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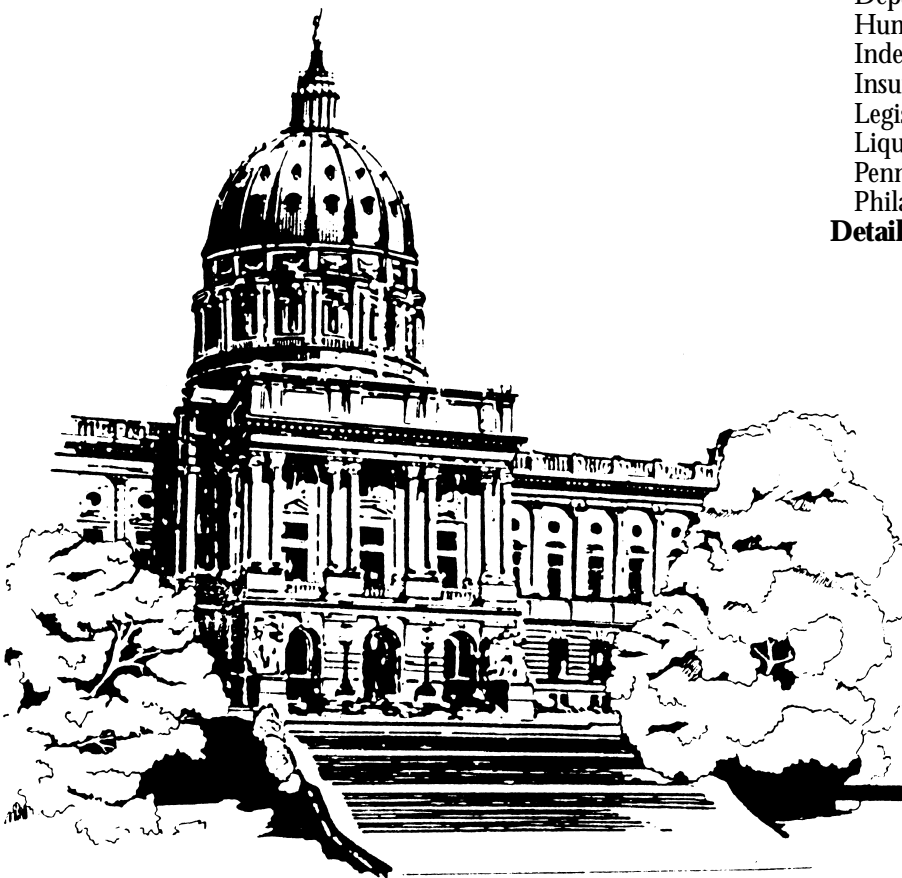
PENNSYLVANIA BULLETIN

Volume 34
Saturday, October 16, 2004 • Harrisburg, Pa.
Number 42
Pages 5669—5736

Agencies in this issue:

The Courts
Delaware River Basin Commission
Department of Agriculture
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Human Relations Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority

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

No. 359, October 2004

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

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

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THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated September 28, 2004, Mohamed Alamgir is *Disbarred on Consent* from the practice of law in this Commonwealth, effective October 28, 2004. 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,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 04-1878. Filed for public inspection October 15, 2004, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 15]

Order Amending Pa.R.A.P. No. 1512; No. 157 Appellate Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 30th day of September, 2004, upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice, pursuant to Pa.R.J.A. 103(a)(3);

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the following amendment to Pa.R.A.P. 1512 is adopted.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

Rule 1512. Time for Petitioning for Review.

* * * * *

(b) *Special appellate provisions.*—A petition for review of:

* * * * *

(4) A determination of a Commonwealth agency under section [1711] 1711.1(g) of the Commonwealth Procurement Code, 62 Pa.C.S. § [1711] 1711.1(g), shall be filed within [14 days of receipt of the decision] 15 days of the mailing date of a final determination denying a protest.

* * * * *

[Pa.B. Doc. No. 04-1879. Filed for public inspection October 15, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY Local Civil Rule 1018

Order

And Now, this 27th day of September 2004, the Court hereby adopts Bradford County Rule of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

JEFFREY A. SMITH,
President Judge

[Pa.B. Doc. No. 04-1880. Filed for public inspection October 15, 2004, 9:00 a.m.]

BRADFORD COUNTY Rule 1018 (Caption of Pleadings)

Order

And Now, September 27, 2004, the court directs that the Prothonotary and Clerk of Courts shall not place in any court file any pleading or other legal paper unless the name or names of the party or parties appearing in the caption is or are substantially consistent with the name or names of the party or parties in the case bearing the number appearing on the pleading or other legal paper. When the number and the named party or parties are not consistent, the Prothonotary and Clerk of Courts shall promptly contact the attorney or party who filed the pleading or other legal paper to determine the intention

of the party and shall then correct the caption as needed and only then shall the pleading be docketed and placed in the official court file.

By the Court

JEFFREY A. SMITH,
President Judge

[Pa.B. Doc. No. 04-1881. Filed for public inspection October 15, 2004, 9:00 a.m.]

ERIE COUNTY

Revision and Restatement of the Orphans' Court Rules

Motion

And Now, this 1st day of September, 2004, comes the Orphans' Court Rules Committee of the Erie County Bar Association, by and through its Past Chairman, Raymond A. Pagliari, Esq., and hereby moves this Honorable Court to approve, adopt and promulgate the following proposed and recommended revisions and amendments to the Local Orphans' Court Rules of the Erie County Court of Common Pleas, Sixth Judicial District, Erie, Pennsylvania.

Order

And Now, this 9th day of September, 2004, upon consideration of the foregoing Motion, it is hereby *Ordered, Adjudged and Decreed*, that the Local Orphans' Court Rules of the Erie County Court of Common Pleas, Sixth Judicial District, Erie, Pennsylvania are hereby Amended and Revised in accordance with the previous Motion.

Petitioner shall take all steps necessary to publish these amendments in accordance with the applicable law. Such amendments shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

WILLIAM R. CUNNINGHAM,
President Judge

RULE 1

JUDGES—LOCAL RULES

1.2.1 The Business of the Court

(a) *Motion Court*. Unless otherwise ordered by the Court, Motion Court will be held every Monday through Thursday at 9:00 a.m.

(b) *Audit List*. Accounts shall be audited by the Court anytime after the expiration of the deadline for the filing of objections.

(c) *Elimination of Formal Audit Court*. There shall be no formal Audit Court hearing.

RULE 6

ACCOUNTS AND DISTRIBUTIONS

6.1.4 Receipts for Disbursements.

Disbursement receipts or canceled checks of one thousand dollars (\$1,000.00), or more, or reproduced copies of either, shall be presented with the account; except corporate fiduciaries in lieu thereof may file copies of their ledger sheets showing disbursements. In the case of inheritance taxes, bequests and distributive shares, all

receipts or canceled checks or reproduced copies of either shall be filed with the account without regard to the amount thereof.

If counsel for the fiduciary certifies that a receipt or cancelled check executed by the distributee is not available despite good faith efforts to obtain same, a photocopy of the front of the check accompanied by evidence of payment by the bank shall be acceptable or alternative verification at the discretion of the Orphans' Court auditor.

6.4.1 Filing for a Particular Audit.

Accounts to appear on a particular audit list must be filed in accordance with the audit calendar published by the Clerk's office.

6.4.3 Attendance at Audit not Required.

Attendance at the audit by the accountant, by the attorney for the accountant or any interested party shall not be required. There shall be no formal Audit Court hearing.

6.6.1 Advertisement of Accounts and Audit Statements.

The Clerk shall give notice of all accounts and audit statements filed both in the Clerk's Office and in the Office of the Register of Wills and of the time and place of audit by advertising once a week for four (4) successive weeks in the legal periodical and in one newspaper of general circulation published in Erie County. An account shall not be audited unless an audit statement has been filed in timely accordance with the audit calendar published by the Clerk's office. The Clerk's notice shall include the last day on which objections may be filed.

6.9.1 Audit Statement

(a) The Audit Statement shall be signed by each accountant and verified by at least one of them, which Affidavit shall state that a copy of the proposed distribution has been mailed or given to each unpaid creditor and to each distributee or his attorney of record, except to specific legatees who have been paid in. The Audit Statement shall include a statement of proposed distribution.

(b) The Audit Statement shall be filed not later than four (4) weeks prior to the date audits are scheduled by the Clerk to be presented to the Court. A copy of the Audit Statement shall be served on all parties in interest not later than twenty (20) days prior to the Audit date.

(c) In the event that an accountant files an account required by these Rules and thereafter for a two (2) year period fails to file an audit statement with proposed distribution, the Court sua sponte, upon recommendation of the Orphans' Court Auditor and/or upon motion of a party in interest, may dismiss without prejudice, and consider the account withdrawn with 10 days prior notice to the Accountant. The Accountant shall have the right to re-file an account, upon the payment of the filing fee. At the time of re-filing an account, the accountant shall be required at a minimum to file an Audit Statement and proposed distribution.

6.10.1 Objections to Account, Audit Statement or Statement of Proposed Distribution. Form, Notice and Time.

(a) Objections to an account, audit statement or statement of proposed distribution shall be filed in timely fashion in accordance with the deadline set forth in the notice to be given by the Clerk pursuant to Rule 6.6.1.

(b) Each objection shall be specific as to description and amount.

(c) Objections shall be filed with the Clerk of the Orphans' Court.

(d) A copy of the objections shall be served promptly after filing upon the Court by mailing or delivering a copy to the Auditing Judge, the Orphans' Court Auditor, upon counsel for the accountant and counsel for all other parties who have entered appearances.

(e) The Court, for cause shown, may extend the time for filing of objections; provided that a request for extension of time by any person or entity having received notice of the account and statement of proposed distribution has been filed or presented prior to the date of the audit.

(f) Failure by a party or entity to whom notice of the account and statement of proposed distribution has been given in accordance with these Local Rule 6.9.1 to file timely objection or to request an extension of time in which to file objections shall constitute a waiver of objections.

(g) Upon the filing of Objections, the Court shall schedule a separate hearing date and time for the taking of testimony on the Objections. Notice shall be given by the Orphan Court Auditor.

(h) Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely.

**RULE 7
EXCEPTIONS**

7.1.1 Filing of Exceptions

Exceptions authorized by State Rule 7.1 and by this Rule shall be filed in the office of the Clerk of the Orphans' Court.

7.1.2 Finality of Certain Orders, Decrees and Adjudications

(a) Orders, Decrees and Adjudications entered in the following matters where no objections have been filed or asserted prior to their entry shall be final and not subject to further exceptions:

(1) An Adjudication approving an account and distribution as set forth on an audit statement or statement of proposed distribution; and

(2) Where not less than ten (10) business days' written notice of intention to present the petition and a copy of the petition and proposed Order or Decree has been given to all parties in interest:

(A) Those approving settlement of a small estate on petition or settlement of an estate, guardianship or trust administration;

(B) Those approving public or private sale of real estate;

(C) Those approving a claim for family exemption;

(D) Those entered upon petition in other matters where such notice has been given.

(b) Where the moving party has given to all parties in interest not less than ten (10) business days' written notice of intention to present a petition specified in this Rule including the date, time and place of filing, presentation or in the case of an account, audit statement or statement of proposed distribution, has given notice of the filing and deadline for filing written objections in accordance with the requirements of the Local Rule 6.9.1(b) and

in each case has served all parties in interest with such notice a copy of such petition, account, audit statement or statement of proposed distribution and proposed decree, if any, the failure by a party in interest to assert objection to such document and/or proposed Order or Decree prior to entry thereof shall constitute a waiver of objections thereto. In such event, exceptions to such Order, Decree or Adjudication shall not be authorized or allowed.

(c) All accounts, audit statements, statements of proposed distribution and petitions subject to this Rule to which objections must be asserted in timely fashion or are waived shall be accompanied by a notice to all parties in interest, signed by the moving party or that party's counsel and substantially in the following form:

(CAPTION)

NOTICE AS REQUIRED BY ERIE COUNTY ORPHANS'
COURT RULE 7.1.2 (c)

THE ATTACHED DOCUMENT REQUESTS THAT THE COURT ENTER A FINAL ORDER OR DECREE AND AUTHORIZE THE REQUESTED ACTION WITHOUT FURTHER PROCEEDINGS OR APPEAL UNLESS A PARTY IN INTEREST PROMPTLY ASSERTS OBJECTIONS TO THE REQUESTED RELIEF.

