Fairview, PA 16415. This existing facility is located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Permit transferred authorizing the operation of a groundwater extraction, treatment and recharge system at the former Murata Electronics site.

WQM Permit No. 1406401, Sewerage, **Roy B. Reeve**, 655 Ammerman Road, Bellefonte, PA 16823. This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of a permit for a single residence small flow treatment facility consisting of a septic tank, sand filter, and chlorination disinfection.

WQM Permit No. 1804402, Sewerage 4952, **Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, R. R. 4, Box 212, Emporium, PA 15834. This facility is located in Leidy Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant has been approved for the construction and operation of a 2,200 gallon per day sewage treatment plant to serve campsites at Kettle Creek State Park. The treatment plant will consist of an equalization tank, a package activated sludge treatment plant, ultraviolet disinfection, sludge holding and a stream discharge to Kettle Creek downstream of the Alvin Bush Dam.

WQM Permit No. 1705408, Sewerage, **Huston Township Sewer Authority**, Penfield, PA 15829. This proposed facility is located in Huston Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of a permit for a sewer line extension comprised of 1,720 feet of six-inch low pressure main, 14,135 feet of 4-inch low pressure main, and 900 feet of 2-inch low pressure main. This extension will connect 24 private homes/camps, 50 mobile homes and the Boy Scout Camp.

WQM Permit No. 1795408-A47, Sewerage 4952, **Bradford Township**, 2289 Barrett Road, Suite B, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Transfer application for single residence located in Bradford Township, Clearfield County.

WQM Permit No. 1795408-A48, Sewerage 4952, **Bradford Township**, 2289 Barrett Road, Suite B, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Transfer application for single residence located in Bradford Township, Clearfield County.

WQM Permit No. 1795408-A49, Sewerage 4952, **Bradford Township**, 2289 Barrett Road, Suite B, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Transfer application for single residence located in Bradford Township, Clearfield County.

WQM Permit No. 1795408-A50, Sewerage 4952, **Bradford Township**, 2289 Barrett Road, Suite B, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Transfer application for single residence located in Bradford Township, Clearfield County.

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

WQM Permit No. 2505404, Sewerage, **Municipal Authority of the Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412-2505. This proposed facility is located in Borough of Edinboro, **Erie County**.

Description of Proposed Action/Activity: This project is for the replacement of sanitary sewers on Meadville and Normal Streets to correct existing vertical and horizontal alignment problems.

WQM Permit No. 2506403, Sewerage, **McKean Township**, 9231 Edinboro Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: This project is for modifications to Georgetown Heights Lagoon WWTF.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAI130546	Chester County 14 E. Biddle St. West Chester, PA 19380	Chester	West Chester Borough	Chester, Darby, Valley and Crum Creeks	Y

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.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011506001	Upper Uwchlan Township East-West Link Road 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Marsh Creek (HQ-TSF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024505015	Gabrielle Scavello 155 Bayview Avenue Bronx, NY 10465	Monroe	Coolbaugh Township	Paradise Creek HQ-CWF
PAI026405008	United States Army Corps of Engineers Philadelphia District 100 Penn Square East Philadelphia, PA 19107	Wayne	Prompton Borough	West Branch Lackawaxen River HQ-CWF/HQ-TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105003	Department of General Services Pine Grove Furnace State Park 18th and Herr Streets Harrisburg, PA 17125	Cumberland	Cooke Township	UNT to Mountain Creek (WQ-CWF)
PAI032105014	Eric Cremo Silver Spring Market Square 463 Church Road Minersville, PA 17954	Cumberland	Silver Spring Township	UNT Hogestown Run (WQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406001	Grove Park Associates, Inc. Tomasz Kulakowski P. O. Box 726 Lemont, PA 16851	Centre County	Benner Township	Buffalo Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Radnor Township Delaware County	PAG2002305071	Academy of Notre Dame de Namur 560 Sproul Road Villanova, PA 19085	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002305046	Visionary Land Development 27 Wallingford Road Wallingford, PA 19086	UNT West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Yeadon Borough Delaware County	PAG2002305021	Barrister Land Development Corp. 648 Wyckoff Avenue Wyckoff, NJ 07481	Darby Creek (WWF)	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>
Newtown Township Delaware County	PAG2002306015R	Paper Mill Holding Company 110 Gallagher Road Wayne, PA 19047	Hunter Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Folcroft Borough Delaware County	PAG2002306005	Garnet Associates, LLC 1535 Chestnut Street Suite 200 Philadelphia, PA 19102	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002304066	Wawa, Inc. 260 West Baltimore Pike Media, PA 19063	Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wilkes-Barre City Luzerne County	PAG2004005056	Luzerne County Flood Protection Authority Attn: James Brozena Luzerne County Courthouse 200 North River Street Wilkes-Barre, PA 18711	Susquehanna River WWF	Luzerne Co. Cons. Dist. (570) 674-7991
Upper Saucon Township Lehigh County	PAG2003905026	Omega Homes Alex Hornstein 1150 Cedar Crest Blvd. Suite 300 Allentown, PA 18103	Saucon Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
City of Allentown Lehigh County	PAG2003906010	Stephen Talbott Commerce Bank 11000 Atrium Way Mt. Laurel, NJ 08054	Jordan Creek TSF, MF	Lehigh Co. Cons. Dist. (610) 391-9583
Williams Township Northampton County	PAG2004806005	TNT Fireworks, Inc. Attn: Lonnie Bassie 5401 West Skelly Drive Tulsa, OK 74107	Delaware River WWF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Dunmore Borough Lackawanna County	PAG2003506004	Mark Paradise 100 Colliery Rd. Dickson City, PA 18519	Roaring Brook CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Union Township Berks County	PAG2000606010	Christopher Canavan Centennial Acquisitions, LP 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Douglass Township Berks County	PAG2000606011	James Zaunick 84 Lumber Co. 1019 Rt. 519, Bldg 5 Eighty Four, PA 15330	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Bethel Township Berks County	PAG2000606006	Nelson Martin Martin Family Realty Partnership, LP 26 Kurr Road Richland, PA 17087	Tulpehocken B-1 TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Reading Berks County	PAG2000606020	Paul Gazzerro, Jr. Albright College 13th and Bern Street Reading, PA 19612	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Lower Paxton Township Dauphin County	PAG2002206004	Integrity Bank 3314 Market St. Camp Hill, PA 17011	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002205065	Hershey Trust Co. 100 Mansion Rd. Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002205072	The Hershey Co. 100 Crystal A Dr. Hershey, PA 17033	Spring Creek WWF and Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Delmar Township Tioga County	PAG2005906002	Dexter Baptist Church 2332 Stony Fork Rd. Wellsboro, PA 16901	Stony Fork CWF	Tioga County Conservation Dist. 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801
Monroe Township Snyder County	PAG2005506005	CB Penn Holding, LLC David Slabon 823 W. Park Ave. Ocean, NJ 07712	Susquehanna River WWF	Snyder County Conservation Dist. 403 West Market Street Middleburg, Pa. 17842-1038 (570) 837-0007
Lawrence Township Tioga County	PAG2005906003	New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664	Mutton Lane Creek WWF	Tioga County Conservation Dist. 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801
Beaver County Big Beaver Borough	PAG2000405023	Beaver Falls Municipal Authority c/o James A. Riggio 1425 Eighth Avenue Beaver Falls, PA 15010	UNT to Beaver River (WWF)	Beaver County Conservation Dist. (724) 378-1701
Beaver County Center Township	PAG2000406002	Dr. Daniel Matsook Center Area School Dist. 160 Baker Road Extension Monaca, PA 15061	UNT to Moon Run (WWF)	Beaver County Conservation Dist. (724) 378-1701
Fayette County Menallen Township	PAG2002606005	Janet Nelson Nelson Steel, Inc. 1015 New Salem Road New Salem, PA 15468	Dunlap Creek (WWF)	Fayette County Conservation Dist. (724) 438-4497
Fayette County South Union Township	PAG2002606006	Andrew French Redevelopment Authority of Fayette County 500 Court Plaza Tower 45 East Main Street Uniontown, PA 15401	Jennings Run (WWF)	Fayette County Conservation Dist. (724) 438-4497
Indiana County East Wheatfield Township	PAG2003206004	Phillip F. Marcus United School District P. O. Box 168 Armagh, PA 15920	UNT Blacklick Creek and Mardis Run (CWF)	Indiana County Conservation Dist. (724) 463-8547

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Butler County Adams Township	PAG2001005004	Donovan Property Subdivision Charles J. Betters Bayberry North Assoc. 3468 Brodhead Road Monaca, PA 15061	Breakneck Creek WWF	Butler Conservation District (714) 284-5270
Butler County Cranberry Township	PAG2001005022	600 Cranberry Woods Drive Commercial Development Trammel Crow Company 800 Cranberry Woods Drive, No. 260 Cranberry Township, 16066	Brush Creek WWF	Butler Conservation District (714) 284-5270
Crawford County Spring Township	PAG2002006001	Serbian Orthodox Diocese of Eastern America 138 Carriage Hill Road Mars, PA 16046	Conneaut Creek WWF: MF	Crawford Conservation District (814) 763-5269
Crawford County West Mead Township	PAG2002006002	Veterans of Foreign Ward, Post 2006 1081 Morgan Village Road Meadville, PA 16335	Mill Run WWF	Crawford Conservation District (814) 763-5269
<i>General Permit Type—PAG-3</i>				
<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>
Hilltown Township Bucks County	PAR200046	Pennfield Precision Solutions, LLC 306 Keystone Dr. Sellersville, PA 18960	Mill Creek 3E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Honey Brook Township Chester County	PAR120026	Bakery Feeds, Inc. 97 Westbrook Dr. Honey Brook, PA 19344	West Branch Brandywine Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Whitemarsh Township Montgomery County	PAR230073	McNeil Consumer & Specialty Pharmaceuticals 7050 Camp Hill Rd. Ft. Washington, PA 19034	Sandy Run 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hatfield Township Montgomery County	PAR230075	WR Grace & Co. d/b/a Grace Construction Products 1300 Industry Rd. Hatfield, PA 19440	UNT of Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hanover Township Lehigh County	PAR802244	DHL Express USA, INC. 871 Marcon Blvd. Allentown, PA 18109	Lehigh River TSF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Jackson Township Lycoming County	PAR224826 (Stormwater)	Wheeland Lumber Company 3558 Williamson Trail Liberty, PA 16930-9065	UNT to Blockhouse Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*Facility Location:
Municipality &
County*

<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>
Wyalusing Borough Bradford County	PAR204806	Arrow United Industries P. O. Box 69 Wyalusing, PA 18853	Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Rush Township Centre County	PAR404803 (Stormwater)	Centre County Solid Waste Authority 253 Transfer Rd. Bellefonte, PA 16823	Wolf Run UNT to Moshannon Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Ralpho Township Northumberland County	PAR804816	Fleetwood Motor Homes of PA P. O. Box 5 Paxinos, PA 17860-0095	Storm Drains to Shamokin Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

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

<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>
Berks County Hereford Township	PAG043547	Paul Dean 94 Hunter Forge Road Barto, PA 19504-0527	UNT West Branch Perkiomen Creek CWF/3-E	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Cumberland Township	PAG043682	Steven Heidel 1055 Mummasburg Road Gettysburg, PA 17325	UNT Willoughby Run WWF/13-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Hopewell Township	PAG043534	Amos King 379 Running Pump Road Shippensburg, PA 17257	UNT Conodoguinet Creek WWF/7-B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Everett Borough	PAG043529	Carl Michael 106 Rivers Bend Drive Everett, PA 15537-9388	UNT (through pond) Raystown Branch Juniata River WWF/11-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Union Township Centre County	PAG045202	Roy B. Reeves P. O. Box 93 Bellefonte, PA 16823	UNT to Bald Eagle Creek CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3636
Bradford Township Clearfield County	PAG045204	Clare Pannebaker 209 Jury Road Bigler, PA 16825	UNT to Millstone Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
Bradford Township Clearfield County	PAG045205	Steven Heitsenrether 602 Williams St. Clearfield, PA 16830	UNT to Millstone Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township Clearfield County	PAG045208	Boyd Dixon 3097 Shawville Hwy. Woodland, PA 16881	UNT to Sulphur Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township Clearfield County	PAG045207	Boyd Dixon 3097 Shawville Hwy. Woodland, PA 16881	UNT to Sulphur Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
<i>General Permit Type—PAG-6</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>
McDonald Borough Washington County	PAG066109	McDonald Sewage Authority P. O. Box 217 McDonald, PA 15057	Robinson Run and Robb's Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-7</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG070009	Philadelphia Water Department Aramark Tower 1101 Market St., Suite 5 Philadelphia, PA 19107	Biosolids Recycling Ctr. 7800 Penrose Ferry Rd. Philadelphia, PA 19153	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

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.1505508, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
4 Wellington Boulevard
Wyomissing, PA 19610

Township East Vincent

County **Chester**

Type of Facility PWS

Consulting Engineer Applied Water Management, Inc.
2 Clerico Lane, Suite 1
Hillsborough, NJ 08844

Permit to Construct Issued: March 17, 2006

Permit No.0906501, Public Water Supply.

Applicant **Hilltown Township Water and Sewer Authority**
316 Highland Park
Sellersville, PA 18960

Township Hilltown

County **Bucks**

Type of Facility PWS

Consulting Engineer Castle Valley Consultant, Inc.
10 Beulah Road
Doylestown, PA 18901

Permit to Construct Issued: March 17, 2006

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

Permit No. 0605505, Public Water Supply.

Applicant **Lyons Borough Municipal Authority**

Municipality Maxatawny Township

County **Berks**

Type of Facility Replace piping from spring to the existing pump house and remove corrosion control treatment from system.

Consulting Engineer David Bright, P. E.
Spotts, Stevens & McCoy, Inc.
1047 North Park Road
Reading, PA 19610-0307

Permit to Construct Issued: 3/15/2006

Permit No. 0105506, Public Water Supply.

Applicant **Greater Gettysburg Development Co., LLC**

Municipality Straban Township

County **Adams**

Type of Facility Construction of a new community water system to be known as "Gettysburg Commons" with four wells and associated treatment.

Consulting Engineer Richard M. Bodner, P. E.
Martin and Martin, Inc.
37 S. Main St.
Chambersburg, PA 17201

Permit to Construct Issued: 3/13/2006

Permit No. 0106504 MA, Minor Amendment, Public Water Supply.

Applicant **New Oxford Manor MHP**

Municipality Mt. Pleasant Township

County **Adams**

Type of Facility Construction of a welded steel 30,000-gallon storage tank.

Consulting Engineer Fred R Brant, P. E.
Somerset Planning and Engineering Services LLC
1510 Stoystown Road
Friedens, PA 15541

Permit to Construct Issued: 3/16/2006

Operations Permit issued to **Wissahickon Spring Water**, 7366083, Williams Township, **Dauphin County** on 3/16/2006 for the operation of facilities approved under Construction Permit No. 2204506.

Operations Permit issued to **Lykens Borough Authority**, 7220022, Jackson Township, **Dauphin County** on 3/15/2006 for the operation of facilities approved under Construction Permit No. 2205507 MA.

Operations Permit issued to **Curtis Armstrong**, 3060026, Richmond Township, **Berks County** on 3/15/2006 for the operation of facilities approved under Construction Permit No. 0605521 MA.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 3/3/2006 for the operation of facilities approved under Construction Permit No. 2205509 MA.

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

Permit No. 1405501—Construction Public Water Supply.

Applicant **Grove Park Associates, Inc.**

Township or Borough Benner Township

County **Centre**

Responsible Official Thomasz Kulakowski, P. G.
Grove Park Associates, Inc.
P. O. Box 726
Lemont, PA 16851

Type of Facility Public Water Supply—Construction

Consulting Engineer Brooks Harris, P. E.
Ela Group, Inc.
2013 Sandy Drive, Suite 103
State College, PA 16803

Permit Issued Date 3/21/2006

Description of Action Construction of a new public water supply to serve Grove Park Subdivision. The system will consist of a source of supply, Grove Well No. 1, disinfection facilities, booster pump station, finished water storage and distribution system.

Permit No. 5505501—Construction Public Water Supply.

Applicant Department of General Services—Selinsgrove Center

Township or Borough Penn Township

County Snyder

Responsible Official Ronald Blauch, Project Coordinator
Department of General Services
Selinsgrove Center
18th and Herr Streets
Bureau of Engineering and Architecture
Harrisburg, PA 17125

Type of Facility Public Water Supply—Construction

Consulting Engineer James R. Watson, P. E.
Remington, Vernick & Beach Engineers
922 Fayette Street
Conshohocken, PA 19428

Permit Issued Date 3/21/06

Description of Action Construction of the Selinsgrove Center water filtration plant and rehabilitation of the finished water storage tanks.

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: Silver Shadows

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Macungie Township	8330 Schantz Road Breinigsville, PA 18031	Lehigh

Plan Description: The approved plan provides for a 74 lot single family residential subdivision of a 148 acre tract with proposed sewage flows of 20,350 gpd. The proposed "Conservation Design" of the subdivision will utilize approximately 60 acres of the tract for development. The development will be served by an onsite gravity collection system, an on site submersible pump station/wet-well and a force main which will connect the pump station to existing Manhole No. 26 located in Scenic View Drive. The Lehigh County Authority's Western Lehigh Interceptor will convey the proposed 20,350 gpd of sewage flows to the City of Allentown's Wastewater Treatment Plant. Lehigh County Authority will provide public water to the project. The proposed development is located on Twin Ponds Road, Upper Macungie Township, Lehigh County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conneaut Lake Borough	Conneaut Lake Borough P. O. Box 345 Conneaut Lake, PA 16316	Crawford

Plan Description: The approved plan provides for the elimination of periodic sanitary sewer overflows within the Borough's conveyance system by utilizing existing tanks and pumps to equalize wet weather flows. 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 Middleton Township	2051 Spring Rd. Carlisle, PA 17013	Cumberland

Plan Description: The approved plan provides for a Small Flow Treatment Facility (SFTF) of 400 gpd to serve the proposed new residence on the existing Matt Madden property at Lot 22, Kendor Summit. The proposed SFTF will discharge to the Conodoguinet Creek. The SFTF is the interim method of sewage disposal until public sewers are available. 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.

380 & 382 North Hanover Street, Borough of Pottstown, **Montgomery County**. Jeremy Bolyn, Patriot Env. Mgmt., LLC, P. O. Box 629, Douglassville, PA 19518 on behalf of Ken Cusamano, 380 North Hanover Street, Pottstown, PA 19464 and Robert Keim, 382 North Hanover Street, Pottstown, PA 19464 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the State Wide Health Standard.

Cavanugh-Patterson Funeral Home, Media Borough, **Delaware County**. Joseph Diamadi, Jr., P. G., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Lee Cavanug, 43 East Baltimore Avenue, Media, PA 19086 has submitted a Final Report concerning remediation of site soil contaminated with No 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the State Wide Health Standard.

Smith Prop, East Coventry Township, **Chester County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Andrew Wright, Dtr. of Planning and Site Dev., Equitable Owners, The Nolen Group, 5051 1/2 Germantown Pike, Lafayette Hill, PA 19444 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

FCI USA, Inc., Manchester Township, **York County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319-9392 submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs and nickel. The applicant intends to remediate the site to a combination of the Site-Specific, Statewide Health and Background Standards.

Former Cressler Grocery Store, Shippensburg Borough, **Cumberland County**. ARM Group, P. O. Box 797, Hershey, PA 17033-0797 on behalf of William H. and Lois H. Cressler, LP, 307 West King Street, Shippensburg, PA 17257, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

McIntosh Road, Lower Paxton Township, **Dauphin County**. Advantage Engineering, LLC, 20 South 36th Street, Camp Hill, PA 17011, on behalf of Chesapeake Design Build, LLC, P. O. Box 60674, Harrisburg, PA 17011, submitted a Final Report concerning remediation of site soils contaminated by petroleum products. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Natl. Fuel Gas Erie Svc. Ctr., City of Erie, **Erie County**. Eric Felter, Parsons, 180 William Bell Drive, Suite 104, Williamsville NY 14221 on behalf of Tanya Alexander, National Fuel Distribution Corp., 6363 Main Street, Williamsville, NY 14221 has submitted a Final Report concerning remediation of site Soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Community Life Team EMS, City of Harrisburg, Dauphin County. EPSYS Corporation, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Community Life Team EMS, 1119 South Cameron Street, Harrisburg, PA 17104, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on March 15, 2006.

Aaron Rubin & Sons Company North Property, Susquehanna Township, Dauphin County. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 behalf of Aaron Rubin & Sons Company, 3401 North Sixth Street, Harrisburg, PA 17110, LP Realty Group, 500 Fishing Creek Valley Road, Harrisburg, PA 17112; and Deaven Partnership, 105 West Plank Road, Port Matilda, PA 16870, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with petroleum products and solvents, and groundwater contaminated with solvents. The combined report demonstrated attainment of a combination of the residential Statewide Health and Site-Specific Standards and was approved by the Department on March 16, 2006.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

Registration under General Permit No. WMGR090R053. Schultz Enterprises, Inc., 541 Flint Hill Road, King of Prussia, PA 19406.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the General Permit on March 13, 2006.

Registration under General Permit No. WMGR090R054. Berks Products Corporation, P. O. Box 421, Reading, PA 19603.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the General Permit on March 17, 2006.

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

AIR QUALITY

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

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

40-309-037C: Polyglass USA, Inc. (555 Oak Ridge Road, Hazleton, PA 18202) on March 6, 2006, to construct three primary mixers, two secondary mixers and associated air cleaning device at their facility in Hazle Township, **Luzerne County.**

40-317-025: Gruma Corp. (15 Elmwood Road, Mountain Top, PA 18707) on March 13, 2006, to construct a snack food processing operation in Wright Township, **Luzerne County.**

66-302-008: Deer Park Lumber, Inc. (1301 SR 6E, Tunkhannock, PA 18657) on March 13, 2006, to construct a wood fired boiler and associated air cleaning device in Tunkhannock Township, **Wyoming County.**

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

06-05103: Granger Electric of Morgantown, LLC (16980 Wood Road, Lansing, MI 48906-1044) on March 10, 2006, to construct their landfill gas treatment system and an Internal Combustion Engine/Generator in the Borough of New Morgan, **Berks County.**

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

17-00055B: River Hill Power Co., LLC (94 Spruce Street, Indiana, PA 15701-8424) on March 7, 2006, to revise the PM-PM10, lead and beryllium emission limitations established in Plan Approval 17-00055A to construct a circulating fluidized bed boiler with the 290 megawatt waste coal fired electric generating facility in Karthaus Township, **Clearfield County.** The Department issued Plan Approval 17-00055A for the construction of the facility on July 21, 2005, which expires on July 21, 2007. Plan Approval 17-00055B is subject to the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1—127.12.