(select one or the other of the following paragraphs)

OBJECTIONS TO AN ACCOUNT, AUDIT STATEMENT OR STATEMENT OF PROPOSED DISTRIBUTION MUST BE FILED IN WRITING IN THE OFFICE OF THE ERIE COUNTY CLERK OF THE ORPHANS' COURT, ERIE COUNTY Court HOUSE, 140 WEST 6TH STREET, ERIE, PA 16501 NOT LATER THAN THE DEADLINE FOR FILING OBJECTIONS, WHICH IS

OR

OBJECTIONS TO A PETITION MUST BE ASSERTED EITHER AT THE TIME OF THE PETITION'S PRESENTATION TO THE Court AS SET FORTH IN A NOTICE ACCOMPANYING THE PETITION OR BY A WRITING FILED IN THE OFFICE OF THE ERIE COUNTY REGISTER OF WILLS PRIOR TO THE DATE AND TIME OF INTENDED PRESENTATION.

IF YOU DO NOT OBJECT TO THE ATTACHED DOCUMENT, YOU ARE NOT OBLIGATED TO TAKE ANY ACTION. IF YOU DO OBJECT TO THE DOCUMENT AND/OR THE PROPOSED ORDER OR DECREE, YOU MUST ASSERT YOUR OBJECTIONS PRIOR TO THE APPLICABLE DEADLINE FOR ACTION. IF YOU FILE WRITTEN OBJECTIONS, YOU MUST MAIL A COPY OF SUCH OBJECTIONS TO THE UNDERSIGNED AND TO ALL OTHER PERSONS WHO ARE PARTIES TO THE MATTER, OR THEIR ATTORNEY(S).

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, THE OFFICE BELOW MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE:

Erie County Lawyers' Referral Service
P. O. Box 1792
Erie, PA 16507
Telephone: (814) 459-4411

Mailing Date

Attorney for

7.1.6 Effect of Exceptions on Adjudications, Orders and Decrees

(a) If specific exceptions to one or more portions of an Adjudication, Order and Decree are filed, the Adjudication, Order or Decree shall become final and binding as to matters not affected by the exceptions.

(b) No Adjudication, Order or Decree to which timely exceptions are taken shall become final for purposes of appeal until the exceptions are disposed of, subject to the provisions of State Rule 7.1(f).

7.1.7 Other Exceptions

Exceptions not otherwise covered by State Rules 7.1 and 7.2 or by this Rule shall be filed or presented at such time and place, and in such form, as the Court may direct.

RULE 12

SPECIAL PETITIONS

12.5.5 Minors and Incapacitated Persons; Settlement, Compromise or Discontinuance

(a) *Contents of Petition.* The Petition for Settlement, Compromise or Discontinuance shall:

- (1) State the name, residence and parentage of the minor or incapacitated person;
- (2) Set forth the factual circumstances of the case;
- (3) Set forth the injury sustained and its effect on the property and health of the minor or incapacitated person;
- (4) Itemize the expenses and fees incurred in the treatment of the injuries or substantiating and establishing the settlement or compromise;
- (5) State whether proceedings have been conducted in a civil action concerning the claim and if so, include detail as to the nature of such proceedings and the presiding Judge;
- (6) State the reason why the settlement or compromise is a proper one;

(7) State the amount of counsel fees incurred in obtaining the agreement for settlement or compromise;

(8) Include a proposed Order for hearing on the Petition for approval;

(9) Include a proposed Order for distribution.

(b) *Manner of Presentment.* Petitions under this Rule shall be presented in accordance with Erie County Civil Procedure Rule 2039.

The Judge to whom the Petition is submitted may require the personal appearance of the minor or incapacitated person, the guardian of the minor, the doctor or any other relevant party, as well as the production of any other evidence deemed necessary for approval of the Petition.

(c) *Notice of Hearing.* Notice of hearing on the Petition shall be given by United States first class mail, or as the Court shall direct, to all parties which shall include the minor or incapacitated person, the minor's parents, the minor's or incapacitated person's guardian(s) and any other person so designated by the Local Rules, the State Rules or the Judge to whom the Petition is presented. Proof of service shall be filed with the Court pursuant to the Local Rules.

(d) *Filing of the Petition.* Petitions presented under this Rule shall be filed as follows:

- (1) If the Petition pertains to a matter as to which a civil action has been commenced and docketed, the original Petition shall be filed with the Prothonotary and a copy of the Petition shall be filed with the Register of Wills.
- (2) If the Petition pertains to a matter as to which no civil action has been commenced, the original Petition shall be filed with the Register of Wills.

(e) Petitions under this Rule shall be substantially in the following form:

(CAPTION)

PETITION FOR SETTLEMENT, COMPROMISE, DISCONTINUANCE AND DISTRIBUTION FOR A MINOR/INCAPACITATED PERSON

To the Judge of your Honorable Court:

This Petition respectfully represents:

- 1. Petition is _____, who resides at _____, and is the parent, guardian of the minor/incapacitated person, age _____ years, born the _____ day of _____, _____, and who resides at _____.
- 2. The minor's parents are _____, father, and _____, mother, who reside at _____.
- 3. The minor/incapacitated person's claim arises out of the following circumstances (set forth the date, place, time and details): _____.
- 4. The minor/incapacitated person sustained injuries as follows (set forth description of the injuries, the effect of the injuries on the property and health of the minor, including applicable medical reports and records, recovery or prognosis): _____.
- 5. The following expenses were incurred in the treatment of the injuries to the minor/incapacitated person (itemize expenses incurred, noting whether paid or owed); state if any are to be reimbursed out of the settlement and if so, to whom they are payable): _____.
- 6. A civil action pertaining to this claim has/has not been commenced. If an action has been commenced and is not identified above, docketing information pertaining to said action is as follows: _____, _____. Proceedings in said civil action before the assigned Judge include: _____.
- 7. Petitioner has received an offer from _____ to settle the minor's/incapacitated person's claim for the amount of \$ _____. A copy of the offer is attached hereto as Exhibit _____.

8. Petitioner believes the settlement offered is in the best interest of the minor/incapacitated person for the following reasons (give reasons): _____ .

9. _____ , Esq. has been the attorney for the minor/incapacitated person in this matter and requests a counsel fee for services detailed in Exhibit _____ attached hereto which, in Petitioner's opinion, is a reasonable fee. Counsel also requests reimbursement for disbursements of \$ _____ as shown on Exhibit _____ .

10. Petitioner and counsel are satisfied the offer of settlement is reasonable and proper in this matter.

11. To consummate the offered settlement, Petitioner, on behalf of the minor/incapacitated person, will be required to execute a release, a copy of which is attached hereto as Exhibit _____ , and obtain approval of the settlement by your Honorable Court.

12. Petitioner requests this Honorable court to approve the within offer of settlement and to direct disbursement of the proceeds as follows:

- (a) _____ , Esq.—attorney fee \$ _____
- (b) _____ , Esq.—reimbursement \$ _____
- (c) Other: _____ \$ _____
- (d) Petitioner on behalf of the minor/incapacitated person as per attached Court Order \$ _____

13. The Petitioner requests this Honorable Court to direct the deposit of the above balance for this minor person into one or more federally insured savings accounts in the name of the minor/incapacitated person, to be marked "Not to be withdrawn before the _____ day of _____ , _____ (date of minor's 18th birthday) or by further Order of this Court (other disposition may be requested as provided by statute).

WHEREFORE, Petitioner requests this Honorable Court to enter an Order approving the above settlement, directing distribution of the proceeds and expenses as set forth above and authorizing the Petitioner to execute the Release upon payment of the sum of \$ _____ .

Respectfully submitted,

Petitioner

NAME OF LAW FIRM

BY: _____

Address
Telephone
Attorney No.

VERIFICATION

I, _____ (Petitioner), hereby verify, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

ORDER

AND NOW, this _____ day of _____ , 200 , upon consideration of the foregoing Petition and this Court being satisfied as to the reasonableness of the settlement and that the settlement is in the best interest of the minor/incapacitated person hereto, it is hereby ORDERED, ADJUDGED AND DECREED:

1. The settlement set forth in the Petition in the above matter presented to the Court is approved as being in the best interest of the minor/incapacitated person, _____ .

2. Counsel fees to the firm of _____ , Attorneys-at-Law, of \$ _____ and the reimbursement of _____ , Esq. for expenses, \$ _____ from the settlement proceeds are approved.

3. The settlement sum of \$ _____ is directed to be disbursed as follows:

- A. _____ , Esq. \$ _____
(attorney's fees per fee agreement)
- B. _____ , Esq. \$ _____
(reimbursement for expenses)
- C. Other: _____ \$ _____
- D. _____ \$ _____
(minor/incapacitated person's name)
- Total \$ _____

4. The total sum payable to _____ (minor/incapacitated person's name), \$ _____, is directed to be deposited by his/her parents, _____ (parent's names) in a savings account in the name of the parent as natural guardian of _____ (minor/incapacitated person's name) in a local bank or savings and loan association, either FDIC or FSLIC insured, said account to be marked that no withdrawal may be made until the ____ day of _____, 20 ____ (date of minor/incapacitated person's birthday) or upon further Order of this Court. This deposit shall be made within five (5) business days following receipt of the minor/incapacitated person's proceeds.

5. Upon receipt of the settlement proceeds, _____ is authorized to execute and deliver a Release in the form as attached to the foregoing Petition.

6. Petitioner shall file with the Register of Wills proof of the restricted account deposit in accordance with this Order within thirty (30) days of the date of this Order.

J.

(f) *Confirmation of Deposits into Restricted Accounts.* When the Court directs the deposit of the sum payable to the minor or incapacitated person be placed in a restricted account, the deposit shall be made with a copy of the approving Court Order not later than five (5) business days after receipt of the settlement funds by the person directed to make the deposit. The designated depositor shall file or cause to be filed with the Register of Wills proof of the restricted account deposit in compliance with the approving Court Order, including the amount, within thirty (30) days after the date of the Order.

Committee Comment. The objective of subsection (b) of this Rule is to ensure that an assigned Judge in a civil action who has presided over proceedings which would facilitate an evaluation of the facts and proposed settlement consider a petition under this Rule, petitions in other cases being presented to the Motions Judge of the Orphans' Court. The purpose of including item 6 in the form petition is to make clear potential involvement by the assigned Judge in a civil action so that a Motions Judge of the Orphans' Court to whom a petition is presented can, in his or her discretion, determine whether presentation and determination in Orphans' Court is appropriate in the facts of the case.

12.10.1 Private Sale. Contents of Petition. Additional Requirements.

Where the power to sell real property is not granted by the will, trust instrument or statute, a petition by personal representative, trustee or guardian, to sell real property at private sale shall also conform as closely as practicable to all requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary.

Committee Comment. When seeking Court approval of a private sale or transfer to a personal representative under 20 Pa.C.S.A. § 3556 and/or Orphans' Court Rule 12.10, the petitioner may avoid the need to present/secure a second affidavit of value providing all possible beneficiaries execute a written consent to the relief requested within the petition. The consent shall state that the consenting beneficiary:

- (a) has reviewed the petition and affidavit attached to the petition;
- (b) is satisfied with the value expressed therein, and
- (c) waives the requirement that a second affidavit of value be presented.

The Court Order attached to the petition approving the sale shall not address issues related to the title of the purchaser.

RULE 14

INCAPACITATED PERSONS

14.1.1 Procedure

(a) All petitions or motions requiring a hearing shall first be submitted along with a motion cover sheet, proposed Order for scheduling hearing and proposed final decree to the Family/Orphans' Court Administrator at such times as provided in Erie County Civil Rule 304 for assignment of a hearing date.

(1) Upon the assignment of a hearing date by the Family/Orphans' Court Administrator, the original Petition or Motion and one copy shall be filed with the Clerk of the Orphans' Court. A copy shall also be given to the Family/Orphans' Court Administrator.

(2) All other pleadings not requiring a hearing shall be filed directly with the Clerk of the Orphans' Court.

(b) Emergency petitions requiring the immediate attention of the Court shall be presented to the Family/Orphans' Court duty judge.