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

10-298D: ESM Group, Inc. (955 Saxonburg Boulevard, Saxonburg, PA 16056) on March 15, 2006, to install powder grinding mill and pollution control equipment at their Saxonburg plant, in the Township of Clinton, **Butler County**.

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

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

09-0015F: Rohm and Haas Co. (200 Route 413, Bristol, PA 19007) on March 15, 2006, to operate four boilers in Bristol Township, **Bucks County**.

23-0030: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on March 15, 2006, to operate a gas engine driven chiller in Swarthmore Borough, **Delaware County**.

23-0030A: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on March 15, 2006, to operate two new boilers in Swarthmore Borough, **Delaware County**.

46-0222: Bostik, Inc. (1740 County Line Road, Huntingdon Valley, PA 19006) on March 14, 2006, to operate a storage silos and charging stations in Upper Moreland Township, **Montgomery County**.

09-0126A: Air Liquide Electronics U.S., LP (19 Steel Road West, Morrisville, PA 19067) on March 16, 2006, to operate a wet scrubber S-7 in Falls Township, **Bucks County**.

23-0059: Lyondell Chemical Co. (3801 West Chester Pike, Newtown Square, PA 19073) on March 16, 2006, to operate a pilot unit in Newtown Township, **Delaware County**.

46-0010E: Montenay Montgomery Ltd, Partnership (1155 Conshohocken Road, Conshohocken, PA 19428) on March 17, 2006, to operate a norit carbon injection system in Plymouth Township, **Montgomery County**.

46-0035B: SmithKline Beecham d/b/a GlaxoSmith Kline (1250 South Collegeville Road, Collegeville, PA 19426) on March 16, 2006, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

23-0001V: Sunoco, Inc.—R and M (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on March 22, 2006, to operate a FCC unit in Marcus Hook Borough, **Delaware County**.

23-0030A: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on March 21, 2006, to modify two new boilers in Swarthmore Borough, **Delaware County**.

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

41-00013B: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701) on March 15, 2006, to perform volatile organic compound stack testing on a coil coating line and associated air cleaning device (regenerative thermal oxidizer) until July 13, 2006, and to operate the respective coil coating line on a

temporary basis until the same date, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on March 17, 2006, to operate two mobile/modular home assembly plants and a surface coating operation on a temporary basis until July 15, 2006, in Mifflinburg Borough, **Union County**. The plan approval has been extended.

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

16-132C: Clarion Boards, Inc. (143 Fiberboard Road, Box 340, Shippensburg, PA 16245) on March 30, 2006, to replace an existing prefilter with a Turbo Venturi Scrubber in Paint Township, **Clarion County**. The facility is a Title V Facility.

16-132E: Clarion Boards, Inc. (143 Fiberboard Road, Box 340, Shippensburg, PA 16245) on March 31, 2006, to install finish sanders in Paint Township, **Clarion County**. The facility is a Title V Facility.

16-132D: Clarion Boards, Inc. (143 Fiberboard Road Box 340 Shippensburg, PA 16245) March 31, 2006, to install value added lines in Paint Township, **Clarion County**. The facility is a Title V Facility.

16-132B: Clarion Boards, Inc. (143 Fiberboard Road Box 340, Shippensburg, PA 16245) on March 31, 2006, to modify the RTO in Paint Township, **Clarion County**. The facility is a Title V Facility.

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

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

10-00284: Seneca Landfill, Inc. (120 Hutchman Road, Mars, PA 16046) on March 15, 2006, to issue a Title V Amendment Operating Permit to operate a landfill, wastewater treatment plant and steam boiler in Jackson Township, **Butler County**. As a result of potential emissions of NOx and VOC, the facility is not a major source, and is therefore not subject to Reasonable Available Control Technology. The issued renewal Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

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

46-00232: Cemco Lift, Inc. (2801 Township Line Road, Hatfield, PA 19440) on March 20, 2006, to operate the manufacturer of elevators and elevator parts to the Synthetic Minor Operating Permit in Hatfield Township, **Montgomery County**.

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

01-03020: Genlyte Thomas Group, Inc. (100 Craftway Drive, Littlestown, PA 17340-1651) on March 16, 2006, to manufacture street light standards and fixtures at the Littlestown Plant in Littlestown Borough, **Adams County**. This is a renewal of the State-only operating permit.

07-05034: Department of Military and Veterans Affairs (P. O. Box 319, Hollidaysburg, PA 16648-0319) on March 15, 2006, to operate the long-term nursing care facility in Allegheny Township, **Blair County**. This is a renewal of the State-only operating permit.

28-05009: Chambersburg Borough (160 South 2nd Street, Chambersburg, PA 17201-2544) on March 15, 2006, for three dual fuel engine generators for peak shaving operations at Chambersburg Borough, **Franklin County**. This is a renewal of the State-only operating permit.

22-03005: Multiserv (P. O. Box 7408, Steelton, PA 17113-0408) on March 17, 2006, to operate a slag screening, crushing and batching operation in Steelton Borough, **Dauphin County**. This is a renewal of the State-only operating permit.

38-05008: Rich Maid Cabinetry, LLC (633 West Lincoln Avenue, Myerstown, PA 17067-2332) on March 15, 2006, to operate a cabinet finishing system in Jackson Township, **Lebanon County**. This is a renewal of the State-only operating permit.

44-03014: Barr Funeral Home, Inc. (120 Logan Street, Lewistown, PA 17044) on March 15, 2006, to operate a natural gas operated human crematory controlled by a secondary chamber afterburner in Lewistown Borough, **Mifflin County**.

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

14-00026: Hilex Poly Co., LLC (P. O. Box 258, Milesburg, PA 16853) on February 6, 2006, issued a State-only operating permit for their polyethylene bag manufacturing facility in Boggs Township, **Centre County**. The facility's main sources include 44 corona treaters, a printing operation consisting of 17 flexographic presses and one parts washer. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

11-00436: Penn Cambria Middle School District (205 6th Street Cresson, PA 16630) on March 14, 2006, to operate one CNB Tri-Fuel boiler, a Kohler, fuel oil fired generator, a fuel oil fired Bryan Water Boiler and a fuel oil fired Burnham Water Heater at the Middle Schools in Cresson Borough, **Cambria County**.

26-00451: Consol Docks, Inc. (1800 Washington Road, Pittsburgh PA. 15241-1421) on March 13, 2006, to operate one coal transshipment terminal with the principle source of emissions being a unit train dump building with water sprays and associated belts and transfer points at the company's Alicia Coal Transshipment Facility in Luzerne Township, **Fayette County**.

04-00708: Kinder Morgan Arrow Terminals, LP (2701 Midland-Beaver Road, Industry PA. 15052) on March 15, 2006, for a screening operation, dry storage

rooms and two load out buildings at the company's Industry Terminal Lot No. 2 Industry Township, **Beaver County**.

63-00893: Master Woodcraft, Inc. (100 Stationvue, Washington, PA 15734) on March 16, 2006, to operate wood furniture manufacturing at the Washington Plant in Chartiers Township, **Washington County**.

11-00283: Portage Area School District (84 Mountain Avenue, Portage, PA 15946) on March 16, 2006, to operate a boiler at school in Portage Borough, **Cambria County**.

26-00545: Brownsville Marine Products (1800 Paul Thomas Boulevard, Brownsville, PA 15417) on March 15, 2006, to operate manufacturing, repairs, and surface coats barges used in maritime service.

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 Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

09-00066: Exelon Generating Station—USX Fairless Works (USX Fairless Works, Fairless Hills, PA 19030) on March 16, 2006, to address the incompleteness of modifications to source 043 concerning the operation on landfill gas, the deletions of conditions that have expired (25 Pa. Code Chapter 123, Small NOx Allocation), and the incorporation of the Chapter 145 (NOx Budget regulations) in Falls Township, **Bucks County**. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.461.

09-00035: Plastomer Technologies (23 Friends Lane, Newtown, PA 189402-1803) on March 20, 2006, to operate a PTFE extrusion facility in Newtown Township, **Bucks County**. This amendment is to address a typographical error and permit contact changes. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00250: Parker Hannifin Corp. (245 Township Line Road, Hatfield, PA 19440-0907) on March 20, 2006, to operate a metal working facility in Franconia Township, **Montgomery County**. This amendment is to address a Change of Ownership from Porter Instruments Company, Inc. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

15-00081: Johnson Matthey, Inc. (1401 King Road, West Chester, PA 19380) on March 20, 2006, to amend the air emission sources to the Natural Minor Operating Permit in West Whiteland Township, **Chester County**.

23-00025: Norcross Safety Products, LLC (US 1, Brinton Lake Road, Concordville, PA 19331) on March 20, 2006, to amend the Title V Operating Permit to incorporate a plan approval (PA-23-0025A) and a change of ownership from Fibre-Metal Products Co (Federal tax ID 23-1271305-1) located in Concord Township, **Delaware County**. The facility manufactures personal safety equipment. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in

25 Pa. Code Chapter 127, Subchapter G. The amended permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

05-03003: Chestnut Ridge School District (P. O. Box 80, Fishertown, PA 15539-0080) on March 15, 2006, to operate two bituminous coal fired boilers at the Chestnut Ridge Middle School in East Saint Clair Township, **Bedford County**. This operating permit was administratively amended to incorporate Plan Approval 05-03003A. This is revision No. 1.

06-05130: Carastar Mill Group, Inc. (3110 Paper Mill Road, Sinking Spring, PA 19608-9647) on March 15, 2006, to operate a paperboard mill at the Sinking Spring Plant in Spring Township, **Berks County**. This Operating Permit was administratively amended to incorporate Plan Approval 06-05030A. This is revision No. 1.

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

14-00022: State College Area School District (131 West Nittany Avenue, State College, PA 16801) on February 9, 2006, issued a revised operating permit, for their junior-senior high school in State College Borough, **Centre County**. This revision includes the three Smith model GLO4500A-W-20 natural gas/No. 2 fuel oil fired boilers, each rated at 8.76 mmBtu/hr, designated as Source ID 034. The revision also includes two natural gas fired combustion units each rated at less than 2.5 mmBtu per hour, designated as Source ID 035. This State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

33-00133: HRI, Inc.—Brookville Plant (State Route 830, Brookville, PA 15825) on March 10, 2006, to operate a batch asphalt plant in Pine Creek Township, **Jefferson County**.

25-00930: Erie Shipbuilding, LLC (220 East Bayfront Parkway, Erie, PA 16507) on March 16, 2006, Synthetic Minor Operating Permit 25-00930 was administratively amended to account for the change in ownership of the facility from Metro Machine Corporation to Erie Shipbuilding, LLC in the City of Erie, **Erie County**.

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

V95-037: Rohm and Haas Chemicals LLC (5000 Richmond Street, Philadelphia, PA 19137) on March 16, 2006 to incorporate a change of the legal entity. The Title V operating permit was originally issued on December 21, 2001.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

11-00508: Johnstown Crematory (1225 St. Clair Road, Johnstown, PA 15905) to install a new 75 pounds per hour pet crematory. The new unit will increase

emissions by 0.26 ton per year of PM10, 0.04 tons per year of CO, 0.99 ton per year of NOx, 0.69 ton per year of oxides of sulfur, and 0.01 ton per year of VOCs. These emission increases qualify as de minimis increases under 25 Pa. Code § 127.449.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

56773707 and NPDES Permit No. PA0215775, PBS Coals, Inc. (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Fuel Refuse Disposal Area in Stoneycreek Township, **Somerset County** and related NPDES permit for reclamation. No additional discharges. Permit issued March 15, 2006.

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

56050104 and NPDES No. PA0249777. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface, auger mine in Paint Township, **Somerset County**, affecting 141.0 acres. Application was transferred from Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963. Receiving stream: Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2005. Permit issued: March 14, 2006.

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

26980104 and NPDES Permit No. PA0202355. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Permit revised to add additional mining acreage and to revise the erosion and sedimentation control plan at an existing surface mining site located in Wharton Township, **Fayette County**, now affecting 156.5 acres. Receiving streams: none. Application received: July 15, 2005. Revision issued: March 10, 2006.

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

16980102 and NPDES Permit No. PA0227650. TDK Coal Sales, Incorporated (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip operation in Highland Township, **Clarion County** affecting 38.3 acres. Receiving streams: McGourvey Run to the Clarion River. Application received: January 23, 2006. Permit Issued: March 13, 2006.

10980110 and NPDES Permit No. PA0227889. Fleishner Excavating (1313 Riverforest Drive, Freeport, PA 16229). Renewal of an existing bituminous surface strip operation in Clinton Township, **Butler County** affecting 58.4 acres. Receiving streams: Lardintown Road to Bull Creek. Application received: January 26, 2006. Permit Issued: March 13, 2006.

24950102 and NPDES Permit No. PA0227064. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip and beneficial use of biosolids operation in Ridgway Township, **Elk County** affecting 105.0 acres. Receiving streams: UNT of Little Mill Creek and Little Mill Creek. Application received: January 23, 2006. Permit Issued: March 13, 2006.

10990104 and NPDES Permit No. PA0241644. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Clay and Center Townships, **Butler County** affecting 68.8 acres. Receiving streams: UNTs to Muddy Creek. Application received: January 26, 2006. Permit Issued; March 14, 2006.

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

17030116 and NPDES No. PA0243621. Hepburnia Coal Company (P. O. Box 1, Gramplan, PA 16838), commencement, operation and restoration of a bituminous surface-auger mine in Jordan Township, **Clearfield County**, affecting 142.2 acres. Receiving streams: UNT "B" to Wilson Run and UNT "C" to North Witmer Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 10, 2003. Permit issued: March 8, 2006.

17990111 and NPDES No. PA0238341. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849), revision of an existing bituminous surface mine for an insignificant permit boundary correction to add 3.8 acres, in Decatur Township, **Clearfield County**, affecting 95.2 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River. Application received January 19, 2006. Permit issued March 9, 2006.

17040113 and NPDES No. PA0256137. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 18.5 acres. Receiving streams: UNTs to Bloddy Run and UNTs to West Branch Susquehanna River, classified for the following use: CWF. Application received: December 17, 2004. Application returned: March 10, 2006.

Noncoal Permits Actions

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

08060803. Larry Forrest (R. R. 2, Box 248, Towanda, PA 18848), commencement, operation and restoration of a small noncoal industrial mineral (blue stone and shale) surface mine in Asylum Township, **Bradford County**, affecting 5 acres. Receiving stream: Durell Creek. Application received March 13, 2006.

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

7974SM3C7 and NPDES Permit No. PA0595853. New Hope Crushed Stone & Lime Company, (6970 Phillips Mill Road, New Hope, PA 18938), renewal and correction of NPDES Permit for discharge of treated mine drainage from a quarry operation in Solebury Township, **Bucks County**, receiving stream: Primrose Creek. Application received August 9, 2005. Renewal issued March 16, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

02064003. Mashuda Corp. (21101 Rte. 19, Cranberry Township, PA 16066). Blasting activity permit for highway construction, located in Findlay and Robinson Townships, **Allegheny and Washington Counties**, with an expected duration of one year. Permit issued: March 15, 2006.

26064001. Mashuda Corp. (21101 Rte. 19, Cranberry Township, PA 16066). Blasting activity permit for highway construction, located in Menallen Township, **Fayette County**, with an expected duration of one year. Permit issued: March 17, 2006.

65064001. J. F. Shea Construction, Inc. (R. D. 6, Box 2015 Thunder road, Mt. Pleasant, PA 15666). Blasting activity permit for PennDot project located in East Huntingdon Township, **Westmoreland County**, with an expected duration of one year. Permit issued: March 17, 2006.

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

36064121. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Charity Gardens in Clay Township, **Lancaster County** with an expiration date of March 8, 2007. Permit issued March 13, 2006.

36044123. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Elam King Ag Building in Strasburg Township, **Lancaster County** with an expiration date of March 30, 2006. Permit issued March 13, 2006.

38064108. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Richland Borough, **Lebanon County** with an expiration date of June 30, 2006. Permit issued March 13, 2006.

38064109. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Sidney Nolt Ag Building in Millcreek Township, **Lebanon County** with an expiration date of June 30, 2006. Permit issued March 13, 2006.

40064104. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Rolling Meadows in Jackson Township, **Luzerne County** with an expiration date of March 1, 2007. Permit issued March 13, 2006.

45064001. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for SR 611 Road Widening Project in Paradise & Pocono Townships, **Monroe County** with an expiration date of March 30, 2007. Permit issued March 15, 2006.

45064002. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for SR 402 By-Pass Project in Smithfield Township, **Monroe County** with an expiration date of March 30, 2007. Permit issued March 15, 2006.

21064114. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Meadowbrook Farms in North Middleton Township, **Cumberland County** with an expiration date of September 15, 2006. Permit issued March 14, 2006.

22064111. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Hummelstown Cemetery in Hummelstown Borough, **Dauphin County** with an expiration date of March 30, 2007. Permit issued March 14, 2006.

38064110. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for UCC Cemetery in South Londonderry Township, **Lebanon County** with an expiration date of March 30, 2007. Permit issued March 14, 2006.

67064108. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for a single dwelling basement on Thundergust Mill Road in Warrington Township, **York County** with an expiration date of June 15, 2006. Permit issued March 14, 2006.

23064002. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC, (P. O. Box 20412, Bethlehem, PA 18002), construction blasting for Phase 2b and 2c Sanitary Sewer System in Bethel Township, **Delaware County** with an expiration date of November 30, 2006. Permit issued March 16, 2006.

09064108. Ed Wean Drilling & Blasting, Inc. (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Doylestown Pump Station in Doylestown Borough, **Bucks County** with an expiration date of April 30, 2006. Permit issued March 16, 2006.

21064115. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Hillside Farms in Silver Spring Township, **Cumberland County** with an expiration date of March 30, 2007. Permit issued March 16, 2006.

21064117. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Farmington Development in South Middletown Township, **Cumberland County** with an expiration date of March 15, 2007. Permit issued March 16, 2006.

21064118. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Southfield Crossing in Silver Spring Township, **Cumberland County** with an expiration date of March 15, 2007. Permit issued March 16, 2006.

36064124. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for West Ridge Development in Ephrata Township,

Lancaster County with an expiration date of December 30, 2006. Permit issued March 16, 2006.

36064125. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a home in Pequea Township, **Lancaster County** with an expiration date of April 30, 2006. Permit issued March 16, 2006.

36064126. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a warehouse in Upper Leacock Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued March 16, 2006.

38064111. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Windsor Crossing in Palmyra Borough and North Londonderry Township, **Lebanon County** with an expiration date of October 30, 2006. Permit issued March 16, 2006.

38064112. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Stone Knoll in South Londonderry Township, **Lebanon County** with an expiration date of March 30, 2007. Permit issued March 16, 2006.

38064113. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Colebrook Court in North Cornwall Township, **Lebanon County** with an expiration date of March 30, 2007. Permit issued March 16, 2006.

46064108. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for CC Estates in Limerick Township, **Montgomery County** with an expiration date of December 31, 2006. Permit issued March 16, 2006.

46064109. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Candlewyck Estates in Marlborough Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued March 16, 2006.

52064108. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for commercial development in Palmyra Township, **Pike County** with an expiration date of March 12, 2007. Permit issued March 16, 2006.

52064109. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Sugar Mountain in Lackawaxen Township, **Pike County** with an expiration date of March 3, 2007. Permit issued March 16, 2006.

52064110. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a home in Greene Township, **Pike County** with an expiration date of March 13, 2007. Permit issued March 16, 2006.

67064110. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Pleasant View in Fairview Township, **York County** with an expiration date of March 15, 2007. Permit issued March 16, 2006.

67064111. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Whisper Run in Windsor Township, **York County** with an expiration date of March 15, 2007. Permit issued March 16, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-749. Pocopson Township. P. O. Box 1, Pocopson, PA 19366, Pocopson Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain an approximately 1,860 linear feet long 6-foot wide macadam and stone bike and hiking trail consisting of several pedestrian bridges crossing the tributaries and Pocopson Creek (TSF-MF). The trail will be placed along Route 52 through open space

area of the Overlook Circle Development (Unionville, PA, Quadrangle N: 4.9 inches; W: 3.4) in Pocopson Township, Chester County.

The proposed work will include the following:

1. Culvert A—To install and maintain 20-foot long 42-inch HDPE culvert in and along the tributary to Pocopson Creek (TSF-MF).

2. Culvert B—To install and maintain 20-foot long 48-inch HDPE culvert in and along the tributary to Pocopson Creek (TSF-MF).

3. Culvert C—To install and maintain 20-foot long 42-inch HDPE culvert in and along the tributary to Pocopson Creek (TSF-MF).

4. To install and maintain 6-foot wide by 60-foot long bridge over the Pocopson Creek (TSF-MF).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E54-323. JELD-WEN, Inc., P. O. Box 1540, Klamath Falls, OR 97604. Ringtown Borough, **Schuylkill County**, United States Army Corps of Engineers Baltimore District.

To place fill in approximately 0.12 acre of PEM wetlands in Dark Run Watershed for the purpose of expanding an existing window manufacturing facility and operations. The permittee is required to provide 0.12 acre of replacement wetlands. The project is located on the east side of West Main Street and west of Shenandoah Streets (Shenandoah, PA Quadrangle N: 19.0 inches; W: 15.8 inches). (Subbasin: 5E)

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

E14-440A. Department of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. U.S. Route 220, Section G10 Stream Mitigation in Huston and Worth Townships, Patton and Benner Townships, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 15.58 inches; W: 2.22 inches) and (Port Matilda, PA Quadrangle N: 19.75 inches; W: 0.37 inch), respectively.

To construct and maintain 22,069 linear feet of stream restoration/enhancement within Bald Eagle Creek (north) (12,381 linear feet), Bell Hollow Run (800 linear feet), Reese Hollow Run (3,759 linear feet) and Williams Hollow Run (4,069 linear feet) using a natural stream channel design approach including the installation of in-stream structures (5 rock vanes, 6 cross vanes, 20 J-hooks, 2 flow deflector vanes, 2 imbricated stone banks, 28 boulders, 15 areas of stone toe protection, 16 streambank soil lift areas and 1 root wad area), channel relocation, stream and floodway excavation and filling, 8 stone channel crossings, 8 hog slat channel crossings, 20,601 linear feet of streambank fencing and riparian plantings. The project is being constructed to provide mitigation for stream impacts associated with the US 220 (I-99) project, construction sections C10, A11, C11, A12, B12 and C12. Mitigation is being performed in accordance with the procedures and environmental commitments of the US Route 220 Natural Resource Compensation Plan (NRCP) and as required by Department of Environmental Protection permits E14-420 (C10), E14-402 (A11), E14-367 (C11), E14-403 (A12),

E14-349 (B12) and E14-371 (C12). Stream restoration/enhancement activities will be performed on four reaches of Bald Eagle Creek: Reach 1 (Beckwith and Bell Hollow Run Site: begin lat 40° 46' 02" long 78° 05' 51" end lat 40° 46' 26" long 78° 05' 14"); Reach 2 (Liner Site: begin lat 40° 46' 31" long 78° 05' 12" end lat 40° 46' 49" long 78° 04' 48"); Reach 3 (Port Matilda Borough Site: begin lat 40° 47' 40" long 78° 03' 29" end lat 40° 47' 56" long 78° 03' 00"); and Reach 4 (Valley Homes Site: begin lat 40° 48' 58" long 78° 01' 56" end lat 40° 49' 02" long 78° 01' 49"), tributaries to Bald Eagle Creek (Reese Hollow No. 1: begin lat 40° 47' 59" long 78° 05' 49" end lat 40° 47' 46" long 78° 05' 37" and Reese Hollow No. 2: begin lat 40° 47' 33" long 78° 05' 20" end lat 40° 47' 24" long 78° 04' 58") in Worth Township and Taylor Township, Centre County, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 8.6 inches; W: 7.5 inches).

The stream mitigation project will impact 1.16 acres of riparian palustrine emergent wetlands. Wetland impacts are associated with placement of fill, streambank grading, and construction of at-grade crossings for the purpose of limiting stream access points for property owners and livestock. The stream improvements will involve minor grading within the floodplain of the northern Bald Eagle Creek and its tributaries. The grading will involve 15,794 cubic yards of excavation (cut) and 11,728 cubic yards of fill in the floodplain, which corresponds to the construction activities resulting in a net excavation of 4,066 cubic yards for the project. The project improvements will provide opportunity for wetlands to reestablish along the stream floodplains.

This permit is hereby amended to give consent to include the following stream mitigation using a natural stream channel design approach along: Buffalo Run located between Latitude 40° 51' 19", Longitude 77° 52' 51" and Latitude 40° 51' 34", Longitude 77° 52' 37"—1) Establish a permanent conservation easement along the riparian zone; 2) Increase the density of woody vegetation within the riparian zone; 3) Stabilize the right toe with 60 linear feet of R-4 riprap to prevent further accelerated bank erosion next to the shed owned by the Stephens family; 4) Realign 140 linear feet of the stream channel and stabilize the right toe with 150 linear feet of R-4 riprap to prevent further erosion and undercutting of SR 550 roadway embankment located 800 feet upstream of the Stephens family shed; and 5) Use temporary pump-around-cofferdams systems to allow for working in dry conditions in the stream channel (Temporary impact 0.65 acre of Exceptional Value wetlands due to construction vehicle impacts and permanently impact 0.02 acre of Exceptional Value wetland due to the minor change to channel planform near the SR 550 undercut.); Ardery Hollow Run located between Latitude 40° 50' 13", Longitude 78° 1' 11" and Latitude 40° 50' 6", Longitude 78° 0' 47"—6) Reconnect the stream channel with the adjacent floodplain by grading 2,000 linear feet of streambanks; 7) Remove existing riprap from inlet and outlet of private culverts and replace 54 linear feet of riprap after banks have been graded; 8) Replace a timber railroad tie wall with 63 lf of imbricated stone bank; 9) Provide a 12-foot by 32-foot stone channel crossing upstream of Ardery Hollow Road bridge for livestock use; 10) Realign 250 linear feet of stream channel and improve the flow approach through the Ardery Hollow Road public bridge using two rock cross vanes, one rock vane and one j-vane; 11) Modify the planform geometry at tortuous meander bends to provide a stable radius of curvature and incorporate bioengineered bank stabilization measures; 12) Construct 800 linear feet livestock fencing along the left bank

of the lower reach; 13) Increase the density of woody vegetation within the riparian zone; 14) Establish a permanent conservation easement along the riparian zone; 15) Construct a temporary support system next to the two abutments of the township bridge over Ardery Hollow Run to help protect the bridge from the heavy loads and more frequent traffic of construction vehicle for this project; 16) Remove an existing 15-inch CMP, then construct and maintain a 21-inch diameter by 18-foot long with the associated R-5 riprap aprons in a tributary to Ardery Hollow Run; 17) Use temporary pump-around-cofferdams systems to allow for working in dry conditions in the stream channel (Temporary impact 0.04 acre of wetlands due to cofferdams and 0.003 acre of permanent wetland impacts due to streambank grading.).

E12-160. Cameron County Conservation District, 20 East Fifth Street, Emporium, PA 15834. Clear Creek Stabilization Project in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 2.13 inches; W: 11.25 inches).

To realign the channel of Clear Creek and to construct, operate and maintain a minimum of five rock cross vanes and two rock straight vanes for the stabilization of 875 feet of eroded streambank. Rock vane construction shall be conducted in minimum stream flow conditions needed to establish stream centerline, as well as conducted from the streambank to the fullest extent possible. Since Clear Creek is a wild trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. Since Clear Creek is also a stock trout fishery, 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 Fish and Boat Commission. The project is located along the southern right-of-way of Clear Creek Road at the intersection of Jenks Run Road and Clear Creek Road. The realignment of Clear Creek required for streambank stabilization will permanently impact 0.01 acre of permanent wetland that the Department has deemed as de minus impacts. The permittee shall not be required to construct replacement wetlands for the mitigation of the de minimis wetland impacts.

E41-563. Sleepy Hollow Rod and Gun Club, c/o Richard Kost, 611 Wade Road, Saint Clair, PA 17970. Cabin reconstruction in Pine Township, **Lycoming County**, ACOE Baltimore District (English Center, PA Quadrangle N: 9.58 inches; W: 8.12 inches).

To construct and maintain a 39-foot by 36-foot cabin with the first floor elevated above the 100-year floodway of Pine Creek on Piers (English center PA Quadrangle N: 9.58 inches; W: 8.12 inches) on the south side of SR 4001 about 1 mile south of English Center, Pine Township, Lycoming County. The project will not impact waterways or wetlands while disturbing less than 0.05 acre of earth. Pine Creek is a CWF stream.

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

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

Run (WWF), an 84-inch diameter culvert approximately 620 feet long along under the bed across the channel of Jacks Run (WWF) and an 18-inch diameter sewer line under the bed and across the channel of Jacks Run for the purpose of upgrading the existing sewer system. The project is located at the intersection of Belgium Street and Farragut Street and will impact 750 linear feet of stream channel.

E04-308. FirstEnergy Generation Corporation, 76 South Main Street, Akron, OH 44308. To place fill in wetlands in Greene and Hanover Townships, **Beaver County**, Pittsburgh ACOE District. To place and maintain fill in 5 wetlands in PA, Wetland A: 0.01, Wetland B: 0.01 acre, Wetland D: 0.05 acre, Wetland H: 0.01 acre and Wetland L: .79 acre for a total of 0.87 acre of wetlands (PEM) in this Commonwealth to impact 20 UNTs to Little Blue Run (TSF) for a total length of 4,466 feet in this Commonwealth. The project is for the expansion of the existing Little Blue Run (LBR) residual waste disposal facility (East Liverpool South, OH-WV-PA. Quadrangle N: 21.3 inches; W: 1.9 inches West; Latitude 40° 37' 2"—Longitude: 80° 30' 49") in Greene Township, Beaver County. To mitigate for the wetland impacts the applicant proposes to construct and maintain 2 acres of replacement wetlands (PEM/PSS) (East Liverpool South OH-WV-PA. Quadrangle N: 17.4 inches; W: 0.1 inch; and Latitude: 40° 35' 45"—Longitude: 80° 30' 3") in Greene Township, Beaver County. To compensate for the stream impacts the applicant proposes to stabilize 9,219 feet of perennial streams by fencing stream banks, constructing stabilized livestock stream crossings, ramps and developing alternative watering sources at four farms. The McElhaney Farm is located along Mill Creek (Hookstown, PA Quadrangle N: 17.8 inches; W: 12.9 inches; and Latitude: 40° 35' 53"—Longitude: 80° 28' 5") in Greene Township, Beaver County, the Weltner Farm is located along the South Fork of Tomlinson Run, (East Liverpool South, OH-WV-PA Quadrangle N: 9.6 inches; W: 2.5 inches and Latitude: 40° 33' 10"—Longitude: 80° 31' 5") in Hanover Township, Beaver County and the Allison and Herron Farms are located along the North Fork of Kings Creek (East Liverpool South, OH-WV-PA. Quadrangle N: 3.0 inches; W: 1.0 inches and Latitude: 40° 30' 59"—Longitude: 80° 30' 26") in Hanover Township, Beaver County.

E11-311. Allegheny Township, 107 Storm Road, Loretto, PA 15940. To remove a bridge and construct a channel located under the bridge in Allegheny Township, **Cambria County**, Pittsburgh ACOE District. (Cresson, PA Quadrangle N: 21.1 inches; W: 13.9 inches and Latitude: 40° 29' 28"—Longitude: 78° 36' 00"). To remove the existing bridge and concrete weir; to construct and maintain a channel located under the bridge to allow the upper pool to match the existing lower pool of Cresson Lake; to construct and maintain a new bridge having a span of approximately 40 feet and underclearance of approximately 9 to 11 feet located in and across Clearfield Creek/Cresson Lake (WWF); to construct and maintain various stormwater outfalls to Clearfield Creek/Cresson Lake; and to place and maintain fill in 0.003 acre of wetlands. The project is located on Shapiro Road (T-456) just west of its intersection with Ice Plant Road (T-452).

E26-332. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. Mon Fayette Expressway, Section 51E1, Colvin Run in Redstone Township, **Fayette County**, Pittsburgh ACOE District. (New Salem, PA Quadrangle N: 22.45 inches; W: 14.15 inches and Latitude: 39° 59' 55.4"—Longitude: 79° 51' 3.8"). To construct:

1. A 390-foot long, 72-inch RC pipe stream enclosure which includes 44 feet of rock apron and is depressed 6 inches in a UNT to Colvin Run (WWF) located at Brownsville Connector, Station 177+00, (Latitude: 39° 59' 55.4"; Longitude: 79° 51' 3.8"; and New Salem, PA Quadrangle N: 22.45 inches; W: 14.15 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream. The post construction drainage area is approximately 144 acres.

2. A 1,285-foot long, 48-inch RC pipe stream enclosure depressed 6 inches in a UNT to Colvin Run (WWF) located at SR 43, Station 540+09, (Latitude: 39° 59' 44.8"; Longitude: 79° 50' 55.9"; and New Salem, PA Quadrangle N: 21.90 inches; W: 13.91 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream.

3. A 903-foot long placement of fill in a UNT to Colvin Run (WWF) located at Brownsville Connector, Station 196+00, (Latitude: 39° 50' 34.2"; Longitude: 79° 50' 56.6"; and New Salem, PA Quadrangle N: 21.37 inches; W: 13.94 inches).

4. A 305-foot long channel relocation of a UNT to Colvin Run (WWF) SR 43, Station 536+00, (Latitude: 39° 59' 40.3"; Longitude: 79° 50' 48.9"; and New Salem, PA Quadrangle N: 21.67 inches; W: 13.64 inches).

5. A 427-foot long placement of fill in a UNT to Colvin Run (WWF) located at SR 43, Station 542+00, (Latitude: 39° 59' 47.9"; Longitude: 79° 50' 57.1"; and New Salem, PA Quadrangle N: 21.18 inches; W: 13.82 inches).

6. A 374-foot long placement of fill in a UNT to Colvin Run (WWF) located at Brownsville Connector, Station 173+90, (Latitude: 39° 59' 55.7"; Longitude: 79° 51' 6.4"; and New Salem, PA Quadrangle N: 22.46 inches; W: 14.3 inches).

7. A 500-foot long, 54-inch RC pipe stream enclosure depressed 6 inches in UNTs to Colvin Run (WWF) located at SR 43, Station 509+00, (Latitude: 39° 59' 31.2"; Longitude: 79° 50' 19.1"; and New Salem, PA Quadrangle N: 21.81 inches; W: 12.49 inches). This structure includes a temporary stream relocation to construct the 54-inch RC pipe, a temporary stream crossing, and a 450-foot long stream relocation of the stream.

8. A 300-foot long, 60-inch RC pipe stream enclosure depressed 6 inches in a UNT to Colvin Run (WWF) located at Colvin Run Road Connector, Station 23+00, (Latitude: 39° 59' 31.5"; Longitude: 79° 50' 13.1"; and New Salem, PA Quadrangle N: 21.19 inches; W: 12.25 inches). This structure includes a temporary stream relocation of the stream.

9. A 125-foot long placement of fill in a UNT to Colvin Run (WWF) located at SR 43, Station 500+00, (Latitude: 39° 59' 25.2"; Longitude: 79° 50' 8.4"; and New Salem, PA Quadrangle N: 20.88 inches; W: 12.1 inches).

10. A 313-foot long channel relocation of a UNT to Colvin Run (WWF) SR 43, Station 495+00, (Latitude: 39° 59' 31.5"; Longitude: 79° 50' 4.98"; and New Salem, PA Quadrangle N: 20.71 inches; W: 12.0 inches). This stream relocation includes a temporary 60-foot long 36-inch stream enclosure of the stream.

11. A 420-foot long placement of fill in a UNT to Colvin Run (WWF) located at SR 43, Station 491+00, (Latitude: 39° 59' 22.4"; Longitude: 79° 50' 3.71"; and New Salem, PA Quadrangle N: 20.72 inches; W: 11.91 inches).

12. A 460-foot long, 66-inch RC pipe stream enclosure depressed 6 inches in Colvin Run (WWF) located at SR

43. Station 500+19. (Latitude: 39° 59' 26.9"; Longitude: 79° 50' 9.3"; and New Salem, PA Quadrangle N: 20.92 inches; W: 12.11 inches). This structure includes a temporary stream relocation, two temporary stream crossings and a 60-foot long stream relocation of the stream.

13. A 260-foot long, 72-inch RC pipe stream enclosure which includes 32 ft of rock apron and is depressed 6 inches in Colvin Run (WWF) located at Colvin Run Road Connector, Station 19+50, (Latitude: 39° 59' 30.3"; Longitude: 79° 50' 8.9"; and New Salem, PA Quadrangle N: 21.1 inches; W: 12.1 inches). This structure includes a temporary stream relocation of the stream. The post-construction drainage area is approximately 119 acres.

14. A 35-foot long, 42-inch RC pipe culvert in a UNT to Dunlap Creek (WWF) located at Brownsville Connector, Station 152+50, (Latitude: 40° 0' 5.04"; Longitude: 79° 51' 37"; and Fayette City, PA Quadrangle N: 0.198 inch; W: 15.49 inches).

15. A 42-foot long channel relocation of a UNT to Redstone Creek (WWF) Brownsville Connector, Station 121+00, (Latitude: 40° 0' 34.7"; Longitude: 79° 51' 50.8"; and Fayette City, PA Quadrangle N: 1.724 inches; W: 15.99 inches).

16. Fill and maintain a total of 0.897 acre of wetland from sites extending over the project area.

Except for items 1 and 13 all drainage areas are less than 100 acres.

Culvert lengths in drainage areas less than 100 acres include rock apron lengths.

This project is associated with the construction of Section 51E1 (a mile long section) of the Mon/Fayette Expressway and a Brownsville connection road centered approximately 2 miles east of Brownsville in Redstone Township, Fayette County, Pittsburgh A.C.O.E. District. The proposed project has a total of 7,374 feet of stream and 0.897 acre of wetland impacts. Wetland and stream impact mitigation is provided by E26-326 issued September 2005.

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

WL1606601, Columbia Gas Transmission. Pine Creek Retirement Project, in Hawthorne Borough, Clarion County, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 5.1 inches; W: 1.9 inches).

The applicant proposes to retire by abandonment in ground 2,760 feet of 2-inch natural gas pipeline 15502 in Hawthorne Borough, Clarion County and Redbank Township, Armstrong County. The project does not include replacement. There is an exposed section of line 15502 at Pine Creek that is required to be lifted and removed as part of the project approximately 600 feet east of Route 28 at the railroad crossing over Pine Creek at the northeast corner of Hawthorne Borough and involving: 1) the removal of 45 feet of 2-inch gas pipeline over Pine Creek in Hawthorne Borough; and 2) the retirement of 2,760 feet of 2-inch natural gas pipeline by abandonment in Hawthorne Borough, Clarion County and Redbank Township, Armstrong County. Pine Creek is a perennial stream classified as CWF.

E25-705, Robert Minich, 140 Sunset Beach Road, North East, PA 16428. Retaining Wall Modification and Home Construction, in North East, Erie County, ACOE Pittsburgh District (North East, PA-NY Quadrangle N: 21.1 inches; W: 11.2 inches).

The applicant proposes to conduct the following activities within the floodway of Sixteen Mile Creek at the property located at 140 Sunset Beach Road: 1) to reconstruct and maintain a damaged 36-foot long by 8-foot high retaining wall with new dimensions of 36 feet long by 10 feet high and consisting of 2-foot by 2-foot by 6-foot concrete blocks; and 2) to remove the existing house and to construct and maintain house and deck having dimensions of approximately 90 feet by 22 feet within the approximate footprint and same hydraulic shadow location of the existing structure. This permit application is the result of an enforcement action, and the structures have already been constructed. The retaining wall was damaged during the hurricane related floods of 2004. Sixteenmile Creek is a perennial stream classified as a WWF and migratory fishery. The project proposes to directly impact approximately 50 feet of stream and approximately 2,000 square feet of floodway.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Alder Run Watershed in Clearfield County

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Alder Run Watershed in Clearfield County. The meeting will be held on May 17, 2006, beginning at 2 p.m. at the Moshannon District Mining Office on Enterprise Drive in Philipsburg, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office at (814) 342-8200 no later than 4 p.m. on Friday, May 12, 2006. The Department will consider all comments in developing the final TMDL for the Alder Run Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Alder Run Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Alder Run Watershed has been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
25924 (7160)	Alder Run	10.79

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
PH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations

that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Alder Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Alder Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Alder Run Watershed. Written comments must be postmarked by June 9, 2006, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, jmitalstate.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Moshannon District Mining Office, contact John Mital at the phone number or e-mail address indicated previously.

The proposed TMDL for the Alder Run Watershed can be accessed through the Department's website at www.dep.state.pa.us (DEP Keyword TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for Unnamed Tributary 26641 to the West Branch of the Susquehanna River in Clearfield County

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Unnamed Tributary 26641 to the West Branch of the Susquehanna River in Clearfield County. The meeting will be held on May 17, 2006, beginning at 3 p.m. at the Moshannon District Mining Office on Enterprise Drive in Philipsburg, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office at (814) 342-8200 no later than 4 p.m. on Friday, May 12, 2006. The Department will consider all comments in developing the final TMDL for the Unnamed Tributary 26641 Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Unnamed Tributary 26641 Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Unnamed Tributary 26641 Watershed has been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
26641 (7190)	Unnamed Tributary 26641 to the West Branch of the Susquehanna River	1.50

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
PH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Unnamed Tributary 26641 Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Unnamed Tributary 26641 Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Unnamed Tributary 26641 Watershed. Written comments must be postmarked by June 9, 2006, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, jmitalstate.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Moshannon District Mining Office, contact John Mital at the phone number or e-mail address indicated previously.

The proposed TMDL for the Unnamed Tributary 26641 Watershed can be accessed through the Department's website at www.dep.state.pa.us (DEP Keyword TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 06-533. Filed for public inspection March 31, 2006, 9:00 a.m.]

NOx Budget Trading Program; New Source Set-Aside 2006 Allocations

In accordance with 25 Pa. Code § 145.41(d) (relating to timing requirements for NOx allowance allocations), the Department of Environmental Protection (Department) is publishing the allowance allocations from the new source set-aside allowance allocations for the 2006 control period (May 1, 2006, through September 30, 2006). The new source set-aside contains 2,542 allowances, 1,920 of which are available for new sources after allocation corrections. For each NOx budget unit, the following table lists: 1) the allowances applied for under the "request" column; 2) the maximum potential number of allowances authorized by the regulation under the "maximum" column; and 3) the final, pro rata allocation under the "allocation" column.

New source operators are advised that this allocation is for one control period only. To receive allocations from the new source set-aside for future control periods, source operators must submit new requests to the Department by January 1 each year.

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 may contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service at (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 to 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. The Secretary to the Board should be contacted at (717) 787-3483 for additional information.