(c) The petitioner shall provide a copy of the petition and any Orders or proposed Orders to the Clerk of the Orphans' Court who shall prepare and attach a Citation and Notice as required by PEF Code § 5511(a).

(d) The petition and citation shall be served personally upon the alleged incapacitated person by the Orphans' Court Investigator.

(e) The petitioner shall serve a copy of the guardianship petition and the Notice of Guardianship form provided by the Clerk of the Orphans' Court by first class mail to the following persons:

(1) All persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at the time;

(2) The person or institution providing residential services to the alleged incapacitated person;

- (3) Any attorney in fact under a durable power of attorney;
- (4) Such other parties as the Court may direct.
- (f) All petitions required by this rule shall be signed by the moving party or that party's counsel and shall contain the following notice:

(CAPTION)
NOTICE OF GUARDIANSHIP

This notice is to advise you that a Petition for Guardianship has been filed seeking the appointment of a guardian for the above named individual. A hearing on the petition is scheduled for the ____ day of _____, 20____, at _____ M. before Judge _____ in Court Room _____ of the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania 16501.

You do NOT have to attend this hearing if you do not oppose the Petition.

If you intend to object to the proposed guardianship or otherwise contest this action, you must immediately send written notice to the assigned Judge and the Family/Orphans' Court Administrator at the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania 16501. A copy must also be sent to the attorney for the Petitioner at the address listed below.

Your notice must be filed at least seven (7) days before the hearing.

 Attorney for Petitioner
 Street Address
 City State Zip
 Telephone

Date: _____

(b) *Notice of Representation.* The petitioner shall notify the Court in writing at least seven (7) days prior to the hearing whether counsel has been retained by or for the alleged incapacitated person. If counsel has been retained, the petitioner shall provide the name, address and telephone number of counsel.

(c) *Evidence.* The evidence presented may be in accordance with PEF Code § 5518 as provided in the form affidavit provided by the Clerk of the Orphans' Court.

(d) *Presence of Alleged Incapacitated Person.* The alleged incapacitated person shall be present at the hearing unless:

(1) The Court is satisfied, upon the deposition or testimony of or sworn statement (as provided by the form adopted by the Clerk of the Orphans' Court) by a physician or licensed psychologist, that the alleged incapacitated person's physical or mental condition would be harmed by being present at the hearing; or

(2) It is impossible for the alleged incapacitated person to be present because of absence from the Commonwealth.

[Pa.B. Doc. No. 04-1882. Filed for public inspection October 15, 2004, 9:00 a.m.]

MONROE COUNTY

**Rescission of Local Rules of Civil Procedure;
 Administrative Order No. 11; 8136 CV 2004**

Order

And Now, this 29th day of September, 2004, it being the Court's intent to incorporate recommendations of the Civil Procedural Rules Committee, the version of Monroe County Amended Local Rules of Civil Procedure, Motions and Petitions practice (Local Rules 205.2, 205.3, 206.1, 206.2, 206.3, 206.4, 206.7, 207.1, 208.1, 208.2, 208.3, 208.4, 209, 210, 1028, 1034, 1035.2), inadvertently published in the *Pennsylvania Bulletin*, Volume 34, Number 38, page 5126 is hereby rescinded and local civil motions and petitions practice shall revert to prior existing local civil rules pending further amendment.

By the Court

RONALD E. VICAN,
President Judge

[Pa.B. Doc. No. 04-1883. Filed for public inspection October 15, 2004, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 102] Child Passenger Protection

The Department of Transportation (Department), under 75 Pa.C.S. §§ 4581 and 6103 (relating to restraint system; and promulgation of rules and regulations by department), proposes to amend Chapter 102 (relating to child passenger protection) to read as set forth in Annex A.

Purpose of Chapter 102

The purpose of Chapter 102 is to improve safety in transporting children by providing for exemption from the booster seat requirements in 75 Pa.C.S. (relating to the Vehicle Code) for children over a certain weight or height or for children with a medical condition which makes use of a standard child passenger restraint system inappropriate.

Summary of Significant Provisions

Section 102.102(a) (relating to physical criteria for use of child passenger restraint system) provides the general rule that children under 4 years of age must be fastened into a child passenger restraint system and children 4 years of age but younger than 8 years must be fastened into the vehicle's safety seat belt system with the use of an appropriately fitting booster seat.

Section 102.102(b) provides that children 4 years of age but younger than 8 years of age who weigh less than 40 pounds may be secured in a child passenger restraint system instead of the use of a booster seat. If the vehicle was not originally equipped with a shoulder safety belt system, the child may be fastened in the safety seat belt system without the use of a booster seat. Children who weigh more than 80 pounds or who are 4 feet 9 inches or taller may also be fastened in the safety seat belt system without the use of a booster seat.

Section 102.102(c) provides that the requirements of the chapter can be satisfied through appropriate use of child restraint systems, booster seats or vehicle seats designed to accommodate children under 80 pounds, which are integrated into the design of the vehicle by the vehicle manufacturer.

Section 102.103 (relating to medical exemption from use of child passenger restraint system) provides that, upon certification by a physician, children with a medical condition which makes use of a child passenger restraint system or booster seat impractical may also be exempted from the requirements of the proposed rulemaking. The section delineates the information required to obtain a medical exemption.

Persons and Entities Affected

This proposed rulemaking will affect all vehicle operators transporting children under 8 years of age.

Fiscal Impact

The proposed rulemaking will not require the expenditure of any additional funds by the Commonwealth. The cost to the regulated community will be in the cost of a booster seat which range between \$25 and \$130. This proposed rulemaking may also result in marginal savings

to parents with children falling within the exemptions who will thus not have to purchase booster seats.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 5, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

Sunset Date

The Department is not establishing a sunset date for the proposed rulemaking, since the proposed rulemaking is needed to administer provisions required under 75 Pa.C.S. The Department, however, will continue to closely monitor the proposed rulemaking for effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Dianna J. Reed, Transportation Planning Manager, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, P. O. Box 2047, Harrisburg, PA 17105-2047 within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this proposed rulemaking is Dianna J. Reed, Transportation Planning Manager, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, P. O. Box 2047, Harrisburg, PA 17105-2047, (717) 787-6853.

ALLEN D. BIEHLER, P. E.,
Secretary

Fiscal Note: 18-393. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VI. OPERATION OF VEHICLES

CHAPTER 102. CHILD PASSENGER PROTECTION [—STATEMENT OF POLICY]

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of a statement of policy which appears at 67 Pa. Code pages 102-1 and 102-2, serial pages (296581) to (296582).)

§§ 102.1—102.4. (Reserved).**§ 102.101. Definitions.**

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

Child booster seat—A child passenger restraint system or a belt positioning seat designed and manufactured to meet Federal motor vehicle safety standards in 49 CFR 571.213 (relating to child restraint systems) to position a child to properly sit in a Federally approved safety seat belt system.

Child passenger restraint system—A device or system to enhance the safety of children in motor vehicles which is designed and manufactured for use in motor vehicles equipped with a safety seat belt system and which meets the Federal motor vehicle safety standards in 49 CFR 571.213.

Department—The Department of Transportation of the Commonwealth.

Safety seat belt system—Any strap, webbing or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including buckles, fasteners and all installation hardware as specified by 49 CFR 571.209 (relating to Standard No. 209; seat belt assemblies).

§ 102.102. Physical criteria for use of child passenger restraint system.

(a) *General criteria.* Children under 4 years of age shall be securely fastened in a safety seat belt system and a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer. Children 4 years of age but younger than 8 years of age shall be securely fastened in a safety seat belt system and an appropriately fitting child booster seat in accordance with the recommendations of the manufacturer.

(b) *Exemption based on child's weight or height, or on vehicle characteristics.* Exemption from the general criteria in subsection (a) is as follows:

(1) Children 4 years of age but younger than 8 years of age who weigh less than 40 pounds may, in lieu of use of a booster seat, be securely fastened in a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(2) Children 4 years of age but younger than 8 years of age riding in a passenger position in the vehicle which

was not originally equipped with a shoulder safety seat belt shall be fastened in the safety seat belt system without the use of a child booster seat or may be fastened in a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(3) Children 4 years of age but younger than 8 years of age who weigh more than 80 pounds or who are of a height of 4 feet 9 inches or taller may be fastened in the safety seat belt system without the use of a child booster seat.

(c) *Integrated child restraint or booster seat.* The requirements of this chapter may be satisfied by securing a child, in accordance with the recommendations of the manufacturer, in a child restraint system, booster seat or vehicle seat designed to accommodate children under 80 pounds, which is integrated into the design of the vehicle by the vehicle manufacturer.

§ 102.103 Medical exemption from use of child passenger restraint system.

(a) Exemption from the use of a child passenger restraint system for medical reasons may be obtained upon written certification by a physician that use of a child passenger restraint system is impractical. The certification must be made on a form developed by the Department which requires the following information:

(1) The physician's name and practice address.

(2) The date the form was completed.

(3) The name, age and weight of the child.

(4) The medical or physical reasons that the use of a particular child passenger restraint system or systems is impractical.

(5) A recommendation of the type of restraint the child should be fastened into or a statement that no appropriate restraint system is known.

(6) A recommendation regarding the length of time the exemption should extend, or a statement of the conditions under which the exemption should be lifted.

(7) Other information deemed relevant by the physician, such as whether the child can be fastened into the child passenger restraint system but for only limited periods of time.

(b) The completed form must be in the possession of the vehicle operator whenever the child is being transported.

[Pa.B. Doc. No. 04-1884. Filed for public inspection October 15, 2004, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, October 27, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the National Constitution Center, Kirby Auditorium, 525 Arch Street, Independence Mall, Philadelphia, PA.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on the Water Resources Plan for the Delaware River Basin (Basin Plan) including a summary of the Watershed Summit of September 13-15 and the transition from planning to implementation; a summary and report on informational meetings on a proposed resolution to amend the Water Quality Regulations, Water Code and Comprehensive Plan to designate the Lower Delaware River as Special Protection Waters; a proposal to amend the Commission's fee schedule for the review of projects under Section 3.8 and Article 10 of the Delaware River Basin Compact by the addition of a late application fee; and a presentation on the structural reorganization of the Delaware Estuary Program.

The business meeting will begin at 11 a.m. The portion of the meeting running from 11 a.m. until 12:15 p.m. will consist of the public hearing on a proposal to amend the Water Quality Regulations, Water Code and Comprehensive Plan by establishing pollutant minimization plan requirements for point and nonpoint source discharges following issuance of a TMDL or assimilative capacity determination.

The business meeting will resume at 1:30 p.m. Public hearings on the following project review applications will be held during this afternoon portion of the meeting:

1. *Cabot Corporation D-70-72-2*. An application to upgrade an industrial wastewater treatment plant (IWTP) and implement manufacturing operation improvements necessary to meet water quality objectives in Swamp Creek, a tributary of Perkiomen Creek in the Schuylkill River Watershed. The applicant produces primary nonferrous metals and alloys plus inorganic chemicals at its Boyertown Facility, which is located off Swamp Creek Road and straddles the borders of Douglass Township, Montgomery County and Colebrookdale Township, Berks County. No expansion of the 0.222 million gallon per day (mgd) IWTP is proposed. The plant effluent, along with stormwater, cooling water and water supply treatment wastewater, will continue to be discharged to Swamp Creek by way of the existing outfall. (This was NAR'd as Cabot Supermetals D-70-72 (Revision).)

2. *New Jersey-American Water Company D-90-89 CP-3*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 15 million gallons per 30 days (mg/30 days) to 28.5 mg/30 days to supply the applicant's public water supply system from existing Wells 1 and 2 in the Kittatinny Limestone formation. The project is located in the Pophandusing Brook Watershed, White Township, Warren County, NJ. (This was NAR'd as D-90-89 CP Renewal 2.)

3. *Waltz Golf Farm, Inc. D-92-49-2*. An application for the renewal of a surface water withdrawal project to continue withdrawal of 9.0 mg/30 days to supply the applicant's golf course from an existing manmade pond on Landis Creek in the Lodal Creek Watershed. The project is located in Limerick Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Air Products and Chemicals D-93-48-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 8.7 mg/30 days to supply the applicant's manufacturing facility from existing Wells 2 and 4 in the Lehigh River Watershed. The project is located in Glendon Borough, Northampton County. (This was NAR'd as D-93-48 Renewal.)

5. *Blue Ridge Real Estate Company D-93-57-2*. An application for the renewal of a surface water withdrawal project to continue withdrawal of 100 mg/30 days from an existing intake in Tobyhanna Creek to supply the applicant's snowmaking operations at the Jack Frost Ski Area. The project is located in Kidder Township, Carbon County.

6. *Buckingham Township D-2003-13 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 5.18 mg/30 days to the applicant's public water supply distribution system from new Wells F-4 and F-5 and to increase the combined withdrawal from all wells from 33.2 mg/30 days to 37.5 mg/30 days. New Wells F-4 and F-5 are located in the Brunswick Formation. The project is located in the Mill Creek Watershed in Buckingham Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area. (This was NAR'd as D-2003-13 CP.)

7. *Buckingham Township D-2004-15 CP-1*. An application to expand the Township's Furlong Sewage Treatment Plant (STP) from 116,825 gallons per day (gpd) to treat an average flow of 257,312 gpd by means of additional lagoon treatment systems. The project will continue to provide secondary treatment of flow from residential and commercial development in Buckingham Township, Bucks County. The STP is located just east of State Route 263 in Buckingham Township. Additional effluent spray fields and drip irrigation zones are proposed. The project will continue to provide long-term effluent storage and utilize Mill Creek in the Neshaminy Creek Watershed as an alternate discharge point. (This was NAR'd as D-2004-15 CP.)

8. *City of New York Department of Environmental Protection D-2004-28 CP-1*. An application to modify an STP located at 4 Neversink Drive, Port Jervis, Orange County, NY. The STP has a capacity of 5 mgd and serves the City of Port Jervis. The existing plant provides secondary treatment and discharges to the Neversink River, upstream from Commission Special Protection Waters and the Delaware Water Gap National Recreation Area. The proposed modification, which constitutes Phase I of a multiphase improvement project, involves the demolition of three Imhoff tanks and construction of two sedimentation basins, plus minor facility upgrades. No increase in STP capacity is proposed.

9. *Exelon Generation Company, LLC D-69-210 CP Final (Revision 12)*. An application for temporary approval to modify the Operating Plan of the Limerick Generating Station (LGS), a nuclear-powered electric generating station located in Limerick Township, Montgomery County,

regarding surface water withdrawal restrictions related to ambient water temperature in the Schuylkill River. The applicant proposes to demonstrate under controlled conditions that the withdrawal of Schuylkill River water can continue without adverse impact when the background water temperature exceeds 59°F, the maximum temperature at which withdrawals can be made under the current docket. In July 2004, an amended application and draft operating and monitoring plan were submitted after discussion with the Commission staff, the Commonwealth and stakeholders. A revised draft operating and monitoring plan was submitted on October 1, 2004, and is attached to the draft docket. The amended application provides for the following:

- A multiyear demonstration period during the remainder of the 2004 season through the 2007 season associated with flow and temperature restrictions in accordance with an approved operating and monitoring plan.
- Withdrawals not to exceed 24 mgd of LGS' consumptive cooling water needs during times when the Schuylkill River 24-hour average river ambient water temperature exceeds 59°F and when the 24-hour average river flow is at or below 1,791 cubic feet per second (cfs) (but above 560 cfs) at the gaging station at Pottstown.
- Withdrawals of LGS' entire consumptive cooling water needs during times when the Schuylkill River 24-hour average river ambient water temperature exceeds 59°F and when the 24-hour average river flow exceeds 1,791 cfs.
- Maintenance of minimum flow of at least 10 cfs in the East Branch Perkiomen Creek at all times in accordance with the draft Demonstration Operation and Monitoring Plan for the Joint Limerick Generating Station Water Supply Modification Demonstration and Wadesville Mine Pool Withdrawal & Stream Flow Augmentation Project that was submitted by Exelon.
- Development of recreational flow management plans to increase flows in the East Branch Perkiomen Creek above 10 cfs to support specific short-term recreational events.
- Establishment of a restoration and monitoring fund based on \$0.06/1,000 gallons of makeup water that is not required for LGS consumptive cooling water needs due to lifting the 59°F temperature requirement. Flows pumped to the EBPC during periods when the 59°F restriction would have been in effect, but not used for consumptive cooling water needs at the LGS, will be credited against this fund.
- Working with stakeholders regarding the design and implementation of the demonstration and restoration projects during 2005 and future years.
- Test periods with no augmentation/makeup waters supplied for LGS consumptive cooling water needs (beyond the minimum 10 cfs flows in the East Branch Perkiomen Creek).
- The continuation of the Wadesville Mine Pool withdrawal and Stream Flow Augmentation Demonstration Project that was approved under Doc. No. D-69-210 CP (Final) (Revision 11) and extended for 1 year by Commission Resolution No. 2003-25 adopted December 3, 2003.

In addition to the previously listed items, the afternoon portion of the Commission's business meeting will include the public hearing on a resolution to amend the Water Quality Regulations, Water Code and Comprehensive Plan to designate the Lower Delaware River as Special Protection Waters. In addition, the meeting will include:

adoption of the minutes of the September 1, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; and an opportunity for public dialogue.

Draft dockets and materials relating to the other items scheduled for public hearing on October 27, 2004, will be posted on the Commission's website: www.drbc.net (select "Next DRBC meeting"). Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with docket-related questions.

Persons who wish to offer comment on items scheduled for public hearing should contact the office of the Commission Secretary, Pamela M. Bush at (609) 883-9500, Ext. 224.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the office of the Commission Secretary at (609) 883-9500, Ext. 224 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 04-1885. Filed for public inspection October 15, 2004, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Partial Revocation of Plum Pox Virus Quarantine

Recitals

1. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

2. The powers granted the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

3. Plum Pox Virus (PPV) is a serious non-native plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable and has been detected in certain areas of this Commonwealth.

4. The Department has exercised its authority under the act and issued several Orders of Quarantine affecting portions of Adams, Cumberland, Franklin and York Counties in an effort to contain, identify and eradicate PPV.

5. The Department is satisfied it is appropriate to rescind the Order of Quarantine applicable to Quincy Township and Mont Alto Borough, Franklin County and the Order of Quarantine applicable to Southampton Township, Cumberland County, since 3 consecutive years of extensive testing have failed to detect the presence of PPV among stone fruit trees in those areas.

Order

Under authority of section 21 of the act, the Department hereby enters the following order:

The Order of Quarantine dated August 27, 2001, and published at 31 Pa.B. 5117 (September 8, 2001) and the Order of Quarantine dated June 26, 2001, and published at 31 Pa.B. 3559 (July 7, 2001) are hereby rescinded. Those orders had imposed a quarantine on all properties in Quincy Township and Mont Alto Borough, Franklin County and on all properties in Southampton Township, Cumberland County, respectively, to facilitate the containment and eradication of PPV and to make the affected stone fruit tree owners eligible for reimbursement of certain costs related to the destruction of stone fruit trees, herbicide applications, insect control measures and other PPV eradication activities under the Department's Commercial Orchard and Fruit Tree Indemnity Program and the Department's Plum Pox Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program. All PPV-infected stone fruit trees and all stone fruit trees within 500 meters of the infected trees have since been removed from the quarantined locations, and the owners of those trees compensated for the losses attendant to this removal. Three consecutive years of intensive sampling and testing stone fruit leaves in the three municipalities have not yielded any additional positive detections of PPV. Therefore, the locations covered by the referenced August 27, 2001, and June 26, 2001, Orders of Quarantine are no longer considered a potential reservoir of the PPV virus and as a result can be considered free of PPV. The locations hereby released from quarantine are as follows:

All properties and land located in Quincy Township, Franklin County.

All properties and land located in Mont Alto Borough, Franklin County.

All properties and land located in Southampton Township, Cumberland County.

The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under the section 21(a) of the act. These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of PPV-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the PPV in this Commonwealth.

This quarantine is effective as of September 30, 2004, and shall remain in effect until terminated by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1886. Filed for public inspection October 15, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, October 27, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-1887. Filed for public inspection October 15, 2004, 9:00 a.m.]

Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry (Bureau), and John Marshall are proposing to negotiate an exchange of lands in Abbott Township, Potter County.

The Bureau is proposing to acquire from John Marshall a 25-acre parcel of land near the Village of Carter Camp. In return, the Bureau proposes to convey to John Marshall a 25-acre parcel of land in the same vicinity. The purpose of this proposed land exchange is to settle the location of the Marshall parcel and the included camp building.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will begin October 18, 2004, and end November 16, 2004. Oral or written comments or questions concerning this proposed exchange should be addressed to Daniel A. Devlin, Director of Forest Resource Planning and Stewardship, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2105. Oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-1888. Filed for public inspection October 15, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060941 Sewage	Crestwood School District 281 South Mountain Blvd. Mountain Top, PA 18707	Monroe County Rice Township	Turner Swamp, a tributary to Little Wapwallopen Creek 5B	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0088021 SEW	Dennis Lake Christman Lake 102 South Shore Drive Lenhartsville, PA 19534	Berks County Windsor Township	UNT Maiden Creek 3B	Y
PA0044628 IW	York Haven Power Company Locust St. and Hydro Park Drive York Haven, PA 17370	York County York Haven Borough	Susquehanna River 7F	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.

PA0053201, Sewage, **RoyAnn Diner**, 1318 Route 309, Sellersville, PA 18960. This application is for renewal of an NPDES permit to discharge treated sewage from the RoyAnn Diner STP in West Rockhill Township, **Bucks County**. This is an existing discharge to Three Mile Run.

The receiving stream is classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 4,500 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia as N (5-1 to 10-31)	10	20
(11-1 to 1-30)	20	40
Phosphorus as P	0.5	1.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standards units at all times	

The EPA waiver is in effect.

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

PA0063266, Industrial, **Newstech PA, LLP**, 6 Horwith Drive, Northampton, PA 18067. This proposed facility is in Northampton Township, **Northampton County**.

The receiving stream, Lehigh River, is in the State Water Plan watershed no. 2L and classified for WWF. The nearest downstream public water supply intake for the City of Allentown is on the Lehigh River, approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.32 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD ₅	1,156	2,127	105	193
TSS	1,000	1,890	91	171
Percent Removal/CBOD ₅	90%	90%	Monitor and Report	Monitor and Report
Percent Removal/TSS	90%	90%	Monitor and Report	Monitor and Report
TDS	17,000	17,000	1,544	1,544
pH	6 to 9 SU at all times			
Color	100 PT-CO units			

<i>Outfalls 002 and 003 Stormwater</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD ₅			Monitor and Report	Monitor and Report
COD			Monitor and Report	Monitor and Report
Oil and Grease			Monitor and Report	Monitor and Report
pH			Monitor and Report	Monitor and Report

	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
<i>Outfalls 002 and 003 Stormwater</i>				
SARA Title III, Section 313, Priority Chemicals			Monitor and Report	Monitor and Report
Total Suspended Solids			Monitor and Report	Monitor and Report
Total Phosphorus			Monitor and Report	Monitor and Report
Total Kjeldal Nitrogen			Monitor and Report	Monitor and Report
Iron (Total)			Monitor and Report	Monitor and Report

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

PA0247561, Sewage, **Noah Stoltzfus**, 307 Newville Road, Newburg, PA 17240. This facility is in Upper Mifflin Township, **Cumberland County**.

Description of activity: Issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Three Square Hollow Run, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Carlisle Borough is on the Conodoguinet Creek, approximately 30.8 miles downstream. The discharge is not expected to affect the water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	XXX
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	100,000/100 ml as a geometric average	
(10-1 to 4-30)		

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

PA0020893, Sewage, **Manheim Borough**, 15 East High Street, Manheim, PA 17545. This facility is in Manheim Borough, **Lancaster County**.

Description of activity: Renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Chickies Creek, is in Watershed 7-G and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Columbia Water Company is on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.14 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Total Nitrogen	Monitor		
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	3,200/100 ml as a geometric average		
(10-1 to 4-30)			

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

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

PA0090328, Industrial Waste, SIC, 2011, **Green Valley Packing, Inc.**, P. O. Box 202, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated process water from the Green Valley Packing Company in Buffalo Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Buffalo Creek, classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is at the Ohio border below the discharge point.