Questions concerning this notice should be directed to Jane Mahinske, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-8949, jmahinske@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

Table 1—2006 New Source Set-Aside Allocations

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	31
AES Ironwood, LLC	55337	2	92	92	31
PEI Power (Archbald)	50279	2	84	84	28
Allegheny Energy 1	55196	1	42	42	14
Allegheny Energy 2	55196	2	42	42	14
Allegheny Energy 3	55710	1	38	38	13
Allegheny Energy 4	55710	2	38	38	13
Allegheny Energy 8	55377	8	52	52	17
Allegheny Energy 9	55377	9	52	52	17
Allegheny Energy 12	55654	12	51	51	17
Allegheny Energy 13	55654	13	51	51	17
UGI Hunlock Creek Energy	31760	4	38	38	13
Conectiv Bethlehem	55690	1	26	26	9
Conectiv Bethlehem	55690	2	26	26	9
Conectiv Bethlehem	55690	3	26	26	9
Conectiv Bethlehem	55690	5	26	26	9
Conectiv Bethlehem	55690	6	26	26	9
Conectiv Bethlehem	55690	7	26	26	9

NOTICES

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Grays Ferry Cogen	54785	2	311	311	105
Grays Ferry Cogen	54785	25	205	205	69
Williams Gen. Hazelton	10870	2	39	39	13
Williams Gen. Hazelton	10870	3	39	39	13
Williams Gen. Hazelton	10870	4	39	39	13
Armstrong Energy LLC	55347	1	278	278	94
Armstrong Energy LLC	55347	2	278	278	94
Armstrong Energy LLC	55347	3	278	278	94
Armstrong Energy LLC	55347	4	278	278	94
Fairless Energy, LLC	555298	1A	39	39	13
Fairless Energy, LLC	555298	1B	39	39	13
Fairless Energy, LLC	555298	2A	39	39	13
Fairless Energy, LLC	555298	2B	39	39	13
PPL (Lower Mount Bethel)	55667	1	49	49	16
PPL (Lower Mount Bethel)	55667	2	49	49	16
Merck & Co. (Turbine #3)	52149	40	35	35	12
Liberty Electric Power	55231	1	76	76	26
Liberty Electric Power	55231	2	76	76	26
Reliant Energy (Seward)	313	CFB1	697	697	236
Reliant Energy (Seward)	313	CFB2	697	697	236
Reliant (Hunterstown LLC)	31100	CT101	52	52	17
Reliant (Hunterstown LLC)	31100	CT201	52	52	17
Reliant (Hunterstown LLC)	31100	CT301	52	52	17
Duke Energy Armaugh	880071	31301	52	52	17
Duke Energy Entrioken	880072	31601	53	53	18
Duke Fayette Energy	55516	U1	43	43	14
Duke Fayette Energy	55516	U2	43	43	14
Ontelaunee Energy Center	55193	CT1	27	27	9
Ontelaunee Energy Center	55193	CT2	27	27	9
FPL Energy (Marcus Hook)	55801	CT1	54	54	18
FPL Energy (Marcus Hook)	55801	CT2	54	54	18
FPL Energy (Marcus Hook)	55801	CT3	54	54	18
FPL Energy (Marcus Hook)	55801	AB1	43	43	14
FPL Energy (Marcus Hook)	55801	AB2	43	43	14
FPL Energy (Marcus Hook)	55801	AB3	43	43	14
FPL Energy (Marcus Hook)	55801	AB4	43	43	14

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Handsome Lake Energy	55233	EUZ1A	55	55	19
Handsome Lake Energy	55233	EUZ1B	55	55	19
Handsome Lake Energy	55233	EUZ2A	55	55	19
Handsome Lake Energy	55233	EUZ2B	55	55	19
Handsome Lake Energy	55233	EUZ3A	55	55	19
Handsome Lake Energy	55233	EUZ3B	55	55	19
Handsome Lake Energy	55233	EUZ4A	55	55	19
Handsome Lake Energy	55233	EUZ4B	55	55	19
Handsome Lake Energy	55233	EUZ5A	55	55	19
Handsome Lake Energy	55233	EUZ5B	55	55	19
		Totals	5,658	5,658	1,920

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-534. Filed for public inspection March 31, 2006, 9:00 a.m.]

Wilkes-Barre Inflatable Dam (DEP File No. D40-244); Public Hearing

The United States Army Corps of Engineers, Baltimore District (Corps) and the Department of Environmental Protection (Department) have scheduled a joint public hearing on Monday, May 1, 2006, to receive oral and written comments regarding a permit application submitted by the Luzerne County Flood Protection Authority to construct the Wyoming Valley Inflatable Dam across the Susquehanna River in Wilkes-Barre, PA. The hearing will take place on the third floor of the Sheehy-Farmer Campus Center at Kings College, 133 North River Street, Wilkes-Barre, PA 18711. The Sheehy-Farmer Campus Center is behind Esseff Hall and is located in the block between North Franklin and North Main Streets. Parking is available at the West Union Street parking lot and at the Luzerne County Court House. A map of the campus can be viewed at www.kings.edu/VirtualTour/default.htm.

Project information and plans will be displayed in the lobby and may be viewed beginning at 5 p.m. The hearing will start at 7 p.m. Persons wishing to give oral testimony are encouraged to arrive early to be placed on the schedule. Additional information regarding the hearing is available on the Corps' website at www.nab.usace.army.mil/Regulatory/public_notices.htm.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cathy Tyson at (717) 783-3515 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Questions regarding the joint public hearing should be directed to Jack Krauter, Division of Dam Safety, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 772-5959, jkrauter@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-535. Filed for public inspection March 31, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Kane Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kane Community Hospital has requested an exception to the requirements of 28 Pa. Code § 107.12(14) and 127.32 (relating to content of bylaws, rules and regulations; and written orders).

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

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

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

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-536. Filed for public inspection March 31, 2006, 9:00 a.m.]

Application of Lewisburg Plastic Surgery and Laser Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lewisburg Plastic Surgery and Laser Center has requested an exception to the requirements of 28 Pa. Code § 567.43 (relating to ventilation system).

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

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

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

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-537. Filed for public inspection March 31, 2006, 9:00 a.m.]

Application of Westmoreland Skilled Care Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Skilled Care Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4, 7.2.B1, 7.2.B3, 7.2.B6—7.2.B10, 7.2.B12, 7.2.B16, 7.2.B22 and 7.2.C1.

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-538. Filed for public inspection March 31, 2006, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 8, 2006, from 10 a.m. to 2 p.m. at the Hospital & Healthsystem Association of Pennsylvania, 4750 Lindle Road, Harrisburg, PA 17105.

For additional information, contact Jayme L. Trogus, Public Health Educator, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Jayme L. Trogus at (717) 787-6214 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-539. Filed for public inspection March 31, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

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

Orchard Manor, Inc.
20 Orchard Drive
Grove City, PA 16127

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a) and 205.39(b) (relating to dining room; and toilet room equipment).

Mary Evans Extended Care Center
724 Pershing Street
Ellwood City, PA 16117

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape,

Braille) should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-540. Filed for public inspection March 31, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

[Correction]

Pennsylvania Happy Mother's Day Instant Lottery Game

An error occurred in the document announcing the new lottery game which appeared at 36 Pa.B. 1329 (March 18, 2006). The correct version is as follows with ellipses referring to the existing text of the notice:

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

* * * * *

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Symbols Match Any of the Winning Symbols, Win With Prize(s) of:

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
\$5	\$5	20	150,000
\$5 w/ROSE	\$5	20	150,000
\$5 × 2	\$10	30	100,000
\$5 w/HEART	\$10	60	50,000
\$10 w/ROSE	\$10	60	50,000
\$10	\$10	30	100,000
\$5 × 3	\$15	300	10,000
\$10 + \$5	\$15	300	10,000
\$5 w/HEART + \$5	\$15	300	10,000
\$15 w/ROSE	\$15	300	10,000
\$15	\$15	300	10,000
\$5 × 4	\$20	300	10,000
\$5 × 2 + \$10	\$20	300	10,000
\$10 × 2	\$20	300	10,000
\$10 w/HEART	\$20	600	5,000
\$20 w/ROSE	\$20	600	5,000
\$20	\$20	300	10,000
\$5 × 5	\$25	300	10,000
\$10 + \$15	\$25	300	10,000
\$10 w/HEART + \$5	\$25	300	10,000
\$25 w/ROSE	\$25	300	10,000
\$25	\$25	300	10,000
\$5 × 10	\$50	200	15,000
\$10 × 5	\$50	300	10,000
\$25 × 2	\$50	600	5,000
\$25 w/HEART	\$50	600	5,000
\$50 w/ROSE	\$50	600	5,000
\$50	\$50	300	10,000
\$10 × 10	\$100	6,000	500
\$20 × 5	\$100	12,000	250
\$25 × 4	\$100	12,000	250
\$50 w/HEART	\$100	6,000	500
\$100 w/ROSE	\$100	6,000	500
\$100	\$100	6,000	500
\$50 × 10	\$500	60,000	50
\$100 × 5	\$500	60,000	50

When Any of Your Symbols Match Any of the Winning Symbols, Win With Prize(s) of:

\$100 w/HEART + \$100 × 3
 \$500 w/ROSE
 \$500
 \$30,000

Win:
 \$500
 \$500
 \$500
 \$30,000

Approximate Odds of 1 In:
 120,000
 120,000
 60,000
 600,000

Approximate No. of Winners Per 3,000,000 Tickets
 25
 25
 50
 5

ROSE = Win prize automatically.
 HEART = Win double the prize automatically.

* * * * *

[Pa.B. Doc. No. 06-453. Filed for public inspection March 17, 2006, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations and Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on May 1 and 2, 2006, the Commission will consider designating or redesignating the following stream sections and lake as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2007:

58 Pa. Code § 65.4a. All-tackle trophy trout

The Commission will consider removing the following stream sections from the list of waters regulated and managed as all-tackle trophy trout areas:

County	Water on which located	Description
Centre	Penns Creek	From the confluence with Elk Creek downstream to the catch-and-release area, a distance of 7 miles
Fayette/Somerset	Youghiogheny River	From the confluence with Ramcat Run downstream to the Route 381 bridge at Ohiopyle, a distance of 9 miles

58 Pa. Code § 65.6. Delayed harvest artificial lures only areas

The Commission will consider designating the following stream sections as delayed harvest artificial lures only areas:

County	Water on which located	Description
Clearfield	Sandy Lick Creek	From the mouth of Laborde Branch downstream to 100 meters downstream of Reisinger Run, a distance of 1.37 miles
Tioga	Pine Creek	From Darling Run downstream 1.0 mile to a point 150 meters downstream from the confluence of Owassee Slide Hollow, a distance of 1.0 mile

58 Pa. Code § 65.9. Big bass special regulations

The Commission will consider designating the following lake as a Big Bass Regulation water:

County	Water
Crawford	Tamarack Lake

58 Pa. Code § 65.15. Catch and release all-tackle areas

The Commission will consider designating the following stream sections as catch and release all-tackle areas:

County	Water on which located	Description
Centre	Penns Creek	From the confluence with Elk Creek downstream to the catch-and-release area, a distance of 7 miles
Fayette/Somerset	Youghiogheny River	From the confluence with Ramcat Run downstream to the Route 381 bridge at Ohiopyle, a distance of 9 miles

At this time, the Commission is soliciting public input concerning these designations and redesignations. Persons with comments, objections or suggestions concerning the designations or redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 06-541. Filed for public inspection March 31, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Tuesday, March 21, 2006, and announced the following:

Regulations Approved

State Board of Auctioneer Examiners #16A-646: Corrective Amendment to Schedule of Fees (amends 49 Pa. Code § 1.41)

Board of Pardons #56-3: Representation of Applicant; (amends 37 Pa. Code § 81.282)

State Conservation Commission #7-390: Nutrient Management (amends 25 Pa. Code Chapter 83)

State Board of Examiners in Speech-Language and Hearing #16A-6802: Continuing Education (amends 49 Pa. Code Chapter 45)

Pennsylvania Public Utility Commission #57-229: Permanent Standards of Conduct (adds §§ 62.141 and 62.142 to 52 Pa. Code)

Pennsylvania Public Utility Commission #57-236: Practice and Procedure Before the Commission (amends 52 Pa. Code Chapters 1, 3 and 5)

Approval Order

Public Meeting held
March 21, 2006

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

State Board of Auctioneer Examiners—Corrective Amendment to Schedule of Fees; Regulation No. 16A-646

On January 30, 2006, the Independent Regulatory Review Commission received this regulation from the State Board of Auctioneer Examiners (Board). This rulemaking amends 49 Pa. Code § 1.41. Notice of proposed

rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking corrects the official text of the Board's regulations pertaining to schedule of fees. It clarifies that the application fee for an auction house and an auction company is \$50 and the fee for the biennial renewal for an auction house and an auction company is \$200.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 734.6(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 21, 2006

Commissioners Voting: John R. McGinley Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

*Board of Pardons—Representation of Applicant;
Regulation No. 56-3*

On February 9, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Board of Pardons. This rulemaking amends 37 Pa. Code § 81.282. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation clarifies that persons who are unable to apply for clemency due to mental incompetence or mental disability may be represented by a legal guardian, next friend or other person authorized by law to act on behalf of the applicant.

We have determined this regulation is consistent with the statutory authority of the Board of Pardons (71 P. S. § 299(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 21, 2006

Commissioners Voting: John R. McGinley Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

*State Conservation Commission—Nutrient Management;
Regulation No. 7-390*

On July 28, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Conservation Commission. This rulemaking amends 25 Pa. Code Chapter 83. The proposed regulation was published in the August 7, 2004 *Pennsylvania Bulletin* with a 90-day public comment period. The final-form regulation was submitted to the Commission on February 16, 2006.

This regulation is a general update of the State Conservation Commission's regulations as required periodically by the Nutrient Management Act. The amendments incorporate their experience with administering the program and advances in the sciences of agronomics and manure management.

We have determined this regulation is consistent with the statutory authority of the State Conservation Commission (3 P. S. § 504(1) as amended by Act 38 of 2005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 21, 2006

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

*State Board of Examiners in Speech-Language and Hearing—Continuing Education;
Regulation No. 16A-6802*

On June 8, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners in Speech-Language and Hearing (Board). This rulemaking amends 49 Pa. Code Chapter 45. The proposed regulation was published in the June 19, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 20, 2006.

This regulation implements Act 71 of 2000 and sets forth continuing education requirements for the biennial renewal of licenses. Licensees are required to obtain 20 hours of continuing education for biennial renewal.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 1705(2) and (7)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 21, 2006

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

Pennsylvania Public Utility Commission—Permanent Standards of Conduct; Regulation No. 57-229

On April 6, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds Sections 62.141 and 62.142 to Title 52 Pa. Code. The proposed regulation was published in the April 17, 2004 *Pennsylvania Bulletin* with a

30-day public comment period. The final-form regulation was submitted to the Commission on January 19, 2006.

Section 2209 of the Natural Gas Choice and Competition Act established a two-part process for implementing standards of conduct for the natural gas industry. This regulation represents the second part of this process. The PUC is promulgating permanent standards intended to equalize interactions between natural gas suppliers (NGSs) and natural gas distribution companies (NGDCs) and their affiliated NGSs. The permanent standards in this regulation include procedures, requirements and standards designed to minimize any preferential treatment between NGDCs and their affiliated NGSs.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S.A. §§ 501, 1501, 1701 and 2209(a)—(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 21, 2006

Commissioners Voting: John R. McGinley Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

Pennsylvania Public Utility Commission—Practice and Procedure Before the Commission; Regulation No. 57-236

On October 15, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission. This rulemaking amends 52 Pa. Code Chapters 1, 3 and 5. The proposed regulation was published in the October 30, 2004 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on February 9, 2006.

This regulation amends the Pennsylvania Public Utility Commission's procedural rules to align them with current practice and to make them similar to those used in Pennsylvania courts.

We have determined this regulation is consistent with the statutory authority of the Pennsylvania Public Utility Commission (66 Pa.C.S.A. § 501(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-542. Filed for public inspection March 31, 2006, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
2-150	Department of Agriculture Commercial Manure Hauler and Broker Certification 35 Pa.B 6751 (December 17, 2005)	2/16/06	3/20/06

Department of Agriculture Regulation #2-150 (IRRC #2513)

Commercial Manure Hauler and Broker Certification

March 20, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the December 17, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

1. Commercial Manure Haulers and Brokers— Legislative Intent of Act 49 of 2004.

The Department received several letters from legislators stating the regulation does not conform to the legislative intent of Act 49 of 2004 known as the Commercial Manure Hauler and Broker Certification Act (Act). The authors of the letters include:

- Representative Allan Egolf (retired) who was prime sponsor of House Bill 1809 of 2003 that was signed into law as the Act.
- A joint letter from members of the Senate Agriculture and Rural Affairs Committee signed by Senator Michael Waugh, Chairman; Senator Noah Wenger, Vice Chairman; Senator Michael O'Pake, Minority Chairman; and Senator Roger Madigan, Member.
- Individual letters from Representative Arthur D. Hershey, Majority Chairman, House Agriculture and Rural Affairs Committee and Representative Peter J. Daley II, Minority Chairman.

These legislators state that the regulation exceeds the intent of the Act by regulating individuals engaging in manure hauling and manure brokering rather than just commercial haulers and brokers. The Department must respond to these concerns and explain why the final-form regulation is the appropriate interpretation of the Act.

2. Development of a Final Regulation.

Comments and suggestions were submitted on virtually all sections of the proposed regulation. These comments were submitted by a broad spectrum of commentators including legislators, the State Conservation Commission (SCC), the Nutrient Management Advisory Board (NMAB), trade associations, environmental advocates and individual farmers. Based on the volume and scope of the

comments and our discussions with the Department, we anticipate that the regulation may be substantially revised.

Should the Department wish to allow for additional input on the revisions before the regulation is submitted in final-form, we suggest that the revisions be submitted preliminarily to stakeholder groups and then published in an Advanced Notice of Final Rulemaking. These processes will allow all interested parties an opportunity to comment on the Department's revisions and will facilitate the resolution of objections before submittal of the final-form regulation to the standing committees and this commission.

3. Certification Requirements for Level 1 Commercial Manure Haulers—Need and Economic impact.

The regulation limits Level 1 Commercial Manure Haulers to hauling manure from Point A to Point B. Holders of this certification are prohibited from land applying manure. Even though their functions are strictly limited, they are subject to extensive costs and requirements. Level 1 Commercial Manure Haulers must pay a \$125 fee for certification and a \$50 fee for an examination. Sections 130e.21 and 130e.22 require extensive training and testing. Section 130e.52(b)(2)(ii)(C) requires continuing education credits. In addition to the monetary cost, it will take a substantial amount of time to gain and maintain this certification. The burdens of these requirements will result in higher costs to farmers. The Department should explain the need for these requirements to certify Level 1 Commercial Manure Haulers.

Subchapter A. GENERAL PROVISIONS

4. Section 130e.2. Definitions.—Clarity.

Act 38

This definition references Chapter 5. A more specific citation would add clarity.

BMP—Best management practice

The list in Paragraph (ii) of this definition may become outdated. Given that this definition is dependent on SCC regulations, we recommend just cross referencing the SCC regulation.

Concentrated animal feeding operation

The Department of Environmental Protection has numerous regulations related to The Clean Streams Law. A cross reference to the specific regulations should be added.

Concentrated Animal Operation or CAO

This definition references Chapter 130b. A more specific citation would add clarity.

Manure, Nutrient, Nutrient balance sheet and Nutrient management specialist

The Nutrient Management regulation at 25 Pa. Chapter 83 is expected to be published as final in the very near future. The definitions in this Chapter 130e should be consistent with those in 25 Pa. Code § 83.201 to prevent confusion and unnecessary paperwork for those who fall under both sets of regulations.

5. Section 130e.3. Fees.—Reasonableness and Economic impact.*Subsection (a) Certification fees.*

Several commentators questioned why these fees are so high and contend that this will discourage compliance. Several legislators also question why fees are “excessive.” The Department will gain experience on costs through managing the interim guidelines published as a Statement of Policy in the January 14, 2006 *Pennsylvania Bulletin* titled “Interim Commercial Manure Hauler and Broker Certification and Enforcement.” For the fees used in the final-form regulation, the Department should provide the costs and projections used to develop the fees and explain why the fees are reasonable.

Subsection (b) Examination fees.

Similar to certification fees, the Department should provide the costs and projections used to develop the examination fees and explain why the fees are reasonable.

6. Section 130e.4. Prohibition.—Clarity.*Subsection (a)*

There is a double negative in the first sentence that is a substantive typographical error. To be consistent with the Act (3 P. S. § 2010.4(a)), the word “not” should be deleted from the first sentence.

Subsection (b)

Does the use of the word “person” in this subsection refer to anyone who is certified or only to commercial entities? If the former applies, the Department should justify how this interpretation conforms to legislative intent.

7. Section 130e.5. Authority, duties and prohibitions.—Need; Reasonableness and Clarity.*Levels of certification*

The Act describes two categories of certification: commercial manure hauler and commercial manure broker. The regulation breaks these categories into five separate certifications: Levels 1, 2 and 3 for commercial manure haulers and Levels 1 and 2 for commercial manure brokers. The regulation then includes the authority and duties, such as supervision, that each level can or cannot perform.

We have three concerns. First, why are two levels of certification needed for commercial manure brokers?

Second, commercial manure haulers can only perform two actions under the Act, either hauling or spreading manure. Why are three levels of certification needed for commercial manure haulers?

Third, there are five levels of certification in the proposed regulation. The regulation is confusing regarding what functions can be performed at each level of

certification and what degree of supervision is required. This could cause unnecessary confusion and enforcement. The regulation should more clearly explain each level of certification and how it interrelates to other certifications.

Direct supervision

There are five concerns. First, the term “supervise” is defined for brokers and haulers in Subparagraphs (a)(1)(iii) and (a)(2)(iii). Both of these definitions require the supervisor to be “on the site where the manure is being applied” and assigns the supervisor responsibility for the proper land application of the manure. Commentators believe this provision is excessive because it would require two people to be on site during the application. Further, communication between the person applying the manure and the supervisor can be done by cell phone if questions arise.

We agree that this provision is burdensome. Since responsibility lies with the supervisor, it is incumbent upon the supervisor to make sure the person applying the manure clearly understands the job to be done. The Department should explain the need for, and reasonableness of requiring a supervisor to be on site at all times.

Second, related to our concern with the number of levels of certification in the regulation, the assignment of who can supervise who is complicated in Subsections (a) and (b). For example, supervision relating to a Level 2 commercial manure hauler is described in seven places (Subparagraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iii), (b)(1)(ii)(A), (b)(1)(ii)(B), (b)(1)(ii)(C), and (b)(1)(iii)). These provisions present unnecessary difficulty to comply with the regulation. We recommend that the Department review the supervision required and simplify these provisions for the final-form regulation accordingly.

Third, Subparagraph (b)(1)(ii)(C) would prohibit an agricultural operator from supervising the land application of manure. This appears to conflict with the statutory definition of “commercial manure hauler” that includes land application as a contract agent for an agricultural operator under the direction of the operator. It also appears to conflict with Subparagraph (b)(2). The Department should reconcile these provisions in the final-form regulation.

Fourth, Subparagraph (a)(1)(iii) ends with the statement that the commercial manure broker “is jointly responsible.” With whom is the broker jointly responsible?

Finally, there is also a clarity problem in the definitions of supervisor. Both Subparagraphs (a)(1)(iii) and (a)(2)(iii) state their respective definitions are “for purposes of this section.” Since both definitions are within the same section of the regulation, they should state “for purposes of this subsection.”

8. Section 130e.6. Display of certification.—Consistency with statute; Economic and fiscal impact; Need and Reasonableness.*Subsection (a) Vehicles.*

This subsection requires “prominent display on every vehicle involved in transport or land application, or both, of manure . . . the certification number . . . in figures at least 3 inches high, in contrasting color to the vehicle and be located on both sides of the vehicle at a readily visible location.” There is no similar requirement in the Act. We agree with commentators who questioned the need for this provision when Subsection (b) requires the person to possess their certificate. We also agree with commentators that this provision is impractical when vehicles are

used for other purposes or by multiple certificate holders. Therefore, we recommend deleting Subsection (a).

Subsection (c) Contracts.

This subsection requires a contract or agreement to include certification numbers. This requirement is not in the Act. While certification is required to perform activities, the level of detail required by this provision would impede the normal business practice of finding the best price for services. The contract or agreement would have to be rewritten every time a broker or hauler is changed, or alternatively would require the listing of multiple brokers or haulers who may or may not be used. For these reasons, and given the record keeping requirements in Section 130e.71, we see no need for this provision and recommend deleting Subsection (c).