Outfall 001: existing discharge, design flow of 0.009 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	
Flow (MGD)	Monitor and Report					
BOD ₅	0.75	1.5	10	20		
TSS	0.75	1.5	10	20		
Fecal Coliform						
(5-1 to 9-30)	200/100 ml (as a geometric mean)					
(10-1 to 4-30)	400/100 ml (as a geometric mean)					
Ammonia-Nitrogen						
(5-1 to 10-31)				1.5	3.0	
(11-1 to 4-30)				4.5	9.0	
TRC				1.4		3.3
Oil and Grease	0.88	1.76	10	20		
Mercury				0.00005	0.0001	
Aluminum				2.0	4.0	
pH	not less than 6.0 nor greater than 9.0					

The EPA waiver is in effect.

PA0204811, Sewage and Industrial Waste, SIC Codes 3089 and 3079, **Custom Window Extrusions, Inc.**, 1 Contact Place, Delmont, PA 15626-1402. This application is for renewal of an NPDES permit to discharge treated sewage and untreated industrial wastes and stormwater runoff from Custom Window Extrusions in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary to Beaver Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply intake from this facility is the Westmoreland Municipal Water Authority, approximately 3 to 4 miles from the discharge point.

Outfall 101: existing discharge, design flow of 0.0021 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	
Flow	Monitor and Report					
CBOD ₅				10	20	
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				1.4	3.3	
Dissolved Oxygen	not less than 3 mg/l					
pH	not less than 6.0 nor greater than 9.0					

Outfall 201: existing discharge, design flow of 0.003 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
BOD ₅				Monitor and Report	
TSS				Monitor and Report	
Iron (Total)				Monitor and Report	

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Manganese (Total)	between 6.0 and 9.0 at all times		Monitor and Report		
pH	between 6.0 and 9.0 at all times				

Outfalls 301 and 401: existing discharge, consists of stormwater run off only.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease			Monitor and Report		

Outfall 001: existing discharge, consists of 101, 201, 301 and 401—Flow N/A.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow			Monitor and Report		
BOD ₅			20		
TSS			60		
NH ₃ -N			6		
(5-1 to 10-31)			18		
(11-1 to 4-30)			minimum of 7.0		
Dissolved Oxygen			3.0		
Iron (Total)			2.0		
Manganese (Total)					
pH	between 6.0 and 9.0 at all times				

The EPA waiver is in effect.

PA0252778, Sewerage, **Helen Miller c/o Somerset Trust—Diane Kerr**, 1416 Scalp Avenue, Johnstown, PA 15904. This application is for issuance of an NPDES permit to discharge treated sewage from the Miller SRSTP in Jenner Township, **Somerset County**.

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

Outfall 001: new discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
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. 1504413, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is in East Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater pump station serving 77 single family residential lots and 81 townhouse units.

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

WQM Permit No. 6404403, Sewerage, **Camp Weequahic, Inc.**, R. R. 1, Box 1096, Lakewood, PA 18439. This proposed facility is in Preston Township, **Wayne County**.

Description of Proposed Action/Activity: This project involves repairs to the treatment plant, which includes reconstruction of both lagoons, replacement of the existing chlorine contact tank and control system, and replacement of the electrical system for the new chlorination system, flow meters and aerators.

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

WQM Permit No. 1499202-A1, Industrial Waste, **Centre County Solid Waste Authority**, 253 Transfer Road, Bellefonte, PA 16823. This existing facility is in College Township, **Centre County**.

Description of Proposed Action/Activity: Applicant has submitted a Water Quality Management Part II amendment for changes to an existing stormwater conveyance and detention facility. The project will consist of the removal of one stormwater inlet and the relocation of another, along with the relocation of a storm culvert in the vicinity of a drop-off area.

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

WQM Permit No. 0204411, Sewerage, **Ken J. Gratkie**, 754 Pinkerton Run Road, Oakdale, PA 15071. This proposed facility is in North Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow treatment facility to serve the Gratkie residence.

WQM Permit No. 0204412, Sewerage, **Marshall Township Municipal Sanitary Authority**, P. O. Box 2063, Warrendale, PA 15086. This proposed facility is in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction of a pump station to serve planned residential development of 46 lots and to serve existing and future development in the watershed.

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

WQM Permit No. 3704407, Sewerage, **Neshannock Township**, 3131 Mercer Road, New Castle, PA 16105. This proposed facility is in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extensions to serve the proposed Autumn Hills Development consisting of up to 40 villas and 20 single family dwellings and a community hall.

WQM Permit No. 2504416, Sewerage, **City of Erie**, 626 State Street, 5th Floor, Erie, PA 16501-1128. This proposed facility is in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This project is for the installation of the East Side Interceptor Relief Sewer and accompanying sewer extensions.

WQM Permit No. 2504410, Sewerage, **City of Erie**, 626 State Street, 5th Floor, Erie, PA 16501-1128. This proposed facility is in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This project is for a proposed Overflow Retention Facility Disinfection Facility at the Erie Wastewater Treatment Plant.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI132213	Stockertown Borough 209 Main Street Stockertown, PA 18083	Northampton	Stockertown Borough	Bushkill Creek HQ-CWF	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904016	Glazier Group, LP William Glazier Subdivision 5901 Atkinson Road New Hope, PA 18938-5301	Bucks	Durham Township	Unnamed tributary Cooks Creek EV Delaware River WWF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10J001-A2-R	City of Philadelphia Division of Aviation Philadelphia International Airport Terminal E Philadelphia, PA 19153	City of Philadelphia	Philadelphia	Church Creek and Delaware River WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804036	George Polak 3110 Bath Pike Nazareth, PA 18064	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF

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

This notice reflects changes from the notice published at 34 Pa.B. 5404 (October 2, 2004). The municipality name was incorrect. The correct name of the municipality is as follows:

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604007	Stephen J. Barr and John D. Byler Barry & Byler Subdivision P. O. Box 7 Gap, PA 17527	Lancaster	Salisbury Township	UNT Pequea Creek HQ-WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F073R	Richard Kalin Fillmore Assoc. LP 100 N. Patterson St. State College, PA 16801	Centre	Benner Township	UNT Buffalo Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0504505 MA, Minor Amendment, Public Water Supply.

Applicant **Bedford Township Municipal Authority**
Municipality Bedford Township
County **Bedford**
Responsible Official Owen K. Crist
P. O. Box 371
Bedford, PA 15522

Type of Facility PWS
Consulting Engineer Timothy A. Cooper, P. E.
Stiffler McGraw & Associates
Inc.
19 N. Juniata Street
Hollidaysburg, PA 16648

Application Received September 15, 2004
Date

Description of Action Installation of 6,075 LF of water
main, valves and five fire
hydrants to serve the Village of
Wolfsburg and surrounding area.

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

Permit No. 6591505-A1, Public Water Supply.

Applicant **Municipal Authority of the
City of New Kensington**
P. O. Box 577
New Kensington, PA 15068

Township or Borough City of New Kensington
Responsible Official James A. Matta, General
Manager
Municipal Authority of the City
of New Kensington
P. O. Box 577
New Kensington, PA 15068

Type of Facility Water Treatment Plant
Consulting Engineer Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Application Received September 13, 2004
Date

Description of Action Addition of cationic polymer
CATFLOC LS as a coagulation
and flocculation aid.

Permit No. 5689501-T1-C1, Public Water Supply.

Applicant **Lincoln Township Municipal
Authority**
P. O. Box 162
Sipesville, PA 15561-0190

Township or Borough Lincoln Township
Responsible Official Bruce Hottle, Chairperson
Lincoln Township Municipal
Authority
P. O. Box 162
Sipesville, PA 15561-0190

Type of Facility Water Treatment Plant
Consulting Engineer Paul C. Rizzo Associates, Inc.
647 Main Street, Suite 200
Johnstown, PA 15901

Application Received August 18, 2004
Date

Description of Action Use of chemical applications to
meet lead and copper
regulations.
Permit No. 1104504, Public Water Supply.

Applicant **Jackson Township Water
Authority**
2949 William Penn Avenue
Johnstown, PA 15909

Township or Borough Blacklick Township
Responsible Official Walter Ditchcreek, Board
Chairperson
Jackson Township Water
Authority
2949 William Penn Avenue
Johnstown, PA 15909

Type of Facility Water Treatment Plant
Consulting Engineer Gwin, Dobson and Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Application Received September 23, 2004
Date

Description of Action Construction of corrosion control
system for lead/copper to be
incorporated into the Beulah
Road master metering station.

Permit No. 3204507, Public Water Supply.

Applicant **Green Township Municipal
Authority
Barr Slope Plant**
P. O. Box 129
Commodore, PA 15729

Township or Borough Green Township
Responsible Official David Putt, Chairperson
Green Township Municipal
Authority
Barr Slope Plant
P. O. Box 129
Commodore, PA 15729

Type of Facility Water Treatment Plant
Consulting Engineer Keller Engineers, Inc.
420 Allegheny Street
P. O. Box 61
Hollidaysburg, PA 16648

Application Received September 24, 2004
Date

Description of Action Permitting of well as alternative
water source, additional
chemical treatment and
replacement of gas chlorine
disinfection with sodium
hypochlorite.

WATER ALLOCATIONS

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

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

WA 67-62C, Water Allocations, **York Water Company, York County**. Expansion of service area to include the additional areas of Spring Grove Borough and small sections of Jackson and North Codorus Townships, York County. Consulting Engineer: Ryan M. Ural, The York Water Company. Application received September 30, 2004.

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

WA4-315E, Water Allocations, **Borough of Ambridge Water Authority, 600 Eleventh Street, Ambridge, PA 15003, Beaver County**. The applicant is requesting a Modification Order to remove Condition No. 17 (Conway contract) and Condition No. 3 (additional source development) from their Water Allocation Permit WA4-315E.

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.

Cumberland Valley School District Educational Park, Silver Spring Township, **Cumberland County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Cumberland Valley School District Office, 6746 Carlisle Pike, Mechanicsburg, PA 17050-1796, submitted a Notice of Intent to Remediate sites soils and groundwater contaminated with gasoline. The site will be remediated to a Site Specific Standard.

Fort Indiantown Gap, East Water Tower Area 16, East Hanover Township, **Lebanon County**. Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, An-nville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils contaminated by lead. The applicant intends to remediate the site to a Statewide Health Standard.

Fort Indiantown Gap, West Water Tower Area 12, East Hanover Township, **Lebanon County**. Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, An-nville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils contaminated by lead. The applicant intends to remediate the site to a Statewide Health Standard.

Fort Indiantown Gap, South Water Tower Area 8, East Hanover Township, **Lebanon County**. Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, An-nville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils contaminated by lead. The applicant intends to remediate the site to a Statewide Health Standard.

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

Kossuth Check (V-74), Richland Township, **Venango County**. Jennifer Sedora, Remediator, 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate. The mercury impacted area will be remediated. Soils will be removed and disposed of in United States Department of Transportation approved roll-off containers for temporary storage and transported to the chemical waste management facility in Model City, NY.

Tippery Check (V-98), Cranberry Township, **Venango County**. Jennifer Sedora, Remediator, 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate. The mercury impacted area will be remediated. Soils will be removed and disposed of in United States Department of Transportation approved

roll-off containers for temporary storage and transported to the chemical waste management facility in Model City, NY.

Oil City Check (V-105), Cornplanter Township, **Venango County**. Jennifer Sedora, Remediator, 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate. The mercury impacted area will be remediated. Soils will be removed and disposed of in United States Department of Transportation approved roll-off containers for temporary storage and transported to the chemical waste management facility in Model City, NY.

Oil City Glass Sales (V-107), Cornplanter Township, **Venango County**. Jennifer Sedora, Remediator, 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate. The mercury impacted area will be remediated. Soils will be removed and disposed of in United States Department of Transportation approved roll-off containers for temporary storage and transported to the chemical waste management facility in Model City, NY.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD987266715. Safety Kleen Systems, Inc., Cluster 2 Bldg. 3, 5400 Legacy Dr., Plano, TX 75024, Falls Township, **Bucks County**. This application was received for a 10-year permit renewal for the Safety Kleen Sys Inc. Facility, 77 Towpath Road, Fairless Hills, PA. This notice was incorrectly published at 34 Pa.B. 5283 (September 25, 2004) as a 1-year permit renewal. The application was received by the Southeast Regional Office on September 9, 2004.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act, 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.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101600. Waste Reduction & Recycling Center, Inc., 2100 Sans Souci Parkway, Wilkes-Barre, PA 18702. A permit renewal application for this municipal waste transfer facility in Hanover Township, **Luzerne County**. The application was received in the regional office on August 24, 2004. As of September 13, 2004, it was found to be administratively complete.