9. Section 130e.7. Notice of change in business or certification.—Feasibility; Need and Economic impact.

This section states:

Certified commercial manure brokers and certified commercial manure haulers shall notify the Department in writing within 15 days of a change in information regarding their level of certification or if that person is no longer engaged in or no longer intends to be engaged in the transport or land application, or both, of manure.

It is not clear why this written notification is needed or how it would be useful. The Department manages the certification program, charges fees for certification and has specified that certificates lapse if not renewed. The Department would already know within a reasonable amount of time when a certification level changed or expired. Also, why would a person forego the remainder of their certification period, even if the person "is no longer engaged in or no longer intends to be engaged" in these activities? We recommend deleting this section.

Subchapter B. CERTIFICATION

Sections 130e.11 through 130e.42 of Subchapter B contain virtually identical provisions for determination of competence and certification requirements. For simplicity, comments on these common concepts are combined when possible.

10. Sections 130e.11, 130e.21, 130e.31 and 130e.41. Determination of competence.—Need; Reasonableness and Clarity.

Written examination administered in a classroom or proctored classroom examination

Subsections (a) and Subsection 130e.11(b) use the language "proctored written examination . . . administered in a classroom setting" or similar language. Many state licensing boards use computerized examinations at centralized locations for professional licensing. These examinations are available at multiple locations throughout the state and on multiple dates. The Department should explain why examinations must be limited in regulation to "proctored written examination . . . administered in a classroom."

Training course administered in a classroom setting

Commentators have suggested that training and examinations may be needed more often than twice per year in the early years of the program. The regulation limits training to classroom settings. The Department should explore whether these courses could be offered over the internet or by other methods to make them more available.

Other course work

Subsections (a) use similar language that states, "... certification may also include other course work related to requirements set forth in this chapter, which are determined by the Department to be necessary and appropriate." It is not clear what other related course work may be included beyond the specific "Certification orientation training" listed in either Subsections (b) or Subsection 130e.11(c) respectively. The Department should specify what other course work may be required and included in the examination or delete this language.

Certification orientation training

Subsection 130e.11(c) and Subsections (b) of the other certifications all end with "Other areas . . . as determined appropriate by the Department." The Department should include in the regulation all of the areas that an applicant needs to prove proficiency. If other areas are needed in the future they should be added by rulemaking. The Department should justify the need for these provisions or delete them.

Nutrient Management Specialists

Commentators suggested exempting nutrient management specialists from certification requirements. Are nutrient management specialists qualified to perform the duties in this regulation? If so, they could be deemed equivalent and not required to have additional certification as a commercial manure broker or hauler.

11. Sections 130e.12, 130e.22, 130e.32 and 130e.42. Certification requirements.—Need; Reasonableness and Clarity.

Application for certification

The regulation requires:

- Exchange of verification signatures immediately following examinations, signed in the presence of both the applicant and proctor.
- The proctor to submit the application within 5 days.
- Payment of the application fee prior to scoring an examination.
- Short time frames (10 or 15 calendar days) to submit an application, or take the course again.
- The Department to review the documents and score the examination within 30 days.
- Certification to be issued to successful applicants, but does not state when.

Commentators found this process confusing and illogical. They question why an applicant bears the responsibility to verify information. We agree that these provisions are complicated and burdensome, and further question whether all of these requirements are needed. If any of the above requirements are not met, the result is a person waiting months for the next opportunity to get certified. It would be expedient for the applicant, proctor and Department if applicants know whether they passed the examination prior to submission of an application for certification to the Department with the certification fee. The Department should review and streamline this entire application process.

12. Section 130e.51. Certification time frames and recertification requirements.—Need and Reasonableness.

Certification periods

The regulation states some certifications are valid for two years while others are valid for three. Why do these vary? The Department should explain how it chose the certification periods and why they are appropriate.

Reexamination

Persons certified at all levels are required to take the written examination again to be recertified. The SCC and the NMAB both commented that reexamination is not needed. A commentator believes recertification is more burdensome than the original certification.

We agree. The Act does not require reexamination. Section 130b.31 of the Department's regulations does not require reexamination for recertification as a nutrient management specialist. State licensing boards, such as the State Board of Accountancy and the State Board of Pharmacy, provide for reexamination only when the applicant fails the initial examination. The Department should delete this requirement.

13. Section 130e.52. Commercial manure broker and hauler continuing education requirements.—Statutory authority; Need and Economic impact.

Statutory authority

We question the statutory authority for the continuing education requirement. The requirements for certification are specifically established under Section 3 of the Act. However, the Act does not make any mention of continuing education. It is a widely accepted rule of interpretation that when a statute sets forth certain requirements but does not include others, the exclusion of the other requirements is intended. Where the General Assembly intended to require continuing education, it has so stated in clear and unmistakable terms.

Need

If the Department believes it has a statutory basis to require continuing education credits, we further question the need for continuing education credits. For example, the Department needs to explain what benefit a Level 1 commercial manure hauler, who can only transport manure and is prohibited from land applying, would gain from six continuing education credits that justifies the costs imposed. The Department needs to explain the following for each level of certification:

- What developments, progression in technology or other changes does the Department anticipate that require continuing education?
- What subject matter will the Department find acceptable for credit?
- How much will these credit hours cost? How do the benefits outweigh these costs?
- Will courses be available so that certificate holders can easily meet the requirement?
- Can certificate holders get prior approval of continuing education credits? Will out-of-state courses qualify?

14. Section 130e.53. Continuing education credit course providers.—Reasonableness and Clarity.

Paragraph (a)(2) Application content.

This paragraph requires “. . . the specific locations and the proposed dates and times the course will be offered at each location.” Why is it reasonable to require the applicant to make these arrangements prior to course approval? The regulation should allow an applicant to supply this information after receipt of Department approval for the course content.

Paragraph (a)(6) Revocation of course or denial or revocation of credit hours.

This paragraph addresses revocation of credit hours. We agree that when records are falsified, the applicant should not get credit for the course. However, this provision is not clear regarding what happens if a course provider's approval is revoked. Would course attendees lose credits if the provider's approval is revoked after the course is given?

Subchapter C. RECORDKEEPING

15. Section 130e.71. Recordkeeping.—Need; Reasonableness and Economic impact.

Annual records

Paragraphs (a)(3) and (b)(5) require commercial manure haulers and brokers to “compile the daily recordkeeping information into an annual report detailing:

- (i) The name and location of each agricultural operator or other person for which it transported or land applied manure, or both.
- (ii) The total amount of manure transported or land applied for each agricultural operator or other person, or both.
- (iii) The total amount of manure transported.
- (iv) The total amount of manure land applied and the total acreage to which it was applied.”

We question what purpose this annual record would accomplish and what costs it would impose on haulers and brokers. The Department should delete this requirement or explain the need for annual records and why the costs imposed are reasonable.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-543. Filed for public inspection March 31, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. Note that the time and date of the meeting are tentative and interested parties are encouraged to contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us to confirm that information. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5127	State Board of Nursing Fees for Approval of Nursing Education Programs	3/16/06	4/20/06
12-68	Department of Labor and Industry Qualifications for Vocational Experts	3/16/06	4/20/06
16A-5315	State Board of Osteopathic Medicine Deletion of Exam Fees	3/16/06	4/20/06
16A-5121	State Board of Nursing Temporary Practice Permits	3/16/06	4/20/06
16A-447	State Board of Podiatry Professional Liability Insurance	3/16/06	4/20/06
16A-5410	State Board of Pharmacy Technology and Automation	3/16/06	4/20/06

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-544. Filed for public inspection March 31, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health, Inc.; Rate Increase Filing for Central Pennsylvania Commercial HMO Business; Rate Filing

Aetna Health, Inc. requests approval of an increase to its Central Pennsylvania Commercial HMO rates for large groups. This filing represents an annual increase of approximately 12.7% on medical and 3.2% on pharmacy. The rate increase will affect about 10,400 medical members and 9,200 pharmacy members. This will result in additional annual premium income of approximately \$4.0 million (\$3.8 million on medical and \$155,000 on pharmacy). The requested approval date is June 1, 2006.

Unless formal administrative action is taken prior to June 14, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-545. Filed for public inspection March 31, 2006, 9:00 a.m.]

Aetna Health, Inc.; Rate Increase Filing for Pittsburgh and Western Pennsylvania Commercial HMO Business; Rate Filing

Aetna Health, Inc. requests approval of an increase to its Pittsburgh and Western Pennsylvania Commercial HMO rates for large groups. This filing represents an annual increase of approximately 13.4% on medical and 9% on pharmacy. The rate increase will affect about 12,900 medical members and 11,900 pharmacy members. This will result in additional annual premium income of approximately \$5.8 million (\$5.2 million on medical and \$680,000 on pharmacy). The requested approval date is June 1, 2006.

Unless formal administrative action is taken prior to June 14, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-546. Filed for public inspection March 31, 2006, 9:00 a.m.]

Aetna Health, Inc.; Rate Increase Filing for Southeastern Pennsylvania Commercial HMO Business; Rate Filing

Aetna Health, Inc. requests approval of an increase to its Southeastern Pennsylvania Commercial HMO rates for large groups. This filing represents an annual increase of approximately 17.1% on medical and 4.7% on pharmacy. The rate increase will affect about 198,000 medical members and 169,000 pharmacy members. This will result in additional annual premium income of approximately \$110.0 million (\$103.8 million on medical and \$6.2 million on pharmacy). The requested approval date is June 1, 2006.

Unless formal administrative action is taken prior to June 14, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-547. Filed for public inspection March 31, 2006, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's Board of Directors on Tuesday, April 11, 2006, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 06-548. Filed for public inspection March 31, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Extension of the Fuel Cost Recovery Surcharge Special Permission 28207

Public Meeting held
March 16, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

Order

By the Commission:

Tristate Household Goods Conference, Inc., (Tristate) a tariff publishing agency, represents approximately 275 PUC household good carriers. Substantially large increases in the cost of diesel fuel, which were unanticipated, motivated Tristate to request the implementation of the Fuel Cost Recovery Surcharge. The Fuel Cost Recovery Surcharge Special Permission 28207 was approved in Public Meeting held April 17, 2003, extended in Public Meeting held April 15, 2004, and extended again in Public meeting held April 7, 2005. The extension was approved for duration of one year unless changed, cancelled or extended. The current surcharge grants approval to temporarily increase the Tristate tariff to recover temporarily increased fuel costs when transporting household goods for moves more than forty (40) miles (weight and distance) and moves that are forty (40) miles or less (hourly) by the use of a Fuel Cost Recovery Surcharge.

The surcharge is determined by a formula which attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel¹; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.²

Moves of 40 miles or less will be divided into 4 categories according to average mileage: 5 mile average for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles, and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows³:

¹ The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date.

² This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

³ All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.

Origin of move to destination	
8 miles	= 5 miles average
Terminal factor	= 40 miles
Total miles	= 45 miles
Average miles per gallon	= 5
Fuel used	= 9 gallons
DOE current Fuel Price as of 3/17/03	= \$1.949
Base fuel Price	= \$1.267
Fuel price difference	= \$.682
Gallons × Fuel price difference	= 9 × .682 = \$6.14

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

Origin of move to destination	= 100 miles
Empty Return (dest. to origin)	= 100 miles
Terminal factor	= 40 miles
Total miles	= 240 miles
Average miles per gallon	= 5
Fuel used	= 48 gallons
DOE current Fuel Price as of 3/17/03	= \$1.949
Base fuel Price	= \$1.267
Fuel price difference	= \$.682
Gallons × Fuel price difference	= 48 × .682 = \$32.75

On January 5, 2006 Tristate filed a request to again extend the Fuel Cost Recovery Surcharge. The request was filed in response to the volatile nature of the petroleum market, which continues to produce unanticipated increases in diesel fuel prices.

In support of the request for extension, Tristate has submitted data from the Department of Energy for the Central Atlantic Region. The February 13, 2006 diesel price is \$2.59 which is 91% higher than the price of \$1.355 charged in March 2002, and 20% higher than the price of \$2.15 charged in February 14, 2005.

Additional support for an extension can be found in the February 7, 2005 edition of *Short Term Energy Outlook*, in which the Department of Energy reported that several factors will result in continued price fluctuations in the market. Recovery from Hurricanes Rita and Katrina and instability in the relations with OPEC nations has kept the prices of crude at a high level. Increased global demand also continues to affect price stability.

The Federal Department of Transportation has responded to the escalating fuel costs for interstate transportation by approving a fuel surcharge on a similar sliding scale. The Federal Fuel Surcharge became effective May 15, 2000 and continues in effect.

Pursuant to 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. Additionally, the Commission is obligated to address industry-wide problems "without creating a chaotic rate structure impossible to manage or police." *Emergency Fuel Surcharge*, 47 Pa. P.U.C. 389,391 (1974). The current surcharge addresses the problem of rising fuel costs, while being just and reasonable in that carriers are compensated only for the additional cost of the fuel used.

Based on our review, it appears that the extension of the Fuel Cost Recovery Surcharge for transportation of household goods is necessary and is an appropriate means to address this regulatory problem and will result in just and reasonable rates. In order to prevent financial hardship it is imperative that Pennsylvania household

goods carriers be afforded an opportunity to temporarily adjust rates to offset escalating fuel costs using the proposed extended Fuel Cost Recovery Surcharge and, accordingly, we shall allow the proposed extended surcharge to become effective for a period of one (1) year unless changed, cancelled or further extended.

Therefore:

It Is Ordered That:

1. Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over forty (40) mile charges and for forty (40) miles or less hourly charge in accordance with all other tariff rules of this Commission. The Fuel Recovery Surcharge is to be extended effective April 18, 2006.

2. The Extended Fuel Recovery Surcharge shall be in effect for one year to April 18, 2007 unless changed, cancelled or further extended by the Commission.

3. Copies of this order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Extended Fuel Cost Recovery Surcharge along with the original Fuel Cost Recovery Surcharge dated April 17, 2003 in a conspicuous place. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers.

5. The rates collected to the Extended Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within thirty (30) days of the date of publication of this order, and are successful in challenging the surcharge.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-549. Filed for public inspection March 31, 2006, 9:00 a.m.]

Ratification and Adoption of Amendment to Part 192 and Part 195 of Title 49 of the Code of Federal Regulations; Doc. No. M-00061947

Public Meeting held
March 16, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

Order

By the Commission:

At 52 Pa. Code § 59.33(b) the Commission has adopted, except as otherwise indicated, the federal safety standards for natural gas transmission and distribution facilities. The federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C. §§ 60101, et seq., and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the *Code of Federal Regulations*. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in Pennsylvania upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional natural gas companies or, alternatively, upon the date of such order's publication in the *Pennsylvania Bulletin*.

A. On May 19, 2005, at *Federal Register*, Vol. 70, No. 96, page 28833, Amendments 192-100 and 195-84 were adopted and codified by the Federal Department of Transportation at 49 C.F.R. Parts 192 and 195. This Final Rule amends the requirements for pipeline operators to develop and implement public awareness programs. The changes are part of PHMSA's Office of Pipeline Safety's (OPS) broad pipeline communications initiative to promote pipeline safety. This Final Rule took effect on June 20, 2005.

B. On June 15, 2005, at *Federal Register*, Vol. 70, No. 114, page 34693, Amendments 192-100 and 195-84 were adopted and codified by the Federal Department of Transportation at 49 C.F.R. §§ 192 and 195. The direct final rule published March 3, 2005, went into effect on July 15, 2005. The document confirmed the effective date of the direct final rule published in the *Federal Register* on March 3, 2005. The direct final rule amended regulations that require operators of gas and hazardous liquid pipelines to conduct programs to evaluate the qualification of individuals who perform certain safety-related tasks on pipelines.

C. On October 25, 2005, at *Federal Register*, Vol. 70, No. 205, page 61571, Amendments 192-101 and 195-85 were adopted and codified by the Federal Department of Transportation at 49 C.F.R. §§ 192 and 195. The Final Rule's effective date was November 25, 2005. This rule was written in response to a statutory directive. The Final Rule prescribes integrity management standards operators must meet when they use direct assessment on certain other onshore gas, hazardous liquid, and carbon dioxide pipelines. The Pipeline and Hazardous Materials Safety Administration (PHMSA—formerly known as the Office of Pipeline Safety—OPS) believes broader applications of direct assessment standards will enhance public confidence in the use of direct assessment to assure pipeline safety.

D. On June 20, 1996, at *Federal Register*, Vol. 61, No. 120, page 31449, Amendment 192-794 was adopted and codified by the Federal Department of Transportation at 49 C.F.R. § 192. In this final rule, Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation, developed standards for the performance of Excess Flow Valves (EFV) used to protect single-residence service lines.

Keeping in mind the safety of the public, we have reviewed the above-referenced amendments in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find that the Department of Transportation amendments to be in the public interest and adopt them as our own. The effective date of our adoption of the aforementioned amendments shall be the date upon which this order is entered.

Therefore:

It Is Ordered That:

1. The following amendments adopted by the U.S. Department of Transportation is hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b):

(a) *Federal Register*, Vol. 70, No. 96, page 28833, Amendments 192-100 and 195-84 were adopted and codified by the Federal Department of Transportation at 49 C.F.R. Parts 192 and 195;

(b) *Federal Register*, Vol. 70, No. 114, page 34693, Amendments 192-100 and 195-84 were adopted and codified by the Federal Department of Transportation at 49 C.F.R. §§ 192 and 195;

(c) *Federal Register*, Vol. 70, No. 205, page 61571, Amendments 192-101 and 195-85 were adopted and codified by the Federal Department of Transportation at 49 C.F.R. §§ 192 and 195;

(d) *Federal Register*, Vol. 61, No. 120, page 31449, Amendment 192-794 was adopted and codified by the Federal Department of Transportation at 49 C.F.R. § 192.

2. The Secretary shall serve copies of this order upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry date of this order. Concurrently, the Secretary shall cause this order, to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-550. Filed for public inspection March 31, 2006, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 24, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-00122513. Compass R. Care, Ltd. (507 Pottsville Street, Minersville, Schuylkill County, PA 17954)—persons in paratransit service from points in the Counties of Northumberland and Schuylkill to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-00122516, F.2. Quincy Logistics, Inc. (6409 N. 12th Street, Philadelphia, Philadelphia County, PA 19126)—household goods in use, from points in the Counties of Philadelphia and Montgomery, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-551. Filed for public inspection March 31, 2006, 9:00 a.m.]

Telecommunications

A-311372F7001. Verizon North, Inc. and YMax Communications Corp. Joint petition of Verizon North, Inc. and YMax Communications Corp. for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and YMax Communications Corp., by its counsel, filed on March 7, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and YMax Communications Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-552. Filed for public inspection March 31, 2006, 9:00 a.m.]

Telecommunications

A-311372F7000. Verizon Pennsylvania Inc. and YMax Communications Corp. Joint petition of Verizon Pennsylvania Inc. and YMax Communications Corp. for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and YMax Communications Corp., by its counsel, filed on March 7, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and YMax Communications Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-553. Filed for public inspection March 31, 2006, 9:00 a.m.]

Water Service

A-213550F0023. The York Water Company. Application of The York Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in an additional portion of York Township, York County, PA.

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 April 17, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-554. Filed for public inspection March 31, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-038.1, Roofing Investigations & Repairs at Various PRPA Facilities until 2 p.m. on Thursday, May 4, 2006. 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 April 11, 2006. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held at 10 a.m. on April 20, 2006, at PRPA's Main Office, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-555. Filed for public inspection March 31, 2006, 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:

June 7, 2006	James J. Harris (D) (Death Benefit)	1 p.m.
June 21, 2006	Robert D. Bugno (Purchase of Service)	1 p.m.
July 12, 2006	Joseph P. Acri (Purchase of Service)	1 p.m.
July 26, 2006	Lil Koszowski (Out-of-State Service)	1 p.m.
August 9, 2006	Karen A. Haugh (Multiple of Service)	1 p.m.
August 23, 2006	Gwendolyn K. Singer (Class T-D)	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. 06-556. Filed for public inspection March 31, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

SERVICES



Agricultural Services

CN00019779 Rebid - Spray Application of Chemicals for Various Crops - 2006 Season. Bid Opening: 03/27/06, 2:00 P.M. Request bid packages via fax (814) 355-6026, or e-mail jpackard@state.pa.us. Bidders must be registered with DGS Central Vendor Management Unit and possess a vendor number in order to receive bid packages.

Department: Corrections

Location: State Correctional Institution at Rockview, State Route 26, Box A, Bellefonte, PA 16823

Duration: 04/01/06 - 12/31/06.

Contact: Janine E. Packard, PUR AGT 2, 814-355-4874, Ext. 425

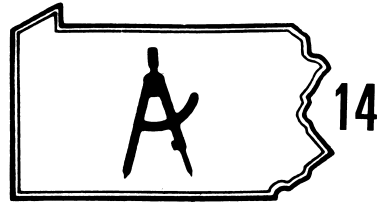
CN00019682 Contractor to provide ground application of herbicide at specifically designated locations in forested areas of Pennsylvania, to aid in the establishment of stands of high-value trees by eliminating competing understory vegetation consisting primarily of hay scented fern, striped maple, beech brush and various species of grass. Contractor to provide the herbicide and Department will reimburse the Contractor for the actual cost of herbicide applied to each spray block based upon the invoiced cost to the Contractor from the herbicide supplier. The awarded contractor must furnish the Department with a performance bond in the form of a surety bond or letter of credit in the amount of \$10,000.00. Bid Opening Date/Time: April 4, 2006; 2:00 p.m.

Department: Conservation and Natural Resources

Location: Elk, Clearfield, Potter, Centre and Cameron Counties

Duration: Commence July 1, 2006, and terminate March 31, 2007. Parties may renew for 2 additional consecutive annual terms with final terminate date of March 31, 2009. Upon each renewal, unit prices may be increased by 5 percent.

Contact: Nancy Weibley, 717-783-4884



Engineering Services

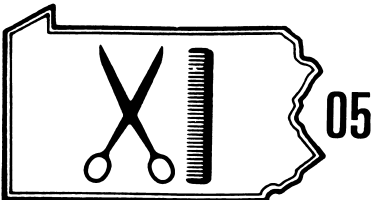
CN00019824 The contract will provide the labor, equipment and materials necessary to conduct moisture content tests, proctor tests, compaction tests (either sand cone or nuclear gage methods), gradation analysis tests and wash tests. The tests performed may be within any one or all counties within District 11-0 (Allegheny, Beaver and Lawrence). The contractor must be able to respond to a test within 24 hours of notification. All test methods must follow American Society for Testing and Materials (ASTM), American Association of Highway and Transportation Officials (AASHTO) or Pennsylvania Department of Transportation's Pennsylvania Test Method (PTM). Service is needed to comply with minimum soils and aggregate testing requirements as delineated in Form 408. All tests must be performed in a laboratory that is accredited by the AASHTO Accreditation Program (AAP).

Department: Transportation

Location: Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017

Duration: This contract will be for an original period of one year from the effective date with two additional one year renewals by mutual consent of the contractor and PennDOT. All terms and conditions of the original agreement will apply.

Contact: William R. Adams, Jr., Ph.D., P.G., P.E., (412) 429-4919



Barber Services

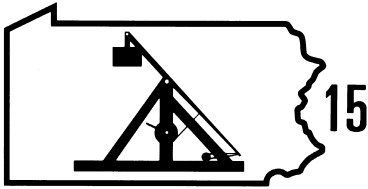
CN00019855 Beautician/Barber Services.

Department: Military Affairs

Location: PA Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507

Duration: 07/01/2006 to 06/30/2008

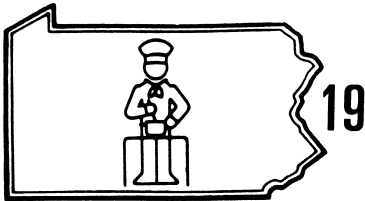
Contact: Rosemarie Rendulic, 814-878-4930



Environmental Maintenance Service

CN00019763 Pennsylvania Bureau of Forestry requires services for five (5) acres of aquatic vegetation to be treated with a mechanical aquatic plant rake, or equivalent device, to mechanically remove emergent and submergent aquatic vegetation by the plants' root system including the tuber, and disposing of same on State Forest Land. This project may require the removal and disposal of submerged stumps. A site inspection is highly recommended. A site inspection is scheduled for Monday, April 3, 2006, at 9:00 a.m. To register for the site inspection call Tim Balch at 570-895-4004. This site inspection is designed for the contractor to ask questions about the project and to help estimate their respective bid. Work must begin between August 1 - 7, 2006. Bid Opening Date/Time: April 11, 2006; 2:00 p.m.

Department: Conservation and Natural Resources
Location: Delaware State Forest (Porter Township, Pike County), Swiftwater, PA 18370
Duration: Commence upon execution and receipt of purchase order and notice to proceed letter, and terminates October 31, 2006.
Contact: Nancy Weibley, 717-783-4884



Food

1149-BD-06 Bread and Related Products. The Bid for this product will be issued on an as-needed basis. The estimated quantities and product specifications can be obtained by contacting the Purchasing Department at SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number contact 1.866.775.2968.

Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2006 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515

CN00019782 Department of Public Welfare announces their annual Milk Bid in support of the DPW Statewide Facility Requirements for the Year 2006-2007. This bid covers Milk and Milk Products within the five Milk Marketing Regions in the Commonwealth. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll-free number 1-866-775-2868. Bids may be requested by calling or e-mailing the Procurement Agent below. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Date: The Bid Opening Date is scheduled for April 19th at 2:00 pm.

Department: Public Welfare
Location: DPW Facilities Statewide
Duration: 1 Year
Contact: David E. Kern, 717 783-9281

1149-FF-06 Miscellaneous Frozen Food. The Bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number contact 1.866.775.2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2006 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515

BEVERAGE-2006 Bag-in-Box Carbonated Concentrated Beverage Bases: Contract shall cover the months of July 2006 through June 2009. Delivery of product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, RR 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2006 to June 30, 2009
Contact: Gena M. Hainesworth, 724-837-4397

1149-EG-06 Shelled Eggs. The Bid for this product will be issued on a semi-annual basis. The delivery will be weekly or as needed when determined by the Dietary Manager. The estimated quantities and product specifications can be obtained by contacting the Purchasing Department at SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number please contact 1.866.775.2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg PA 15370-8089
Duration: July 1, 2006 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515

1149-FH-06 Fish and Seafood Products. The Bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number please contact 1.866.775.2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2006 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515

1149-MT-06 Meat and Meat Products. The Bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number please contact 1.866.775.2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2007 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515

CN00019773 The contractor will provide testing, preventative maintenance, inspection and cleaning to the institution's network fire alarm system - Notifier Net Fire Alarm System; to include the following: smoke detection cleaning, smoke detection testing, smoke detection sensitivity testing, pull station operation, control panel function testing, battery testing, notification appliance verification and sprinkler alarm and supervisory device testing. Vendors must have a Commonwealth Vendor Number before any quotes can be released.

Department: Corrections
Location: State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239
Duration: Date Contract is fully executed; approximately 07/01/06 to 06/30/09
Contact: Nancy Keller/Purchasing Agent, 814-621-2110 x1109

1149-DY-06 Dairy and Related Dairy Products. The Bid for these products will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number please contact 1.866.775.2868.

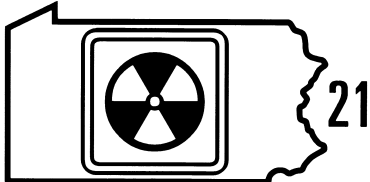
Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2006 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515

CN00019818 CNCB Vendor shall provide a minimum of three (3) and up to six (6) flavors of refrigerated, carbonated and/or non-carbonated drink beverages to the Culinary Department at the Quehanna Boot Camp. MBE/WBE vendors are encouraged to request bid packets. Vendor must have a valid SAP Vendor Number to request bid packets. Bid packets will be ready mid-to-late April 2006.

Department: Corrections
Location: Quehanna Boot Camp, 4395 Quehanna Highway, Karthaus, PA 16845
Duration: July 1, 2006 through June 30, 2008 with an option to renew for one additional 12-month period.
Contact: Peggy Baughman, Purchasing Agent 2, 814-378-1022

1149-PL-06 Poultry and Poultry Products. The Bid for this product will be issued on an as-needed basis. The estimated quantities and specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested Vendors must be registered with the State of Pennsylvania and have an SAP Vendor Number to receive Bids. To obtain a Vendor Number contact 1.866.775.2868.

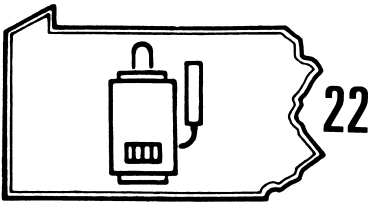
Department: Corrections
Location: Department of Corrections, SCI-Greene, Business Office, Purchasing Department, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2006 through June 30, 2007
Contact: Carol A Teegarden, 724.852.5515



Hazardous Material Services

CN00019845 Asbestos Abatement is required prior to other renovations at the Altoona State Office Building. New carpeting will be installed and a certified contractor in Asbestos Abatement is needed to remove the old carpeting, Asbestos floor tiles, and mastic. There is a mandatory on-site pre-proposal conference. Contact information is included on page four (4) of the specifications, which are included in the bid package. Estimated Project start date is May 1, 2006. All Bids are due by 2:00 p.m., April 14, 2006.

Department: Labor and Industry
Location: UC Service Center - Altoona Office, 1101 Green Avenue, Altoona, PA 16601-3483
Contact: Cheryl Heishman, 717-787-2560



HVAC Services

C-42E75-04-002.4 Provide all labor, material, devices, tools and equipment required for the installation of an electrical system at a PA Army National Guard. 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, April 26, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA Army National Guard, 1483 Stoytown Road, Friedens, PA 15541.
Duration: 180 days from Notice to Proceed
Contact: Glenda Nagle, 717-861-2116

30111937 GRN Maintenance and repair of (2) Caterpillar Emergency Diesel Generator Sets at SCI Greene, 7/01/06 through 6/30/09.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: 7/01/06 through 6/30/09
Contact: Laura Mohr, Purchasing Agent, 724/852-5534

CN00019751/GENERATOR SERVICE The Vendor shall provide Preventive Maintenance Services for five (5) standby generators at the Hollidaysburg Veterans Home. Vendor must supply a comprehensive maintenance schedule, which is crucial to the performance and reliability of equipment. Vendor will also provide emergency services on an as-needed basis, if authorized by the Facility, to include service and parts. Annual inspection must be done by a trained generator technician. This inspection to be complete, including oil and coolant sample analyses; a thorough inspection of the engine, generator, and an operational test of the engine/generator controls. At this time, voltage and frequency must be checked and adjusted if necessary and, operation of the engine protection system to be verified. A building load test must also be done once a year on all units. Bid opening is scheduled to be held 4/17/06 at 11:00 AM. Vendor must be registered with the Commonwealth. In order to do so, please visit www.vendorregistration.state.pa.us. If you would like a Bid Packet, please either e-mail or fax your request, along with your Vendor Registration Number, to the information below.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, P.O. Box 319, Rt. 220 and Meadows Intersection, Hollidaysburg, PA 16648-0319
Duration: 01 July 2006 through 30 June 2007 with renewal options
Contact: Becky J Clapper, Fax: 814/696-5395



Janitorial Services

CN00019778 The Department of Conservation and Natural Resources, Bureau of State Parks, requires janitorial services for cleaning the Park Office, and 10 family cabins at Prince Gallitzin State Park, 966 Marina Road, Cambria County, Patton, PA 16668-6317. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. A Mandatory site visit is required prior to the bid opening. Visits may be arranged by calling Barry Wolfe, (814) 674-1000. Bid Opening Date/Time: 04/04/2006 at 2:00 p.m.

Department: Conservation and Natural Resources
Location: Prince Gallitzin State Park, 966 Marina Road, Cambria County, Patton, PA 16668-6317.
Duration: Commences July 1, 2006, and terminates December 31, 2008. Parties may agree to renew 1-2 year term with final termination December 31, 2010. Upon renewal a 3 percent increase can be requested.
Contact: Steven E. Smith, 717-783-1896



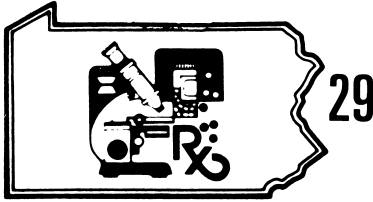
Laboratory Services

PR10101424 Water sample analysis to be performed for the following tests: Total Kjeldahl Nitrogen as N testing, Nitrate-Nitrite as N testing, Particulate Organic Carbon (analyzed by standard methods procedures listed in Method 5310). Testing will consist of 6 water samples per each test per month. Results must be returned to agency within 2 weeks of receipt of water sample. Testing period will run from July 1, 2006 through June 30, 2007. Bid due date: April 17, 2006 - 2:30 p.m.

Department: Fish and Boat Commission
Location: Pennsylvania Fish and Boat Commission, Benner Spring Research Unit, 1735 Shiloh Road, State College, PA 16801
Duration: Expires 6/30/07
Contact: Kathi Loewen, 814-359-5130

PR10101439 Water sample analysis to be performed for the following tests for Huntsdale State Fish Hatchery: Total Kjeldahl Nitrogen as N testing, Nitrate-Nitrite as N testing, Particulate Organic Carbon (analyzed by standard methods procedures listed in Method 5310), and Fecal Coliform Bacteria. Testing will consist of up to 6 samples per test per month. Testing period will run from July 1, 2006 through June 30, 2007. Bid due date: April 17, 2006 - 2:30 p.m.

Department: Fish and Boat Commission
Location: Pennsylvania Fish and Boat Commission, Benner Spring Research Unit, 1735 Shiloh Road, State College, PA 16801
Duration: Expires 6/30/07
Contact: Kathi Loewen, 814-359-5130



Medical Services

RFP#06-BIS-AOD-SCI Chester-57 The Pennsylvania Department of Corrections will be issuing a Request for Proposals (RFP) for AOD Services at State Correctional Institution Chester. The treatment services offered at SCI-Chester are based on screening and assessment data. The AOD program's main focus is on outpatient and therapeutic community treatment services. When this RFP is ready for release, it will be available to download at www.cor.state.pa.us/boa/cwp/view.asp?a=458&q=132912&boaNav=1.

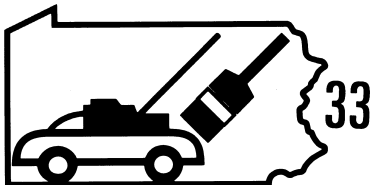
Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Three years with two (2) one year renewal options.
Contact: Linda Morrison, 717-975-4931

SP1345061003 Vendor to provide non-emergency transport for residents of the Southeastern Veterans' Center to local hospitals, medical center, doctor's offices, etc. as needed.

Department: Military Affairs
Location: Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475
Duration: July 1, 2006 through June 30, 2007
Contact: Patricia M. Urban, P.A. I, 610/948-2448

RFP#06-BIS-AOD-Hispanic-58 The Pennsylvania Department of Corrections will be issuing a Request for Proposal (RFP) for Alcohol and Other Drug Abuse (AOD) Treatment Services Inpatient Therapeutic Community (TC) Programming for Hispanic Inmates at the State Correctional Institution at Camp Hill. The AOD curriculum in the Hispanic TC will be based on a Motivational Enhancement Therapy (MET)/Cognitive Behavior Therapy (CBT) framework. The Hispanic TC shall employ only counselors fluent in Spanish and aware of the nuances of the Hispanic culture. When this RFP is ready for release, it will be available to download at www.cor.state.pa.us/boa/cwp/view.asp?a=458&q=132912&boaNav=1.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Three years with two (2) one year renewal options.
Contact: Linda Morrison, 717-975-4931



Property Maintenance

CN 00019741 This work is for the Department of Transportation along highways on various State Routes in Chester County (Group 6-06-LAM2). Interested Vendors should be registered with the Commonwealth of Pennsylvania Vendor Program prior to receiving a RFQ-Invitation for Bids. To register and to obtain a PA Vendor Number call 1-866-775-2868 or log onto www.vendorregistration.state.pa.us. After you are registered fax your company name, address, phone/fax numbers and Vendor ID Number to Lillian Frank, Purchaser, (610)-430-4361. Bids are scheduled to be opened on April 4th, 2006 at the Chester County Maintenance Office at 11:00 a.m. Bidding documents can be viewed at www.dot.state.pa.us by clicking on Local and Regional Offices, PennDOT Districts, District 6, District Bid Page. Then click on the CN Number for specified service.

Department: Transportation
Location: Pennsylvania Department of Transportation District 6-2 401, Montgomery Avenue, West Chester, PA 19380
Duration: 3 Year Contract with an Option to Renew
Contact: Lillian Frank, 610-436-1914

0827-031706 To provide all labor, materials, tools and equipment to perform tree service at Bushy Run Battlefield, P. O. Box 468, Harrison City, PA 15636. All trees and stumps have been identified by a tag and the site has been separated into three areas. It is strongly recommended you or a representative of your firm attend the pre-bid meeting at Bushy Run on March 28, 2006 at 10:00 AM. To obtain a bid package, please contact Suzanne Schmitt at (717) 787-9085 or suschmitt@state.pa.us. Bid opening will be held in the Issuing Office, State Museum Building, 300 North Street, Harrisburg, PA 17120 on April 10, 2006 at 2:00 PM.

Department: Historical and Museum Commission
Location: Bushy Run Battlefield, P. O. Box 468, Harrison City, PA 15636-0468
Duration: April through June 30, 2006
Contact: Suzanne Schmitt, 717-787-9085

CN00019820 The Department of Conservation and Natural Resources, Bureau of Forestry, Forest District No. 16, requires the services of a contractor to release approximately 5,343 crop trees. Crop trees are located in Liberty, Bloss, and Elk Townships, Tioga County. A combined site inspection will be conducted prior to the bid opening. The site inspection will be held on April 6, 2006, at 9:00 AM. Prospective bidders will meet at the intersection of Mountain Top Road and Bloss Mountain Haul Road. Bidders may contact the district office at 570-724-2868 for directions. Prospective bidders must be registered with the Commonwealth and have a registered vendor number. To register and obtain a vendor number, call 1-866-775-2868. Bid Opening Date/Time: 04/18/2006, 2:00 PM.

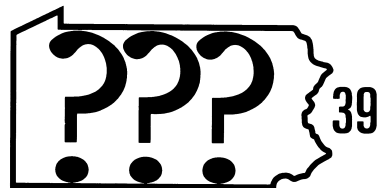
Department: Conservation and Natural Resources
Location: DCNR - Forest District 16, One Nessmuk Lane, Wellsboro, PA 16901
Duration: The Contract shall commence upon execution and receipt of Purchase Order, and terminate April 30, 2007.
Contact: Gloria Strawser, 717-783-0733

13670 Provide all labor, material, devices and equipment required for the repair of the four (4) existing column bases located at the west entrance of the chapel. The facility (SSVC) shall be responsible for the prime and paint of the columns after contractor has completed repair work.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Road, Scotland, PA 17254-0900
Duration: Approx. May 15, 2006 through October 16, 2006
Contact: Marion E. Jones, (717) 264-7187, Ext. 661

CN00019823 This service is to provide landscape maintenance services at two Safety Rest Areas in Lawrence County along I-79 designated sites 15 and 16. This work consists of mowing, weeding, trimming, fertilization, herbicide applications and tree pruning. A current pesticide application license is required.

Department: Transportation
Location: District 11-4, Lawrence County Rest Areas Sites 15 and 16, located on Interstate 79, between Exit 105, Slippery Rock and Exit 113, Grove City.
Duration: The contract will be for a period of one year from the effective date. The contract will be renewable by mutual consent for four additional one-year periods.
Contact: Joe DiPietro, (412) 429-4954



Miscellaneous

CN00019819 Medical Equipment - Ophthalmic. Please Note: Prospective vendors must be registered with the Integrated Enterprise System (IES) at www.vendor-registration.state.pa.us. The Department of Public Welfare (DPW) utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401-5397
Duration: Delivery to be requested on or before May 19, 2006
Contact: Kathleen M. Aspinall, Purchasing Agent, 610-313-1028

CN00019860 Funeral Services.

Department: Military Affairs
Location: Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507
Duration: 07/01/2006 to 06/30/2009
Contact: Rosemarie Rendulic, 814-878-4930

CN00019748 Contractor required to provide professional services to edit and finalize draft text, design, and produce three (3) wayside exhibit signs for Cherry Springs State Park, located in Potter County, PA. In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and must have a registered vendor number. To register and obtain number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us.

Department: Conservation and Natural Resources
Location: Delivery to: Lyman Run State Park, 454 Lyman Run Road, Galeton, PA 16922
Duration: Upon execution and receipt of purchase order and terminate June 30, 2006
Contact: Naomi Rudisill, 717-783-0749

RFP No. 106-R-1939050000 Addendum RFP No. 106-R-1939050000 has been amended to include the following addendum regarding the certification requirements in Section IV-3 of the RFP. RFP No. 106-R-1939050000, concerning the administration of the Professional Health Monitoring Program's forensic toxicology drug screening program, was released on February 13, 2006. ADDENDUM TO RFP #106-R-1939050000: (1) Section IV-1. B. 1. d. (page 23) would be amended to read: Confirming positive test results of urine screens by the gas chromatography/mass spectrometry method, or an equally or more forensically acceptable method; confirming positive blood, hair or breathalyzer results by the method(s) generally regarded as the most forensically accurate according to the National Institute on Drug Abuse ("NIDA"). The Contractor shall list all certifications or accreditations in its proposal; (2) Section IV-3. A. (page 24) The Contractor must be able to verify specialized knowledge and experience in the provision of forensic toxicology drug screening programs for a population comprised of licensed health care professionals. The Contractor must be a Pennsylvania licensed and certified laboratory, or must have a subcontract with such a laboratory; the Contractor, at a minimum, must possess SAMHSA, American Society of Crime Laboratory - Laboratory Accreditation Board (ASCLD-LAB) or American Board of Forensic Toxicology (ABFT) certification and the United State Drug Enforcement Administration ("DEA") license. The Contractor must have sufficient staffing and facilities to function as the administrator of all aspects of the drug screening program: providing and interpreting reports; and managing specimen collection from the identification and assignment of collection sites and the training of collectors, through the testing of specimens, to the providing of expert testimony regarding laboratory results. In addition, the deadline for submission of proposals in response to RFP #106-R-1939050000 has been extended. Proposals must be delivered to Monna Accurti at the Department of State, Bureau of Finance and Operations, Room 308 North Office Building, Harrisburg, PA 17120 no later than 2:00 p.m., local time, March 27, 2006. Late bids will not be considered regardless of the reason. If bids are hand delivered, contractors must receive a time-stamped receipt from the Issuing Office. Please note that all mail, including packages sent by overnight courier, are delivered to the Commonwealth's central mail processing center for inspection before being forwarded to the Department of State. Please allow an extra day if you plan to send your proposal via U.S. Priority Mail or via a courier service.

Department: State
Location: Bureau of Finance and Operations, Room 308 North Office Building, Harrisburg, PA 17120
Duration: Three year, firm fixed-price contract with two one-year options to renew
Contact: Monna J. Accurti, (717) 214-4927

RFP No. 1939049/53/305 The Department of State, Bureau of Finance and Operations, on behalf of the Bureau of Professional and Occupational Affairs, invites you to submit a proposal for the retrieval of a variety of documents, which includes but is not limited to pleadings, discovery materials, medical records, expert reports and diagnostic imaging media to facilitate the enforcement of the Medical Practice Act, the Osteopathic Medical Act and the MCARE Act as described in accordance with the attached RFP. Any questions regarding this RFP can be directed to Monna Accurti via fax at (717) 783-2724 or e-mail at RA-st.PROCUREMENTDIVISION@state.pa.us. All questions must be received in this office no later than 2:00 p.m., on March 24, 2006. Questions will be answered in writing on March 31, 2006. Your response to this RFP should include one original technical proposal (exclusive of Disadvantaged Business Submittal and Cost Proposal), fourteen (14) hard copies of the technical proposal (exclusive of Disadvantaged Business Submittal and Cost Proposal), two (2) CD-ROMS of the technical proposal (exclusive of Disadvantaged Business Submission and Cost Proposal), original cost proposal, two (2) hard copies of the cost proposal, two (2) CD-ROMS of the cost proposal and the original Disadvantaged Business Submittal. All electronic documentation must be submitted using Microsoft Office(tm) products. In addition, inclusion of any Disadvantaged Business Submittal or cost information in the technical proposal document or CD-ROM will disqualify the Contractor. To be considered, proposals should be delivered to Monna Accurti at 308 North Office Building, Harrisburg, PA 17120, with the notation "BID RESPONSE TO RFP #106-R-1939049/53/305" on the address label. Faxed and/or electronic bids will not be accepted. Bids must be received at this address no later than 2:00 p.m., local time, April 17, 2006. If due to inclement weather, natural disaster, or any other cause, this office is closed on the proposal response date, the deadline for submission shall be automatically extended until the next Commonwealth business day on which the office is open, unless contractors are otherwise notified. Please note that all mail, including packages sent via overnight courier, is delivered to the Commonwealth's central mail processing center for inspection before being forwarded to the Department of State. Please allow an extra day if you plan to send your proposal via U.S. Priority Mail or via a courier service. Late bids will not be considered regardless of the reason. If bids are hand delivered, contractors must receive a time-stamped receipt from the Issuing Office.