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

Permit ID No. 301266. Rohanna Iron and Metal, Inc., 100 Jennings Avenue, Waynesburg, PA 15370-3469. Rohanna Processing Facility, Brickyard Road, T-511, Waynesburg, PA 15370-3469. Application for a permit renewal of a residual waste processing facility in Franklin Township, **Greene County**, was received in the regional office on September 29, 2004.

Permit ID No. 100434. Evergreen Landfill, Inc., P. O. Box 195, Coral, PA 15731. Evergreen Landfill, Luciusboro Road, Coral, PA 15731. A major permit modification application for the expansion of the Phase III Area and various design enhancements to a municipal waste landfill in Center and Brush Valley Townships, **Indiana County** was received in the regional office on October 1, 2004.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

06-03069C: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) for construction of additional sources at a nonmetallic mineral crushing plant controlled by wet suppression in Alsace Township, **Berks County**. The plant is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for New Stationary Sources.

06-05002F: Lehig Cement Co. (537 Evansville Road, Fleetwood, PA 19522-8541) for modification of the Portland cement clinker handling system at their Evansville Plant in Maiden Creek Township, **Berks County**. The modification involves the construction of a new transport system and the installation of five new fabric collectors. The facility is subject to 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants from Portland Cement Plants.

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

30-00099B: Allegheny Energy Supply Co. (4350 Northern Pike, Monroeville, PA 15146-2841) for installation of a synthetic fuel manufacturing facility at Hatfield's Ferry Power Station, **Green County**.

03-00218C: AMFIRE Mining Co. LLC (One Energy Place, Latrobe, PA 15650-9628) for increase in throughput at Triple K No. 1 Deep Mine in Burrell Township, **Armstrong County**.

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

37-013F: Cemex, Inc. (2001 Portland Park, Wampum, PA 16157) for construction of slag feeding equipment including stockpile, front end loader transport, hoppers and conveyors at their Wampum cement plant in Wampum, **Lawrence County**. The source is subject to 40 CFR Part 63 Maximum Achievable Control Technology (MACT) LLL pertaining to Portland cement manufacturing industries.

43-335A: J. Bradley McGonigle Funeral Home (1090 East State Street, Sharon, PA 16146) for construction of a human cremation retort in the City of Sharon, **Mercer County**.

42-177A: Bradford Forest, Inc. (444 High Street, P. O. Box 369, Bradford, PA 16701). Plan approval for installation of a wood fired boiler with multicyclone control at their Bradford facility in the Township of Bradford, **McKean County**.

16-136C: Glenn O. Hawbaker, Inc. (SR 3011, Clarion, PA 16214) for modification of a plan approval to burn alternative fuels including no. 2, no. 5, no. 6, fuel oil or any combination of no. 2, no. 4, no. 6 and reprocessed/recycled oil at the Glenn O. Hawbaker, Inc. Plant No. 14—Clarion Asphalt Facility in Beaver Township, **Clarion County**.

42-206A: Holm Industries (700 1/2 Elk Avenue, Kane, PA 16735) plan approval for modification of two existing calcining furnaces and associated control equipment at the Kane facility in the Borough of Kane, **McKean County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.

AMS 04233: EcoTechnology, Inc. (717 South Columbus Boulevard, Suite 1505, Philadelphia, PA 19147) for installation of a dry sewage sludge gasifier in Philadelphia, **Philadelphia County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act 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.

15-0115C: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) for installation of a no. 2 fuel oil-fired emergency generator, rated for 2,000 kW, at their facility in West Goshen Township, **Chester County**. This facility is a non-Title V facility. The emergency generator shall be used as an alternate backup power source for television studios so that they may continue broadcasting in the event of a blackout or power interruption. Potential emissions of NO_x, CO, SO_x and PM shall not change at the facility as a result of this installation. There will only be a de minimis increase in VOCs. Along with the other emergency generators at the facility, the proposed emergency generator shall be limited to a fuel usage of 40,009 gallons per year and a NO_x emission limit of 6.63 tons per year. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and 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.

40-399-056: Fabri-Kal Corp. (150 Lions Drive, Hazleton, PA 18202) for operation of plastic extrusion and forming lines at their facility in Hazle Township, **Luzerne County**. Each line is capable of processing maximum of 3,000 pounds per hour of HDPE; PS APET plastic material to manufactures plastic thermoformed packaging products, including plastic cups, lids, food containers and medicine bottles. Particulate emissions from the grinding processes are controlled by a baghouse on each line. Expected particulate emission rate will be less than 0.02 grain/dscf from each baghouse. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

35-322-008: Environmental and Recycling Service—Amity Landfill (1100 Union Street, Taylor, PA 18517) install and operate one 1,200-scfm capacity enclosed flare system to destroy landfill gas collected from the landfills (Closed Amity and ERSI C/D Landfills) in Taylor Borough, **Lackawanna County**. This action does not represent any additional waste being introduced into

the landfill, or an expansion of the landfill, merely the installation of control devices. No additional gas is being generated since the gas generation is based on the size and volume of the landfill. The company has proposed no other changes. Environmental and Recycling Service/Amity Landfill is a major facility subject to Title V permitting requirements. The VOC emissions from the landfill will be controlled by enclosed landfill gas flares and will continue to be less than 50 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. For further details, contact Mark Wejkszner.

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

36-03141B: Kellogg USA, Inc. (2050 State Road, Lancaster, PA 17604) for changing two boiler burners from 55.8 mmBtu/hr to 66 mmBtu/hr in their East Hempfield Township, **Lancaster County** facility. These changes will result in a potential increase in NO_x emissions of 9 tons per year and a potential increase in CO emissions of 8 tons per year. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

36-05017B: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519) for construction of a new CEFLA line with the finishing line expansion in East Earl Township, **Lancaster County**. This expansion has a potential to increase the facility's VOC emissions by 15 tons per year. The facility's major sources of emissions include woodworking operations controlled by dust collectors and coating booths, which primarily emit VOCs. This Plan Approval will be incorporated into the facility's Title V Operating Permit 36-05017 in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

10-0065A: Allegheny Mineral—Harrisville Plant (133 Campground Road, Harrisville, PA 16038) for construction of a new limestone mill controlled by a baghouse and associated equipment in Mercer Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to construct a new limestone mill with fabric collector, hot air generator, 100-ton surge bin and conveyor. This plan approval will ensure compliance with Best Available Technology. This includes meeting a PM₁₀ of 0.014 gr/dscf, 1.18 pounds per hour and visible emission standards. The facility will be required to comply with the New Source Performance Standards (NSPS) Subpart OOO pertaining to Non-Metallic Mineral Processing Plants (40 CFR Part 60, Subpart OOO). The emissions from the baghouse are restricted to 7% opacity. The fugitive emissions from the transfer points and conveyors are restricted to 10% opacity. The facility is required to perform emission testing to verify compliance with these limits. The plan approval also requires the use of a magnehelic gauge to indicate the pressure drop across the collector, requires preventive maintenance inspections weekly, records of the inspections and other applicable conditions to ensure compliance with the air quality regulations in 25 Pa. Code Chapters 121–143 and

the Air Pollution Control Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

61-204B: Franklin Bronze and Alloy Co., Inc. (655 Grant Street, Franklin, PA 16323) for post-construction of three dust collectors to control fumes and dust from induction furnaces, cut-off saws and grinding operations in the City of Franklin, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

10-338B: Superior Adsorbents (3539 Oneida Valley Road, P. O. Box 566, Emlenton, PA 16373) to reactivate a resin bonded filter plant in Allegheny Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.

AMS 01168: National Publishing Co. (11311 Roosevelt Boulevard, Philadelphia, PA 19154) for installation of a heatset web offset lithographic printing press in the City of Philadelphia, **Philadelphia County**. The VOC emission from the press is limited to 24.5 in any rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 04122: Amerada Hess Corp. (1 Hess Plaza, Woodbridge, NJ 07095) for an increase of the gasoline throughput rate at their truck loading rack at 1630 South 51st Street, Philadelphia, PA 19143. The VOC emissions from the facility will go up by 11 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act 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.

15-00068: Spring City Electrical Manufacturing Co. (Hall and Main Streets, Spring City, PA 19475) for a non-Title V, State-only, Synthetic Minor Operating Permit in Spring City Borough, **Chester County**. The Spring City Electrical Manufacturing Company owns and operates an iron foundry and aluminum furnaces that are used to mold street lamps and other metal fixtures for street lamps. Operations include two electric induction furnaces, two aluminum furnaces, foundry operations for molding and cleaning metal, sand handling units, sand reclamation units, sandblasting units, paint booths and several miscellaneous natural gas sources. The facility has the potential to emit 22.8 tons of PM per year and

23.14 tons of VOCs per year from the previously listed operations. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

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

07-05039: Chicago Rivet and Machine Co. (Industrial Park, Tyrone, PA 16686) for operation of a manufacturing facility in Tyrone Borough, **Blair County**. Chicago Rivet and Machine Co. was formally a Title-V facility. The facility is now a non-Title V (State-only) facility. The State-only operating permit will limit CO, NOx, SOx and PM10 emissions to less than 100 tons per year; VOC emissions to less than 50 tons per year; single HAPs to less than 10 tons per year and multiple HAPs to less than 25 tons per year. Additionally, the operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

24-00134: Contact Technologies Inc. (229 West Creek Road, Saint Marys, PA 15857) for a Natural Minor Permit to operate an electric current carrying devices manufacturing facility in the City of Saint Marys, **Elk County**. The significant sources are ceramic production, machine shop operations and mixing/molding operations.

25-00979: National Fuel Gas Supply Corp. (Follette Road, Corry, PA 16407) for reissuance of a Natural Minor Permit to perform natural gas transmission at the Carter Hill compressor Station in Wayne Township, **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 application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

32931601. NPDES Permit No. PA0215023, EME Homer City Generation, LP (1750 Power Plant Road, Homer City, PA 15748-9558), to transfer the permit for the Coral Tipple in Burrell Township, **Indiana County** and related NPDES permit from Senate Coal Mines, Inc. No additional discharges. Application received August 23, 2004.

30841307. NPDES Permit No. PA0213438, Emerald Coal Resources, LP (212 Mine Road, Route 218 South, P. O. Box 871, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Greene Township, **Greene County** to install a bleeder shaft and five boreholes, Surface Acres Proposed 7.50. No additional discharges. Application received September 1, 2004.

30831303. NPDES Permit No. PA0013511, Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to change the post-mining land use to recreation and unmanaged natural habitat. Surface Acres Proposed 4.0. Application received September 15, 2004.

56951301. NPDES Permit No. PA0214850, RoxCOAL, Inc. (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Augustus Mine in Shade Township, **Somerset County** to add acreage to the existing surface facility site to utilize an existing haulroad, Surface Acres Proposed 7.6. No additional discharges. Application received September 20, 2004.

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

56813104 and NPDES Permit No. PA0599115. Finzel Coal, 12152 National Pike, Grantsville, MD 21536-2105. SMP renewal for reclamation only in Brothersvalley Township, **Somerset County**, affecting 344.7 acres. Receiving streams: unnamed tributaries to Tubs Run and Tubs Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 1, 2004.

56693103 and NPDES Permit No. PA0608017. Diamond T Coal Company, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, surface mining permit renewal in Stonycreek Township, **Somerset County**, affecting 828.8 acres. Receiving streams: unnamed tributary to Lamberts Run, Lamberts Run; unnamed tributaries to Grove Run, Grove Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 1, 2004.

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

54830209R4. South Tamaqua Coal Pockets, Inc. (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing operation in West Penn Township, **Schuylkill County** affecting 37.0 acres, receiving stream: Little Schuylkill River. Application received September 29, 2004.

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

16940105 and NPDES Permit No. PA0212130. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 220.0 acres. Receiving streams: three unnamed tributaries to the Allegheny River (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received September 30, 2004.