Department: State
Location: Bureau of Finance and Operation, Room 308 North Office Building, Harrisburg, PA 17120
Duration: Two year, fixed price contract with two (2) one year options to renew.
Contact: Monna J. Accurti, (717) 214-4927

CN00019862 Rubbish/Trash and Recycling (Cardboard and Paper) Services at Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017
Duration: 07/01/06 through 06/30/08
Contact: Fred Molisee, 412 257-6215

CN0019333 Vendor to supply two (2) snowmobiles as manufactured by Arctic Cat, Model T660 Touring Bearcat WT, or an approved equal. In order to bid on state contracts, interested vendors must be registered with the Commonwealth and must have a registered vendor number. To register and obtain number, call CVMU at 1-866-775-2868. Bid Opening: March 30, 2006, 2 p.m.

Department: Conservation and Natural Resources
Location: To be delivered to: DCNR Forest District 19, HC 1 Box 95A, Swiftwater, PA 18370-9723
Duration: One time purchase
Contact: Naomi Rudisill, 717-783-0749

SOMERSET-BEEF The State Correctional Institution at Somerset will be soliciting bids for meat and meat products. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-001
Duration: 3/16/06 through 06/30/06
Contact: Theresa Solarczyk, Purchase Agent II, (814) 445-6501, x1232

CN00019802 W/S TRT The Contractor shall provide analysis of water and sewer samples as required to comply with all DEP regulations. Vendors who wish to request an RFQ when available are required to have a valid SAP vendor number. MBE/WBE vendors are encouraged to request bid packets. Bid packets will be ready for distribution on or about April 15, 2006.

Department: Corrections
Location: Quehanna Boot Camp, 4395 Quehanna Highway, Karthaus, PA 16845
Duration: July 1, 2006 through June 30, 2008
Contact: Peggy Baughman, Purchasing Agent 2, 814-378-1000

CN00019813 NAC The Contractor shall provide Chaplaincy Services for inmates of the Native American Faith at the State Correctional Institution at Houtzdale. Bid packets will be prepared and ready for distribution around April 15, 2006. Contractor must have a valid SAP Vendor Number to receive bid packet.

Department: Corrections
Location: SCI-Houtzdale, P.O. Box 1000, 209 Institution Drive, Houtzdale, PA 16698-1000
Duration: July 1, 2006 through June 30, 2007; with two (2) one-(1) year extensions possible
Contact: Peggy Baughman, PA2, 814-378-1000

CN00019440 Microfilm and digitization of approximately 50,758 pages of newspaper contained in the Pennsylvania Newspaper Originals Conversion 2006 project. Specifications are attached to the RFQ. This collection is housed at the State Library of Pennsylvania, 607 South Drive, Harrisburg, PA 17120, and is available for viewing by potential bidders between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Because of the delicate nature of these newspapers, experience in handling and the preservation of rare books is required. All bidders must submit a minimum of two references as evidence of prior successful work performed for the Association of Research Libraries, the National Archives or the Library of Congress. Bids without these references will not be considered. All bids must be received at Pennsylvania Department of Education by 2:00 p.m. on Thursday, March 30, 2006; bid opening will be held at 3:15 p.m.

Department: Education
Location: Pennsylvania Department of Education, Bureau of Management Services, 333 Market Street, 15th Floor, Harrisburg, PA 17120-0333
Duration: The initial term of this contract will be from final approval by the Commonwealth through September 1, 2006. However, because this is an ongoing project, there will be three additional annual options to renew.
Contact: Cynthia K Anderson, Procurement Supervisor, 717-787-8037

CN00019641 Microfilm and digitization of approximately 85,664 pages of documents contained in the Pennsylvania Documents and Civil War Miscellany 2006 project. Specifications are attached to the RFQ. This collection is housed at the State Library of Pennsylvania, 607 South Drive, Harrisburg, PA 17120-0333, and is available for viewing by potential bidders between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Because of the delicate nature of these newspapers, experience in handling and the preservation of rare books is required. All bidders must submit a minimum of two references as evidence of prior successful work performed for the Association of Research Libraries, the National Archives or the Library of Congress. Bids without these references will not be considered. All bids must be received at Pennsylvania Department of Education by 2:00 p.m. on Thursday, March 30, 2006; bid opening will be held at 2:45 p.m.

Department: Education
Location: Pennsylvania Department of Education, Bureau of Management Services, 333 Market Street, 15th Floor, Harrisburg, PA 17126-0333
Duration: The initial term of this contract will be from final approval by the Commonwealth through September 1, 2006. However, because this is an ongoing project, there will be three additional annual options to renew.
Contact: Cynthia Anderson, Procurement Supervisor, 717-787-8037

SU-05-23 Shippensburg University is seeking bidders who are interested in furnishing and installing equipment required to monitor power at twenty-eight (28) locations on campus. Equipment to be furnished and installed includes power meters, pulse transmitters, Automated Logic Control hardware, enclosures, conduit and wiring. Mandatory site visit will be required. Bidders interested in receiving a bid package should either fax a request to (717) 477-1350 or e-mail request to kmsmit@ship.edu. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the Pennsylvania State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Ninety (90) days from contract award.
Contact: Karen Smith, (717) 477-1386

Bulk salt for 3 water softeners.

Department: Corrections
Location: SCI-Graterford
Duration: July 06 to June 07
Contact: Stan Pace, 610-489-4151

CN00018071 Contractor shall provide the Pennsylvania Department of Health with training facilities for the Training Institute in Centre County, PA. The Contractor will provide a central location in the state for the Institute. This will aid travelers from North, South, East, and West parts of the Commonwealth to come to a central location. Historically, there has been a greater attendance in central locations. With the continuing growth of the Institute because of recent successes, there is a larger turnout expected than in previous years. The location must be able to accommodate a maximum of 600 participants with a minimum of fifteen breakout rooms for each of the five days. Contractor shall provide the Department of Health with a minimum of five days of meals, three meals per day, for selected staff and trainers. Contractor will receive a list of the selected staff and trainers from the PHI Planning Committee. All other training participants shall pay for their own meals. There will be one evening reception during the week from 5:00 p.m. to 8:00 p.m., day to be decided later. Except for unit prices, total costs and quantities are estimates. Unit prices are firm. The Pennsylvania Department of Health will only pay for those services received, and charges will only be for those services utilized. Services are scheduled for May 21 - 26, 2006. All Bids must arrive prior to the Bid Opening date and time to be considered, and become property of the Commonwealth once submitted. Prospective vendors

must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bid information: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number.

Department: Labor and Industry
Location: Central location in Pennsylvania
Duration: 5-21-06 to 5-26-06
Contact: David "Nate" Altland, 717-346-0640

[Pa.B. Doc. No. 06-557. Filed for public inspection March 31, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401, 463 and 465]

Temporary Regulations; Possession of Slot Machines

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, and Resolution No. 2006-2 REG, entitled Adoption of Temporary Regulations for Accounting and Internal Controls Regulations, dated February 2, 2006, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, and February 2, 2006, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Therefore, the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, and February 2, 2006, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 15, 2005) and 36 Pa.B. 910 (February 18, 2006).

Therefore, the Board has deposited with the Bureau amendments to §§ 401.4, 463.1, 463.5, 465.3 and 465.10. The amendments are effective as of March 16, 2006.

The temporary regulations of the Board, Chapters 401, 463 and 465, are amended by amending §§ 401.4, 463.1, 463.5, 465.3 and 465.10 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

Order

The Board, acting under the authorizing statute, orders that:

(a) The Board, acting under the authority of the Act 71, adopts the amendments to the temporary regulations, adopted by resolution at the February 28, 2006, public meeting. The amendments to the temporary regulations pertain to definitions and the bond or letter of credit requirements.

(b) The following temporary regulations of the Board, 58 Pa. Code Chapter 401, 463 and 465, are amended: §§ 401.4, 463.1, 463.5, 465.3 and 465.10 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(c) These amendments are effective on March 16, 2006.

(d) The amendments to the temporary regulations will be posted in their entirety on the Board's website and in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify the preceding order and deposit the regulations with the Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-18. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401. PRELIMINARY PROVISIONS

§ 401.4. Definitions.

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

* * * * *

Credential—A form of identification approved and issued by the Board for all persons to whom the Board has issued a license, permit or registration.

* * * * *

Subpart E. SLOT MACHINE TESTING, CERTIFICATION AND CONTROL

CHAPTER 463. POSSESSION OF SLOT MACHINES

§ 463.1. Possession of slot machines generally.

* * * * *

(b) The following persons and any employee or agent acting on their behalf may, subject to any terms and conditions imposed by the Board, possess slot machines in this Commonwealth for the purposes described herein provided that the slot machines are stored in a secure location as shall be specifically approved in writing by the Board and that any slot machines located outside of a licensed facility not be used for gambling activity:

(1) An applicant for, or holder of a slot machine license, for the purpose of maintaining for use, training or actually using the machines in the operation of a licensed facility.

(2) The holder of:

(i) A manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training, or preparing for transfer to a supplier licensee.

(ii) A supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating slot machines and any training with regard thereto.

(3) An educational institution, as authorized in writing by the Board, for the purpose of teaching slot machine design, operation, repair or servicing.

(4) A manufacturer or supplier of slot machines not licensed within this Commonwealth, as authorized in writing by the Board, for the limited purpose of temporary exhibition or demonstration of same.

(5) A common carrier, for the purpose of transporting slot machines in accordance with § 463.2 (relating to the transportation of slot machines into, within and out of this Commonwealth).

(6) An employee or agent of the Board, the Pennsylvania State Police or any law enforcement agency of the Commonwealth for the purpose of fulfilling official duties or responsibilities.

(7) Other persons authorized in writing by the Board upon a finding that the possession of slot machines by those persons in this Commonwealth is not contrary to the goals and objectives of the act.

§ 463.5. Slot machine master list.

(a) Prior to the commencement of operations at a licensed facility, each applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a comprehensive list of slot machines possessed by the applicant or licensee on its gaming floor, in Board-approved restricted areas off the gaming floor but within the licensed facility, and in Board-approved storage locations in this Common-

wealth off the premises of the licensed facility. The list shall be denoted as a Slot Machine Master List and contain the following information which, for those slot machines located on the gaming floor, shall be presented for each slot machine in consecutive order by the slot machine location number under § 463.3 (relating to slot machine location):

- (1) The date the list was prepared.
- (2) A description of each slot machine by:
 - (i) Asset number and model and manufacturer's serial number.
 - (ii) Denomination, if configured for multiple denominations so designate.
 - (iii) Manufacturer and machine type, noting with specificity whether the machine is a high-boy, is a progressive or a wide area progressive slot machine.
 - (iv) An indication as to whether the slot machine is configured to communicate with a cashless funds transfer system.
 - (v) An indication as to whether the slot machine is configured to communicate with a gaming voucher system.

* * * * *

(d) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, each applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format as approved by the Board, an updated Slot Machine Master List documenting all slot machines possessed by the applicant or licensee on its gaming floor, in Board-approved restricted areas off the gaming floor but within the licensed facility, and in Board-approved storage locations in this Commonwealth off the premises of the licensed facility. The updated list must be in a form, and contain the information, required in subsection (a).

* * * * *

CHAPTER 465. ACCOUNTING AND INTERNAL CONTROLS

§ 465.3. Internal control systems and audit protocols.

* * * * *

(e) The Board, in consultation with the Department, will review each initial submission made under subsection (a) and determine whether it conforms to the requirements of the act and this part and provides adequate and effective controls for the operation of slot machines at a licensed facility. A slot machine licensee is prohibited from commencing gaming operations until its system of internal controls is approved by the Board.

* * * * *

§ 465.10. Surveillance system; surveillance department control; surveillance department restrictions.

* * * * *

(c) The surveillance system required in this section must include the following:

- (1) Light sensitive cameras with lenses of sufficient magnification to allow the operator to read information on a slot machine reel strip and credit meter and equipped with 360° pan, tilt and zoom capabilities, without camera

stops, to effectively and clandestinely monitor in detail and from various vantage points, the following:

- (i) The gaming conducted at the slot machines in the licensed facility.
- (ii) The operations conducted at and in the cashiers' cage, any satellite cage and any ancillary office adjacent or proximate thereto.
- (iii) The operations conducted at automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines.

* * * * *

(e) In addition to any other requirements imposed by this section, a slot machine licensee's surveillance system must be required to continuously record, during the appropriate times and in the manner indicated in this subsection, transmissions from cameras used to observe the following locations, persons, activities or transactions:

* * * * *

- (2) The main bank, vault, any satellite cage and other areas as shall be required by the Board.
- (3) The collection of slot cash storage boxes.
- (4) Any armored car collection or delivery.
- (5) Automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines whenever the machines are opened for replenishment or other servicing.

(f) Each slot machine licensee shall maintain a surveillance log of all surveillance activities in the monitoring room. The log shall be maintained by monitoring room personnel in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic format the Board approves. The log shall be stored and retained in accordance with § 465.7 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a surveillance log:

* * * * *

- (4) The time at which each video recording is commenced and terminated, if different than when surveillance commenced or terminated.

* * * * *

[Pa.B. Doc. No. 06-558. Filed for public inspection March 31, 2006, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 492—494]
Temporary Regulations; Hearings and Appeals**

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapters 492—494 entitled Hearings and Appeals, Pleadings and Hearing Procedure, are added to Subpart H, entitled Practice and Procedure.

Purpose and Background

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board is required to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To promulgate the temporary regulations in accordance with customary rulemaking procedure, the Board published draft regulations at 35 Pa.B. 7089 (December 31, 2005). A 30-day public comment period was provided.

Under 4 Pa.C.S. § 1203, the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL) or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to, or operate gaming facilities.

The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed gaming entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the gaming fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing and registration of individuals and other classes of licensees will be reimbursed by the individuals or licensees through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board will have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203 to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203, the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203, the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 30-day public comment period was held prior to the adoption of the temporary regulations.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Board, acting under the authorizing statute, orders that:

(a) The Board, acting under the authority of the Act 71, adopts as its final-form temporary regulations, the draft regulations as amended adopted by resolution at the December 15, 2005, public meeting. The temporary regulations pertain to hearings and appeals before the Board.

(b) The following temporary regulations of the Board, 58 Pa. Code Chapters 492—494 are added: §§ 492.1—492.8, 493.1—493.12 and 494.1—494.11 to read as set forth in Annex A.

(c) The temporary regulations are effective March 16, 2006.

(d) The temporary regulations will be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations will be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-20. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart H. PRACTICE AND PROCEDURE

CHAPTER 492. HEARINGS AND APPEALS

Sec.	
492.1.	Generally.
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492.3.	Office of Hearings and Appeals.
492.4.	Hearing officers.
492.5.	Presiding officers.
492.6.	Hearings generally.
492.7.	Prehearing and other conferences.
492.8.	Presentation and effect of stipulations.

§ 492.1. Generally.

This subpart governs practice and procedure before the Board, and is intended to supplement 2 Pa.C.S. § 101 (relating to administrative law and procedure), and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

§ 492.2. Definitions.

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

Adjudication—An order, decree, decision, determination or ruling by the Board affecting the personal or property rights, privileges, immunities, duties, liabilities or obligations of the parties to the proceeding in which the adjudication is made.

Consent agreement—A voluntary agreement to an act or proposal based on specific terms which are entered into by all parties to a proceeding to resolve a disputed matter as may be approved by the Board.

Director, Office of Hearings and Appeals—An employee of the Board designated to manage and supervise the Office of Hearings and Appeals, who reports to the Executive Director.

Documentary evidence—Any document or paper which is presented and accepted as evidence in a proceeding, as distinguished from oral evidence.

Documentary hearing—A proceeding limited to a review of documentary evidence submitted by the parties, including documents, depositions, affidavits, interrogatories and transcripts.

Ex parte communication—An oral, written or electronic communication of any kind, concerning a matter pending before the Board, by a party or interested person to a Board member or presiding officer outside the presence of, or without the knowledge, or both, of the other party.

Exceptions—A formal objection to a report or recommendation of a presiding officer.

Hearing—A proceeding, documentary or oral, initiated by the filing of a complaint, answer, petition, motion, exceptions or by order of the Board.

Hearing officer—An employee of the Board designated to conduct a hearing relating to a license, permit, registration or certification applied for, approved or issued by the Board; any other authorization or permission granted by the Board, or a violation of the act or of this part, or any other matter within the jurisdiction of the Board.

Interveners—Persons intervening or petitioning to intervene, when admitted by the Board as a participant to a proceeding.

OHA—Office of Hearings and Appeals—A division of the Board charged with administering and conducting hearings relating to licensing, violations of the act, this part or other matters as the Board may direct.

Oral hearing—A proceeding wherein the parties may present sworn testimony, documents or other evidence, and of which a verbatim record is made.

Participant—A party, another person admitted by the Board to limited participation in a proceeding and staff counsel.

Party—A person who appears in a proceeding before the Board who has a direct interest in the subject matter of the proceeding.

Prehearing conference—A proceeding to establish a schedule, discuss offers of settlement and identify other issues as the Board or presiding officer may direct.

Presiding officer—

(i) A member of the Board, or other person designated by the Board to conduct a proceeding.

(ii) This definition supersedes 1 Pa. Code § 31.3 (relating to definitions).

§ 492.3. Office of Hearings and Appeals.

(a) The OHA consisting of a director, clerk, hearing officers, support staff and clerical assistants as may be necessary to carry out the duties and responsibilities of the office.

(b) The director is responsible for the administration of all matters assigned to the OHA, including docketing, tracking, assignment of matters to presiding officers, ensuring that reports or recommendations are timely made to the Board, providing administrative support to the Board and presiding officers, and other duties as the

Board may direct, not inconsistent with the duties of the office of hearings and appeals.

§ 492.4. Hearing officers.

(a) A hearing officer is also a presiding officer. Hearing officers shall be attorneys in good standing with the Supreme Court of Pennsylvania and shall be responsible for the timely disposition of assigned matters. Hearing officers are employed by the Board and may be discharged only for misconduct or good cause shown.

(b) Duties of the hearing officers may include:

(1) Conducting full and complete hearings, partial and bifurcated hearings.

(2) Taking depositions or testimony of witnesses.

(3) Submitting reports or recommendations to the Board.

(4) Other matters as the Board may direct.

(c) A hearing officer may withdraw from a proceeding when he deems himself disqualified or the hearing officer may be withdrawn by the Board for good cause found after timely affidavits alleging personal bias or other disqualification have been filed and the matter has been heard by the Board or another presiding officer to whom the Board has delegated the matter for investigation and report.

(d) This section supersedes 1 Pa. Code § 35.186 (relating to disqualification of a presiding officer).

§ 492.5. Presiding officers.

(a) When evidence is to be taken in a proceeding, a presiding officer may preside at the hearing.

(b) The Board and presiding officers have the following powers and authority to:

(1) Regulate the course of hearings, including the scheduling thereof, subject to the approval of the Board, and the recessing, reconvening and the adjournment thereof, unless otherwise provided by the Board, as provided in § 494.1(a) (relating to generally).

(2) Administer oaths and affirmations.

(3) Issue subpoenas.

(4) Rule upon offers of proof and receive evidence.

(5) Take or cause depositions to be taken.

(6) Hold appropriate conferences before or during hearings.

(7) Dispose of procedural matters, but not before a proposed report, if any, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings.

(8) Certify any question to the Board for consideration and disposition, within their discretion, or upon direction of the Board.

(9) Submit their proposed reports in accordance with this part.

(10) Take other action appropriate to the discharge of their duties as may be designated by the Board and authorized by the act.

(c) Except to the extent required for the disposition of ex parte matters as authorized by law and by this part, a presiding officer may not, in a proceeding, consult with a person or party on a fact in issue unless upon notice and opportunity for parties to participate.

(d) Presiding officers shall conduct fair and impartial hearings and maintain order. Any disregard by participants or counsel of rulings of the presiding officer on matters of order and procedure shall be noted on the record, and if the presiding officer deems it necessary, shall be made the subject of a special written report to the Board.

(e) If participants or counsel engage in disrespectful, disorderly or contumacious language or conduct in connection with any hearing, the presiding officer may immediately submit to the Board a report thereon, together with recommendations, and, in his discretion, suspend the hearing.

(f) Rulings of presiding officers may not be appealed during the course of a hearing or conference except in extraordinary circumstances when a prompt decision by the Board is necessary. In that instance, the matter shall be referred forthwith by the presiding officer to the Board for determination.

(1) An offer of proof made in connection with an objection to a ruling of the presiding officer rejecting or excluding oral testimony must be a statement of the substance of the evidence which counsel contends would be adduced by testimony. If the excluded evidence is in documentary or written form, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.

(2) Unless the Board acts upon a question referred by a presiding officer for determination within 30 days, the referral shall be deemed to have been denied.

(g) This section supersedes 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers).

§ 492.6. Hearings generally.

(a) Unless the Board hears the matter directly, the Board will refer all matters to the OHA. The Board may, in its discretion, designate a member of the Board, or other qualified person to serve as presiding officer in a particular matter.

(b) Hearings will be public, except as provided in section 1206 of the act (relating to Board minutes and records).

(c) Hearings will be documentary unless otherwise designated by the Board or presiding officer, or constitutionally permissible and may provide for:

- (1) Receipt of sworn testimony.
- (2) Receipt of all relevant documentary evidence.
- (3) Opportunity for parties to be heard.
- (4) A complete evidentiary record.
- (5) Submission of a report or recommendations to the Board.

(d) Unless required for the disposition of ex parte matters authorized by law, a party may not communicate directly or indirectly, in connection with any issue of law or any matter of fact which is disputed, with the Board or presiding officer, except upon notice and opportunity for all parties to participate.

(e) Hearings will be conducted in Harrisburg, Pennsylvania, unless otherwise directed by the Board, and public notice of the hearings shall be published in the *Pennsylvania Bulletin*.

(f) Notice of hearings will be provided to all parties, will be in writing and served in accordance with subsection (g).

(g) Orders, notices and other documents originating with the Board, including forms of Board action, complaints and similar pleadings, and other documents designated by the Board for this purpose, will be served by the clerk by mail.

(h) Parties who wish to contest notice of a violation or objection shall file notice with the OHA by mail within 15 days of the date of the notice of the violation or objection.

(i) Motions shall be filed with the clerk and shall be docketed and referred to the Board or presiding officer for disposition as appropriate.

(j) Hearings will be scheduled by the OHA, except for licensing hearings which will be scheduled as the Board may direct. Hearings for violations of the act will be scheduled within 60 days of the initiation of action by the Bureau.

(k) Participants may waive hearings in which case the Board or presiding officer may dispose of the matter without a hearing on the basis of submittals, consent agreements and proposed orders.

(l) Verbatim hearing transcripts will be available to interested persons for a transcription fee prescribed by the Board.

(m) This section supplements 1 Pa. Code Part II, §§ 35.101—35.251 regarding hearings and conferences.

§ 492.7. Prehearing and other conferences.

(a) A prehearing conference may be scheduled by the Board or presiding officer at his discretion. The Board or a presiding officer may also schedule a prehearing conference at the request of one party or by agreement of the parties.

(b) When the Board or presiding officer directs that a prehearing conference be held, all parties shall appear at the time and place designated. Notice of the time and place of the conference will be given to all parties. At the discretion of the Board or presiding officer, the conferences may be conducted telephonically.

(c) The following matters will be considered at prehearing conference:

(1) The possibilities for settlement of the proceeding, subject to the approval of the Board.

(2) The amount of hearing time which will be required to dispose of the proceeding and the establishment of a schedule of hearing dates.

(3) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of the public interest, including, but not limited to, the following:

- (i) The simplification of the issues.
- (ii) The exchange and acceptance of service of exhibits proposed to be offered in evidence.
- (iii) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.
- (iv) The limitation of the number of witnesses.
- (v) The discovery or production of data.
- (vi) Other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(d) This section supplements 1 Pa. Code §§ 35.111—35.116 (relating to prehearing conferences).

§ 492.8. Presentation and effect of stipulations.

(a) Independently of the orders or rulings issued by the Board or presiding officer relating to prehearing and other conferences, the participants may stipulate as to relevant matters of fact or the authenticity of relevant documents. The stipulations may be received in evidence at a hearing, and when so received will be binding on the participants with respect to the matters stipulated.

(b) This section supersedes 1 Pa. Code § 35.155 (relating to presentation and effect of stipulations).

CHAPTER. 493 PLEADINGS

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493.1.	Generally.
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493.3.	Satisfaction of formal complaints.
493.4.	Petitions generally.
493.5.	Petitions for declaratory orders.
493.6.	Answers.
493.7.	Consolidation.
493.8.	Amendments and withdrawal of pleadings.
493.9.	Motions generally.
493.10.	Preliminary motions.
493.11.	Motions for summary judgment and judgment on the pleadings.
493.12.	Discovery.

§ 493.1. Generally.

(a) Pleadings permitted are as follows:

- (1) Complaints.
- (2) Petitions.
- (3) Motions.
- (4) Answers to pleadings.
- (5) Exceptions.
- (6) Appeals.

(b) Filing fees for pleadings, copies and other administrative requests will be in accordance with a fee schedule published by the Board in the *Pennsylvania Bulletin*, available on the Board's website, and in the Office of the Clerk (clerk).

(c) Pleadings shall be filed with the clerk. The clerk will issue a file number, or if a file number has already been issued, stamp the pleading accordingly.

(d) This section supplements 1 Pa. Code §§ 35.1, 35.2 and 35.5—35.7 (relating to applications; and informal complaints).

§ 493.2. Formal complaints.

(a) Procedures for complaints shall be in accordance with 1 Pa. Code §§ 35.9—35.11 (relating to formal complaints), and as supplemented by this part.

(b) Complaints may be filed by the Bureau, parties, applicants, eligible applicants, licensees, permittees, persons registered or certified by the Board, and other persons designated by the Board.

(c) A proceeding against a licensee, permittee, persons registered or certified by the Board or employees of a licensee, permittee, or persons registered or certified by the Board shall be brought on by written complaint filed by the Bureau, which must include a statement setting forth in ordinary and concise language the charges and the acts or omissions supporting the charges.

(d) Within 15 days of service of the complaint filed by the Bureau, the respondent may file with the clerk a notice of defense, in which he may perform one of the following:

- (1) Request a hearing.

(2) Admit the accusation in whole or in part.

(3) Present new matters or explanation by way of defense.

(4) State any legal objection to the complaint.

(e) The respondent may be entitled to a hearing on the merits if he files the required notice of defense within the time allowed by subsection (d). The notice will be deemed a specific denial of all parts of the complaint not expressly admitted.

(f) Failure to timely file the required notice of defense or to appear at the hearing constitutes an admission of all matters and facts contained in the complaint and a waiver of the respondent's rights to a hearing, but the Board may order a hearing.

(g) Affirmative defenses shall be specifically stated, and unless objection is taken as provided in subsection (d)(4), objections to the form of the complaint shall be deemed waived.

(h) The Clerk will deliver or send by mail a notice to all parties at least 10 days prior to the hearing.

(i) Applicants may request a hearing on any matter by filing a complaint, or as part of a petition for special relief. When a request for a hearing is initiated by complaint or petition, the party making the request shall state in clear and concise language the reasons for requesting a hearing and the basis for the request. The Board will act on the request in accordance with due process and its duties and obligations under the act.

(j) Applicants who receive notice of deficiencies may file objections to the notice, and request a hearing by filing a complaint. The complaint must state in clear and concise language the basis for the objections, and the relief sought.

(k) Applicants who object to nonadjudicatory actions of the Board may file objections to the action by filing a complaint. The complaint must state in clear and concise language the basis for the objections, and the relief sought.

(l) This section supplements 1 Pa. Code §§ 35.9—35.11 and 35.14. (relating to formal complaints; and orders to show cause).

§ 493.3. Satisfaction of formal complaints.

(a) If the respondent satisfies a formal complaint either before or after a hearing, a statement to that effect signed by the complainant shall be filed with the Clerk setting forth that the complaint has been satisfied and requesting dismissal or withdrawal. Except as requested by the parties, the Board will not be required to render a final order upon the satisfaction of a complaint.

(b) In lieu of a hearing, the complainant and respondent may certify to the Board or presiding officer that a consent agreement has been reached satisfying the complaint. The consent agreement shall be presented to the Board and the Board will enter an order, if appropriate, incorporating and adopting the consent agreement.

(c) This section supersedes 1 Pa. Code § 35.41 (relating to satisfaction of complaints).

§ 493.4. Petitions generally.

(a) Petitions may be filed by parties, applicants, eligible applicants, licensees, permittees, persons registered or certified by the Board, and other persons permitted by the Board.

(b) Petitions for relief must be in writing, state clearly and concisely the grounds, the interest of the petitioner in the subject matter, the facts relied upon and the relief sought.

(c) The procedure for petitions shall be in accordance with 1 Pa. Code §§ 35.17—35.19 (relating to petitions generally; petitions for issuance, amendment, waiver or deletion of regulations; and petitions for declaratory orders). Petitions must conform to § 491.2 (relating to filing generally) and Chapters 495 and 497 (relating to documentary filings; and time), and be served on all persons directly affected and on other parties whom petitioner believes will be affected by the petition, including the Board. The service shall be evidenced with a certificate of service filed with the petition.

(d) Copies shall also be served in accordance with the Board's direction.

(e) This section supplements 1 Pa. Code §§ 35.17—35.19.

§ 493.5. Petitions for declaratory orders.

(a) Petitions for declaratory orders to resolve a disputed matter, or remove uncertainty shall be filed with the Clerk for disposition by the Board at its discretion. Petitions for declaratory orders must:

- (1) Include a statement of fact.
 - (2) Describe the interest of the petitioner.
 - (3) Clearly and concisely state the issue which is the subject of the petition.
 - (4) Cite relevant statutory and regulatory provisions and case law.
- (b) Declaratory orders and rulings shall have the same status as decisions or orders in adjudicated cases.

(c) This section supersedes 1 Pa. Code § 35.19 (relating to petitions for declaratory orders).

§ 493.6. Answers.

(a) Answers to complaints, petitions, motions and other pleadings shall be filed with the Clerk within 20 days after the date of service, unless a different time is prescribed by statute, the Board or presiding officer.

(b) The procedure for answers shall be in accordance with 1 Pa. Code §§ 35.35—35.40 regarding answers.

(c) This section supplements 1 Pa. Code §§ 35.35—35.40.

§ 493.7. Consolidation.

(a) The Board or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Board or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

(b) The section supercedes 1 Pa. Code § 35.45 (relating to consolidation).

§ 493.8. Amendments and withdrawal of pleadings.

Amendments and withdrawal of pleadings shall be in accordance with 1 Pa. Code §§ 35.48—35.51 (relating to amendment and withdrawal of pleadings).

§ 493.9. Motions generally.

The procedures for motions shall be in accordance with 1 Pa. Code §§ 35.117—35.180 (relating to motions).

§ 493.10. Preliminary motions.

(a) A preliminary motion may be filed by a party, must state specifically the grounds relied upon, and be limited to the following:

- (1) A motion questioning the jurisdiction of the Board or the presiding officer.
- (2) A motion to strike a pleading that is insufficient as to form.
- (3) A motion for a more specific pleading.

(b) Except when a motion for a more specific pleading is filed, an answer to a preliminary motion shall be filed within the time period prescribed for answers to complaints, petitions and motions. All preliminary motions shall be raised at the same time.

(c) If a motion for more specific pleading is filed, an answer may not be filed until further directed by the Board or presiding officer.

(d) A preliminary motion will be decided by the Board or presiding officer within 30 days of the filing of the motion.

(e) If a preliminary motion to strike is granted, the participant who submitted the stricken pleading has the right to file an amended pleading within 10 days of service of the order.

(f) This section supplements 1 Pa. Code §§ 35.177—35.180 (relating to motions).

§ 493.11. Motions for summary judgment and judgment on the pleadings.

(a) *Motion for judgment on the pleadings.* After the pleadings are closed, but within a time so that the hearing is not delayed, a participant may move for judgment on the pleadings. An answer to a motion for judgment on the pleadings may be filed within 20 days of the date of service of the motion.

(b) *Motion for summary judgment.* After the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for summary judgment based on the pleadings and depositions, answers to interrogatories, admissions and supporting affidavits.

(1) An answer, including an opposing affidavit to a motion for summary judgment, may be filed within 20 days of the date of service of the motion.

(2) The answer may be supplemented by pleadings and depositions, answers to interrogatories or further affidavits and admissions.

(c) *Decisions on motions.*

(1) The Board or presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving participant is entitled to a judgment as a matter of law. If a motion is granted by a presiding officer, it will be in the form of a recommendation which will be subject to exceptions, and will be in writing. As in the case of other recommendations, the procedures regarding exceptions to the Board apply.

(2) The presiding officer may recommend a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving participant is entitled

to a judgment as a matter of law on one or more but not all outstanding issues. The presiding officer will grant or deny the motion in the form of a recommended decision.

(d) This section supplements 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

§ 493.12. Discovery.

Discovery shall be in accordance with 1 Pa. Code §§ 35.145—35.152 (relating to depositions).

CHAPTER 494. HEARING PROCEDURE

Sec.

494.1.	Generally.
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494.7.	Exceptions.
494.8.	Rehearing or reconsideration.
494.9.	Briefs and oral argument.
494.10.	Reports of compliance.
494.11.	Appeals.

§ 494.1. Generally.

(a) A hearing calendar of all proceedings set for hearing will be maintained by the Clerk to the Board. All matters required to be determined upon the record will be placed on the hearing calendar, and will be in their order of assignment as far as practicable. All matters will be heard in Harrisburg, unless a different site was determined by the Board. The Board, in its discretion with or without motion, for cause may at any time with due notice to the participants advance or postpone any proceeding on the hearing calendar.

(b) Hearings will be held before the Board or presiding officer, and all appearances, including staff counsel participating, will be entered upon the record, with a notation on whose behalf each appearance is made. A notation will be made in the record of the names of the members of the technical staff of the Board participating, including accountants, and other experts, who are assisting in the investigation of the matter. This subsection supersedes 1 Pa. Code §§ 35.123 and 35.124 (relating to conduct of hearings; and order of procedure).

(c) In oral and documentary hearings, neither the Board nor the presiding officer will be bound by technical rules of evidence, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination will be permitted at all oral hearings.

(d) Subsection (a) supersedes 1 Pa. Code § 35.102 (relating to hearing calendar).

§ 494.2. Oral hearings.

Oral hearings will be conducted in accordance with 1 Pa. Code §§ 35.121—35.126 and 35.137—35.173.

§ 494.3. Documentary hearings.

(a) Documentary hearings will be held before the Board or a presiding officer.

(b) The parties will be notified at least 15 days prior to the date set for hearing, and the evidentiary record will be closed 5 days prior to the date set for hearing.

(c) Parties may submit documents and other evidence, except that witnesses may not testify. Depositions and interrogatories may be taken at any time prior to the close of the evidentiary record, and may be introduced for consideration by the Board or presiding officer.

(d) Transcripts of public input hearings, if any, will be included in the evidentiary record for the Board's consideration.

§ 494.4. Report or recommendation of the presiding officer.

(a) A report or recommendation of the presiding officer may be required by the Board, in both oral and documentary hearings, except that recommendations will not be made in proceedings involving the issuance, approval, renewal, revocation, suspension or conditioning of a license.

(b) The presiding officer will file and certify with the Board a verbatim record of any oral hearing, all documents submitted for consideration, and a report or recommendation, when required, as soon as practicable after the conclusion of the hearing and expiration of the time for filing of briefs.

(c) The presiding officer's report or recommendation will include a statement of:

(1) Findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented on the record.

(2) The appropriate regulation, order, sanction, relief or denial thereof.

(3) All facts officially noticed, relied upon in the decision.

(d) The report or recommendation will be in writing, provided to all parties, and will be part of the public record, except for matters and materials designated as confidential by the Board. Service will be in accordance with § 492.6(e) (relating to hearings generally).

(e) This section supplements 1 Pa. Code §§ 35.201—35.20 regarding proposed reports generally.

§ 494.5. Review.

(a) The record of the hearing will be transmitted to the Board and will be made available to all parties.

(b) The Board will review the record of the hearing and the report or recommendation of the presiding officer. The Board may adopt some or all of the recommendations, conduct a full or partial de novo hearing, or remand all or part of the matter to the presiding officer for the taking of additional evidence or clarification of issues, or make an adjudication based on the record.

(c) All parties have the right to file a brief prior to a final order of the Board.

§ 494.6. Reopening of record.

(a) After the conclusion of the hearing, a participant in a proceeding may file with the presiding officer, prior to the issuance of a report or recommendation, otherwise with the Board, a petition to reopen the proceeding for the purpose of taking additional evidence. The petition must set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or law alleged to have occurred since the hearing was concluded.

(b) Answers shall be filed within 10 days of service of the petition. If no answers are filed, objections to the granting of the petition are waived.

(c) As soon as practicable after the filing of the petition and answer, the Board or presiding officer will grant or deny the petition.

(d) Prior to filing a report or recommendation, the presiding officer, after notice to the participants, may reopen the proceedings for the reception of further evidence on his own motion, if the presiding officer had reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the proceedings.

(e) Prior to the issuance by the Board of a final order, the Board, after notice to the participants, may without motion reopen the proceeding for the reception of further evidence, if the Board has reason to believe that conditions of fact or law have so changed as to require, or that the public interest requires, the reopening of the proceeding.

(f) This section supersedes 1 Pa. Code §§ 35.231—35.233 (relating to reopening of record).

§ 494.7. Exceptions.

(a) A party may file exceptions to the report or recommendations of the presiding officer within 10 days of the date of the report or recommendations, unless the time is extended upon good cause shown.

(b) Exceptions must be in writing, filed with the Clerk, and state with particularity the matter objected to, including the portion of the record where the basis of the objection may be found.

(c) The party filing the exceptions shall attach a brief with the filing. The brief must set forth the party's position in clear and concise terms and be in accordance with 1 Pa. Code § 35.212 (relating to content and form of briefs on exceptions). The length of the brief may be limited by the presiding officer. The brief shall be served on the Board, the presiding officer and other parties of record.

(d) Failure to file a brief on exceptions within the time allowed shall constitute a waiver of all objections of the report or recommendations. Exceptions to any part of the report or recommendations may not thereafter be raised before the Board in oral argument, if an oral argument is permitted, or in an application for rehearing or reconsideration, and shall be deemed to be waived. The Board may refuse to consider exceptions to a ruling admitting or excluding evidence unless there was an objection at the time the ruling was made or within any deferred time provided by the presiding officer.

(e) Exceptions will be considered by the Board and will be limited to the record established during the administrative hearing. The Board may permit evidence not already established in the record if compelling reasons are shown for its submission, the party requesting its admission did not previously know of its existence and its existence could not have been discovered with the exercise of reasonable diligence.

(f) The Board will conduct a documentary hearing on the exceptions within 30 days of receipt of the exceptions brief, unless exigent circumstances require a longer period of time. The Board may grant or deny the exceptions in whole or in part.

(g) The Board will publish its final order in consideration of the presiding officer's report or recommendation and any filed exceptions, and notify all parties by regular mail.

(h) This section supplements 1 Pa. Code §§ 35.211—35.214 (relating to exceptions to proposed reports).

§ 494.8. Rehearing or reconsideration.

(a) A party to a proceeding may file an application for rehearing or reconsideration by petition within 15 days

after the final order of the Board. The petition must state concisely the alleged errors in the adjudication or other order of the Board. If a final order or other order of the Board is sought to be vacated, reversed or modified by reason of matters that have arisen since the hearing and decision or order, or by reason of a consequence that would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

(b) No answers to petitions for rehearing or reconsideration will be entertained by the Board. If the Board grants the rehearing or reconsideration, an answer may be filed by a participant within 15 days after the issuance of the order granting rehearing or reconsideration. The response will be confined to the issues upon which rehearing or reconsideration has been granted.

(c) Unless the Board acts upon the petition for rehearing or reconsideration within 30 days after it is filed, the petition will be deemed to have been denied.

(d) This section supersedes 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

§ 494.9. Briefs and oral argument.

(a) All parties shall be afforded an opportunity to submit briefs prior to a final order of the Board. Briefs shall be filed with the Clerk. If a case has previously been assigned to a presiding officer, a copy of the brief shall be submitted to the presiding officer.

(b) Oral argument on substantial issues may be heard at the discretion of the Board or presiding officer.

§ 494.10. Reports of compliance.

(a) When a person subject to the jurisdiction of the Board is required to do or perform an act by a Board order, permit or license provision, there shall be filed with the clerk within 30 days following the date when the requirement becomes effective, a notice, stating that the requirement has or has not been met or complied with, unless the Board provides otherwise for compliance or proof of compliance.

(b) This section supersedes 1 Pa. Code § 35.251 (relating to reports of compliance).

§ 494.11. Appeals.

(a) A party may appeal final orders of the Board in accordance with the act, in the form prescribed in the Pennsylvania Rules of Appellate Procedure. Notice of appeal shall be filed with the clerk within 30 days of a final order of the Board.

(b) The filing of an appeal will not stay enforcement of the decision or final order of the Board unless the stay is obtained from the court upon application in accordance with the Rules of Appellate Procedure, or from the Board upon the terms and conditions as it deems proper.

(c) Within 10 days, the party filing the notice of appeal shall file a concise statement of matters complained of with the Office of the Clerk. Matters not raised in the statement will be waived.

[Pa.B. Doc. No. 06-559. Filed for public inspection March 31, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 465a]
Digital Video Recording Formats

On February 2, 2006, the Pennsylvania Gaming Control Board (Board) adopted a statement of policy in § 465a.1 (relating to digital video recording formats) which provided technical standards for use by slot machine licensees in surveillance of a licensed facility. This statement of policy was published at 36 Pa.B. 919 (February 18, 2006). The Board has decided to make editorial changes to this statement of policy.

Therefore, the Board has deposited with the Legislative Reference Bureau an amendment to § 465a.1. The amendment is effective as of March 16, 2006.

This technical standard in Chapter 465a is amended by amending § 465a.1 to read as set forth in Annex A.

Fiscal Impact

This statement of policy will have no appreciable fiscal impact upon the Commonwealth.

Contact Person

Further information is available by contacting the Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

Effective Date

This statement of policy will take effect March 16, 2006.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-19. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

**Subpart E. SLOT MACHINE TESTING,
CERTIFICATION AND CONTROL**

CHAPTER 465a. TECHNICAL STANDARDS

§ 465a.1 Digital video recording formats.

(a) Any digital video recording system utilized by a slot machine licensee must:

(1) Be capable of recording, and thereafter being viewed, at a minimum of 30 frames or images per second, full screen, in real time.

(2) Have a visual resolution of 640 × 480 pixels or greater unless the Board expressly determines that an alternative visual resolution can achieve the clarity required to meet the purposes of this section.

(3) Be capable of retaining for at least 30 days all images obtained from all approved video cameras.

(4) Have a failure notification system that provides an audible, as well as a visual notification, of any failure in the surveillance system or the digital video recording media storage system.

(5) Have a media storage system that is configured so that a failure of any single component will not result in the loss of any data from the media storage system.

(6) Have no more than eight of the cameras utilized to satisfy the coverage requirements in § 465.10(c)(1) (relating to surveillance system; surveillance department control; surveillance department restrictions), be in the first stage of concentration, unless the slot machine licensee has a fault tolerant or redundant system so there is no loss of data in the event of a failure of a single first stage concentrator.

(b) Remote access to a digital surveillance system from any location outside the surveillance monitoring room may not be permitted without the approval of the Board.

(c) Digital video disks or other storage media produced from the digital video recording system must contain the date and time of recording superimposed thereon, clearly identify the type of media player and software prerequisite to viewing the digital images and identify the video verification encryption code or watermark.

(d) Details with regard to the digital video recording system's video verification encryption code or watermark shall be provided to the Board, at no cost to the Board, prior to the inspection and approval of the system.

(e) The slot machine licensee's contingency plan required under § 465.10(f) must expressly provide that any failure in a digital video recording media storage system must be repaired or replaced within 8 hours of the failure.

(f) The Board may, in its discretion, waive one or more of the requirements or technical standards applicable to a surveillance system upon a determination that the non-conforming surveillance system nonetheless provides for adequate and effective surveillance of activities inside and outside the licensed facility.

[Pa.B. Doc. No. 06-560. Filed for public inspection March 31, 2006, 9:00 a.m.]