Noncoal Permit Applications Received

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

58900302 and NPDES Permit No. PA0595471. Stateline Quarries, Inc. (R. R. 2 Box 187J, Carbondale, PA 18407), transfer of an existing quarry and NPDES Permit from Stateline Quarries, LTD in Apolacon Township, **Susquehanna County** affecting 294.4 acres, receiving stream: tributary to Cork Hill Creek. Application received September 28, 2004.

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 of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E06-596. Trap Rock Railroad, Inc. P. O. Box 1467, Skippack, PA 19474 in Robeson Township, **Berks County**, ACOE Philadelphia District.

To maintain a 0.195-acre wetland fill (tributary to Hay Creek, EV) associated with the rehabilitation of a railroad spur within an existing railroad right-of-way at a point within the Haines & Kibblehouse Trap Rock Quarry (Elverson, PA Quadrangle N: 22.8 inches; W: 9.4 inches) in Robeson Township, Berks County. The permittee is required to provide a minimum of 0.39 acre of replacement wetlands.

E22-472. Quail Hollow Development Corporation, 4036 Thicket Lane, Harrisburg, PA 17110 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District

To: (1) construct and maintain a nonjurisdictional dam across an unnamed tributary to Paxton Creek (WWF) to manage stormwater; and (2) place fill within 0.22 acre and secondarily affect an additional 0.23 acre of wetlands tributary to Paxton Creek (WWF) for the purpose of finishing construction of a Quail Hollow residential subdivision, on the eastern side of Crums Mill Road, approximately 600 feet south of its intersection with SR 0039 (Harrisburg East, PA Quadrangle N: 14.5 inches; W: 12.3 inches) in Lower Paxton Township, Dauphin County. The permittee is required to provide a minimum of 0.56 acre of replacement wetlands.

E31-169. Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Warriors Mark Township, **Huntingdon County**, ACOE Baltimore District

To remove the existing structure and then to construct and maintain a dual 16-foot precast concrete box culvert at the channel of East Branch Warriors Mark Run (HQ-CWF) on SR 0550, Section 001, Segment 0130, Offset 2177 to improve the alignment and safety, about 1.3 miles east of the Warriors Mark Village (Franklinville, PA Quadrangle N: 16.3 inches; W: 15.26 inches) in Warriors Mark Township, Huntingdon County.

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

E02-1479. Maronda Homes, Inc., 202 Park West Drive, Pittsburgh, PA 15275. Four stream enclosures in Harrison Township, **Allegheny County**, Pittsburgh ACOE District (Freeport, PA Quadrangle N: 2.07 inches; W: 10.68 inches and Latitude: 40° 38' 11"—Longitude: 79° 42' 7"). The applicant proposes to construct and maintain four stream enclosures in unnamed tributaries to the Allegheny River and to place and maintain fill in a de minimis area of wetlands (0.03 acre) for the purpose of constructing the Oakridge Estate Plan of Lots. The project is approximately 1,200 feet northeast from the intersection of Eisenhower Drive and Buchanan Street and will impact a total of 720 linear feet of stream channel and 0.03 acre of wetlands.

E26-321. Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Bridge SR 3007 Section A20 replacement project in Georges Township, **Fayette County**, Pittsburgh ACOE District (Smithfield, PA Quadrangle N: 8.0 inches; W: 7.9 inches and Latitude: 39° 47' 39" and Longitude: 70° 48' 22"). The applicant proposes to remove the existing structures and to: (1) construct and maintain a single

span precast concrete arch bridge having a normal span of 42.0 feet and an underclearance of 13.0 feet over Georges Creek (WWF); (2) construct and maintain a temporary crossing consisting of four 24-inch diameter pipes in Georges Creek; (3) construct and maintain an 18-inch diameter stormwater outfall and an R-4 rock-lined stormwater outfall in the floodway of Georges Creek; and (4) place and maintain fill in 0.17 acre of palustrine emergent wetland. The applicant proposes creation of 0.17 acre of replacement wetland onsite. The project will directly offset a total of 150 linear feet of perennial stream channel and 0.17 acre of PEM wetland.

ENVIRONMENTAL ASSESSMENTS

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

D01-043EA. Richard Sharrer, 2224 Oxford Road, New Oxford, PA 17350. Straban Township, **Adams County**, ACOE Baltimore District.

Project proposes to breach and remove Sharrer Dam across Conewago Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is approximately 1,800 feet northwest of the intersection of Oxford Road (SR 1015) and SR 394 (Hampton, PA Quadrangle N: 5.7 inches; W: 14.0 inches).

WATER QUALITY CERTIFICATIONS REQUESTS

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

Requests for Certification under section 401 of the Federal Water Pollution Control Act

The following request has been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to comments, suggestions or objections submitted in writing 30 days after the date of this notice. Comments should be submitted to the Department at the following address. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments/objections are addressed and a concise statement of comments/objections/suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Individuals will be notified in writing of the time and place of a scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the following address between 8 a.m. and 4 p.m.

Southeast Regional Office, Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, (484) 250-5970.

Certification Request Initiated By:

Weston Solutions, Inc.
1400 Weston Way
P. O. Box 2653
West Chester, PA 19380

Project Description/Location:

The project involve dredging of GROWS dock-berthing area adjacent to the Fairless Turning Basin and disposal of the dredged material in the Money Island. The superanant of the dredge material from Money Island will be discharged in the Delaware River Estuary Zone 2.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0027201 Industrial Waste Renewal	PPL Holtwood, LLC Two North Ninth Street Allentown, PA 18101	Palmyra Township Pike County	Lackawaxen River 01B	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PAR10C288R Maple Leaf Acres Subdivision	V. P. Development, Inc. P. O. Box 67 Temple, PA 19560	Berks County Centre Township	UNT Schuylkill River WWF	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0028606 Sewerage	Delaware Township Municipal Authority P. O. Box 80 Dewart, PA 17730-0080	Delaware Township Northumberland County	West Branch Susquehanna River 10D	Y
PA0009431 Industrial Waste	Pennsylvania American Water 105 Sodom Road Milton, PA 17847	Union County White Deer Township	White Deer Creek 10C	Y
PA0114138 Sewerage	Athens Township Authority 379 Pennsylvania Ave. Sayre, PA 18840-2825	Athens Township Bradford County	UNT Chemung River 4B	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0002925	Allegheny Energy Supply Co. LLC 4350 Northern Pike Monroeville, PA 15146-2841	Allegheny County Springdale Township	Allegheny River	Y
PA0218162	Indiana County Muni. Services Auth. 827 Water Street Indiana, PA 15701	Indiana County Washington Township	Crooked Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0222844	Ellwood Industrial Facilities Company 700 Moravia Street New Castle, PA 16101	New Castle City Lawrence County	Shenango River 20-A	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. PA0085367, Sewage, **Sill's Family Campground**, P. O. Box 566, Adamstown, PA 19501-0566. This proposed facility is in Brecknock Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters of an unnamed tributary of Little Muddy Creek in Watershed 7-J.

NPDES Permit No. PA0086304, Sewage, **Earl Township Sewer Authority**, 517 North Railway Avenue, New Holland, PA 16557. This proposed facility is in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Mill Creek in Watershed 7-J.

NPDES Permit No. PA0085448, Sewage, **East Earl Township**, Rutt Custom Cabinetry, 4610 Division Highway, East Earl, PA 17519. This proposed facility is in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the unnamed tributary to the Conestoga River in Watershed 7-J.

NPDES Permit No. PA0086541, Industrial Waste, **Denver Cold Storage**, 555 A Sandy Hill Road, Denver, PA 17517. This proposed facility is in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the unnamed tributary to Indian Run in Watershed 7-J.

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

PA0008419, Industrial Waste SIC, 2833, **Merck & Company Inc.**, P. O. Box 600, Danville, PA 17821-0600. This existing facility is in Riverside Borough, **Northumberland County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of treated industrial wastewater, noncontact cooling water and stormwater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 5E and classified for WWF. The nearest downstream public water supply intake for Sunbury Municipal Water is on the Susquehanna River, 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 12.2 MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH			within the range of 6.0 to 9.0		
Oil and Grease			15	30	30
Temperature			shall not caused a change in stream temperature of more than 2°F in any 1-hour period		

The proposed effluent limits for Internal Outfall 101 based on a design flow of 2.08 MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
BOD ₅	7,688	15,376			1,330
COD	14,849	29,057			2,140
TSS	13,070	26,140			2,260
Total Chlorine (5-1 to 9-30)			0.5		1.6
Fecal Coliform (5-1 to 9-30)			200 geometric mean		
BOD ₅ Influent	Report	Report			
COD Influent	Report	Report			
TSS Influent	Report	Report			
Ammonia (as N)	510	1459			
1-2-Dichloroethane	1.7	6.9			
Acetone	3.5	8.7			
Chloroform	0.23	0.35			
Methylene Chloride	5.2	16			
Tetrahydrofuran	45	146			
Acetonitrile	177	434			
Benzene	0.35	0.87			
Dimethyl Sulfoxide	651	1,587			
Ethanol	71	173			
Ethyl Acetate	8.7	23			
Isopropanol	28	68			
Isopropyl Acetate	8.7	23			
Methanol	71	173			
Methyl Formate	8.7	23			
n-Butyl Acetate	8.7	23			
n-Hexane	0.35	0.52			
Phenol	0.35	0.87			
Toluene	0.35	1			
Triethyl Amine	1,769	4,337			
n-Heptane	0.35	0.87			
4-Methyl-2-pentanone (MIBK)			Report		
Amyl Alcohol			Report		
Chlorobenzene			Report		
Diethyl Amine			Report		
Isobutyraldehyde			Report		
Isopropyl Ether			Report		
Methyl Cellosolve			Report		
n-Amyl Acetate			Report		
o-Dichlorobenzene			Report		
Xylenes			Report		

In addition to the effluent limits, the permit contains the following major special condition: Part C 4 Chronic Biomonitoring.

PA0228648, Sewage, SIC 4952, **Jackson Township Municipal Authority**, P. O. Box 61, Millerton, PA 16936. This proposed facility will be in Jackson Township, **Tioga County**.

Description of Proposed Activity: Permit issued amending the existing permit, increasing the annual average daily flow from 0.10 to 0.11 MGD.

The receiving stream, Hammond Creek, is in the State Water Plan watershed 4B and classified for CWF. The PA-NY border is 2.13 river miles below the discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.11 MGD.

Parameter	Average Monthly (mg/L)	Average Weekly (mg/L)	Maximum Daily (mg/L)	Instantaneous Maximum (mg/L)
CBOD ₅ (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
TSS	30	45		60
NH ₃ -N (5-1 to 10-31)	6	9		12
(11-1 to 4-30)	18	27		36
Total Chlorine Residual	0.5	1.0		1.17
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		6.0 to 9.0 at all times		

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

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

NPDES Permit No. PA0239534, Sewage, **Michael A. Hecei**, 2553 Pa. Ave. West Ext., Warren, PA 16365. This proposed facility is in Glade Township, **Warren County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to an unnamed tributary to Page Hollow.

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

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

WQM Permit No. 0602407, Amendment 04-1, Sewerage, **Upper Perkiomen School District**, 201 West Fifth Street, East Greenville, PA 18041-1509. This proposed facility is in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: Construction of sewage facilities at Hereford Elementary School.

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

WQM Permit No. 5904402, Sewerage, SIC 4952, **Jackson Township Municipal Authority**, P. O. Box 61, Millerton, PA 16936. This proposed facility will be in Jackson Township, **Tioga County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of wastewater collection, conveyance and treatment systems to serve Millerton, Jackson Summit and the surrounding area. The annual average design flow will be 0.11 MGD. Discharge from the plant will be to Hammond Creek (CWF).

WQM Permit No. 1985201-T1, Industrial Waste, **CSB & Co., Carl S. Barchik**, 10 Twin Brook Drive, Stillwater, PA 17878. This facility is in Benton Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer in ownership of WQM Permit 1985210 for small flow wastewater treatment system serving Barchik's Car Wash.

WQM Permit No. 5504402, Sewage 4952, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842. This proposed facility is in Middleburg Borough, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to modify their sewage plant influent pump station, yard piping and UV disinfection chamber.

WQM Permit No. 1804401, Sewage 4952, **East Nittany Valley Joint Municipal Authority**, 216 Spring Run Road, Mill Hall, PA 17751. This proposed facility is in Lamar Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewer extension to the Lamar Township Business Park.

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

WQM Permit No. 1104201, Industrial Waste, **West Carroll Township Water and Sewer Authority**, P. O. Box 328, Elmora, PA 15737. This proposed facility is in West Carroll Township, **Cambria County**.

Description of Proposed Action/Activity: Construction of lined lagoons to treat filter backwash water from a water treatment plant.

WQM Permit No. 0271412-A3, Sewage, **Leetsdale Borough Municipal Authority**, 5 Sixth Street, Leetsdale, PA 15056. This proposed facility is in Leetsdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Upgrade and expansion of existing pump stations.

WQM Permit No. 5604402, Sewerage, **Borough of Meyersdale**, P. O. Box 60, 613 Second Street, Meyersdale, PA 15552. This proposed facility is in Borough of Meyersdale, **Somerset County**.

Description of Proposed Action/Activity: Sewer separation project—replacement of large diameter sewers, any sewer line interconnected with stormwater inlets, main sewer lines upstream of an overflow or considered to be combined will be replaced with 8-inch or 12-inch sanitary sewers.

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

WQM Permit No. 6204403, Sewerage, **Michael A. Hecei**, 2553 Pa. Ave. West Ext., Warren, PA 16365. This proposed facility is in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2004407, Sewerage, **Rick Moyer**, 14215 Dickson Road, Meadville, PA 16335. This proposed facility is in West Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit

No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011504021	Epic Builders, Inc. Ridgebury Hunt Subdivision 977 East Schuylkill Road Pottstown, PA 19465	Chester	North Coventry Township	Unnamed tributary Schuylkill River HQ-TSF
PAI011504036	Woodstone Homes, Inc. Edgemoore Run Subdivision P. O. Box 638 Uwchland, PA 19480	Chester	Wallace and West Nantmeal Townships	Indian Run HQ
PAI011503009	Sperry Homes Bethel Church Road Subdivision 1025 Nicole Drive Newtown Square, PA 19073	Chester	East Coventry Township	Unnamed tributary Schuylkill River HQ-TSF
PAI010904009	Bracalente Manufacturing Co. Development 20 West Creamery Road P. O. Box 570 Trumbauersville, PA 18970	Bucks	Milford Township	Unami Creek HQ-TSF

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

NPDES Permit

No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI030503001	Dan Harris 4626 Robinsonville Rd. Clearville, PA 15535	Bedford	Monroe Township	Unnamed tributary to East Branch Sideling Hill Creek

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

Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

NPDES Permit

No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI056503002	Department of Transportation P. O. Box 459 Uniontown, PA 15401	Westmoreland	Murrysville and Salem Townships	Unnamed tributaries to Beaver Run HQ-CWF Turtle Creek TSF

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 and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
New Britain Township Bucks County	PAG2000904096	Fred and Nancy Allegrezza Avallon LCE No. 5 1432 Downing Drive Hatfield, PA 19440	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000904047	D'Angelo Construction, Inc. Litzenberger Tract 1432 Easton Road Suite 4C Warrington, PA 18976	Unnamed tributary Deep Run— Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000904066	WB Homes & DJC Development Muirfield Subdivision 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Mill Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Quakertown Borough Bucks County	PAG2000904145	Remax 440 440 South West End Blvd. Quakertown, PA 18951	Beaver Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000904078	McGrath Homes Villas of Flowers at Five Ponds 1262 Wood Lane Suite 207 Langhorne, PA 19047	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000904105	Greenway Development, LP Avenue O Craigg Tract 350 South Main Street Suite 209 Doylestown, PA 18901	Morgan Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG2000904142	Buckingham Equine Acres, LLC Hidden Pond 4915 New Road P. O. Box 226 Pineville, PA 18946	Unnamed tributary Mill Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Phoenixville Borough Chester County	PAG2001504074	Northridge Village, LLP Northridge Village Development 1890 Rose Cottage Lane Malvern, PA 19355	French Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Chichester Township Delaware County	PAG2002304045	James Reading 315 Willowbrook Lane West Chester, PA 19382	West Branch Naaman's Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tioga County Jackson Township	PAG2005904002	Jackson Township Municipal Authority P. O. Box 61 Millerton, PA 16936	Hammond Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Lebanon County South Annville Township	PAG2003804030	Dale Hoover 621 Horseshoe Pike Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County South Lebanon Township	PAG2003804013	Falcon Foundation 105 East Evergreen Road Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County Palmyra Borough	PAG2003804037	Harold Hogg 18 South George Street Suite 425 York, PA 17401 Scott Williams P. O. Box 3655 Scranton, PA 18505	Killinger Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County North Cornwall Township	PAG2003804035	BTKD, LLC 101 Lakemont Boulevard Altoona, PA 16602 Sheetz, Inc. 5700 6th Avenue Altoona, PA 16602	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County Cornwall Borough	PAG2003804026	Anthony Fitzgibbons 279 N. Zinns Mill Road Suite D Lebanon, PA 17042 Rex Clark 279 N. Zinns Mill Road Suite A Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Dauphin County West Hanover Township	PAG202204041	Hanoverdale Church of the Brethren 577 Hershey Road Hummelstown, PA 17036	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County Lower Paxton Township	PAG202204050	Lingstor, LP 3415 Concord Road Suite A York, PA 17402	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Dauphin County Derry Township	PAG2002204054	Hershey Entertainment & Resort Company P. O. Box 446 Hershey, PA 17033	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Moosic Borough Lackawanna County	PAR802247	Rolling Frito-Lay Sales, LP Montage Mountain DC 1002 SpringBrook Ave. Moosic, PA 18507	Spring Brook CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Banks Township Carbon County	PAR802248	Rolling Frito-Lay Sales, LP Hazleton Bin 9 Banks Avenue McAdoo Industrial Park McAdoo, PA 18237	Quakake Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Greenwood Township Crawford County	PAR238321	J-M Manufacturing Company, Inc. 9 Peach Tree Hill Road Livingston, NJ 07039	Unnamed tributary to Conneaut Outlet	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Mead Township Crawford County	PAG048999	Rick Moyer 14215 Dickson Road Meadville, PA 16335	Unnamed tributary to Woodcock Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Freedom Township Blair County	PAG083589	Freedom Township Water & Sewer Authority P. O. Box 156 East Freedom, PA 16637	Gary Stiffler Farm Freedom and Greenfield Townships	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
North Middleton Township Cumberland County	PAG083555	North Middleton Authority 240 Clearwater Dr. Carlisle, PA 17013	Sealover Farm Middlesex Township Cumberland County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132274	Plymouth Township 925 W. Main St. Plymouth Township, PA 18651	Luzerne	Plymouth Township	UNT to Susquehanna River CWF Harveys Creek CWF Susquehanna River WWF	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Permit No. 4604504, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 19033
Township	Limerick
County	Montgomery
Type of Facility	PWS

Consulting Engineer Entech Engineering, Inc.
4 South Fourth Street
Reading, PA 19603

Permit to Construct Issued September 28, 2004

Operations Permit issued to **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974, PWS ID 1090069, Warminster Township, **Montgomery County** on September 30, 2004, for the operation of facilities approved under Construction Permit No. 0903506.

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

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 3480030, Moore Township, **Northampton County** on September 24, 2004, for the operation of facilities approved under Construction Permit N/A.

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

Operations Permit issued to **Spring Grove Water Company**, 7670091, Spring Grove Borough, **York County** on September 22, 2004, for the operation of facilities approved under Construction Permit No. 6703516 MA.

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

Operations Permit issued to **Creekside Springs**, 667 Merchant Street, Ambridge, PA 15003, PWS ID 5046492, Ambridge Borough, **Beaver County** on September 13, 2004, for the operation of facilities approved under Construction Permit No. 5046492.

Operations Permit issued to **Ernest Borough Council**, P. O. Box 55, Ernest, PA 15739, PWS ID 5320014, Ernest Borough, **Indiana County** on September 14, 2004, for the operation of facilities approved under Construction Permit No. 3203502.

Operations Permit issued to **Ernest Borough Council**, P. O. Box 55, Ernest, PA 15739, PWS ID 5320014, Ernest Borough, **Indiana County** on September 14, 2004, for the operation of facilities approved under Construction Permit No. 3203502-A1.

WATER ALLOCATIONS

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

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

WA 07-1017, Water Allocations, Freedom Township Water & Sewer Authority, Blair County. The applicant was granted the right to purchase 73,000 gallons per day (gpd), based on a 30-day average, with a maximum daily amount of 109,500 gpd from the Altoona City Authority. Consulting Engineer: Steven R. McGraw, P. E., Stiffler, McGraw & Associates Inc. Permit issued September 27, 2004.

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

WA11-1000C, Water Allocations, Blacklick Valley Municipal Authority, P. O. Box 272, Twin Rocks, PA 15960, Blacklick Township, Cambria County. The right to purchase 150,000 gpd, as a 30-day average, from the Nanty Glo Water Authority and the right to purchase 150,000 gpd, as a 30-day average, when available from the Municipal Authority of the Borough of Ebensburg. The total purchases from both sources shall not exceed 150,000 gpd, as a 30-day average.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Consent Order and Agreement Bo-Rit Asbestos Site, Borough of Ambler, Montgomery County

The Department of Environmental Protection (Department), under of section 707 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.707), has entered into a De Minimis Consent Order and Agreement with DEAP, Inc. (DEAP) for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released at the Bo-Rit Asbestos Site (Site), 6 South Maple Street, Borough of Ambler, Montgomery County.

This Site was the former location of asbestos-containing materials manufacturing operations. The EPA conducted an investigation of the Site and documented a release or threatened release of asbestos at the Site. Since 1987, the Department has performed interim response actions at this Site, including a field investigation of the Site, and has concluded that asbestos and asbestos containing materials exist as contaminants at the Site. The Department has not conducted a full investigation to determine the extent of the known contamination, the risk to human health or the environment from the release or threatened release of the known contamination, or to identify whether any additional hazardous wastes, hazardous substances or contaminants exist on the Site.

DEAP purchased the Site with the intent to remediate and develop the Site for residential purposes but has opted to sell it to a buyer for commercial development. The Site is currently under an agreement of sale. DEAP has represented to the Department that it is has not caused or contributed to the release or threatened release of any hazardous substances or contaminants at the Site. DEAP wishes to resolve its potential liability to the Department for reimbursement of certain response costs incurred to investigate the asbestos and asbestos containing materials on the Site. The Department has determined that it is in the public interest to resolve its claim against DEAP. Therefore, DEAP has agreed to reimburse

the Department for certain response costs in the amount of \$2,000 and shall receive contribution protection from claims regarding asbestos and asbestos containing materials related to its ownership of this property.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113), which states that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement, is available for public review and comment and can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Contact Sharon Mills, (484) 250-5200, shamills@state.pa.us or Adam N. Bram, Esquire, (484) 250-5300, abram@state.pa.us. A public comment period on the Consent Order and Agreement will extend for 60 days from October 16, 2004. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Sharon Mills at the previous address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Samuel Miller & Sons, Inc., City of Lancaster, **Lancaster County**. Lawler, Matusky & Skelly Engineers LLP, 609 Hamilton Mall, Allentown, PA 18101, on behalf of David Selfon, Samuel Miller & Son, Inc., 220 Centerville Road, Lancaster, PA 17601, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, PAHs, fuel oil no. 6, lead and inorganics. The applicant is remediating the site as a special industrial area.

Bamberger's Inc., City of Lebanon, **Lebanon County**. B L Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid of Pennsylvania, Inc., 30 Hunter Lane, Camp Hill, PA 17011, submitted a Remedial Investigation Report/Work Plan concerning remediation of site soils and groundwater contaminated with gasoline and BTEX. The report is intended to document remediation of the site to the Site-Specific Standard.

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

Jersey Shore Steel, Pine Creek Township, **Clinton County**. Chambers Environmental Group, Inc., on behalf of Jersey Shore Steel, P. O. Box 5055, Jersey Shore, PA 17740, has submitted a Final Report concerning soil and groundwater contaminated with waste oil. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Hillwood Palmyra, LP, Hetrick Avenue Property, Soil Mound Site, Palmyra Borough, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Final Report concerning remediation of soils contaminated with lead and copper. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 28, 2004.

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

Furnival Machinery Company, Inc., Chester Hill Borough, **Clearfield County**. Apex Environmental Group, Inc. on behalf of Furnival Machinery Company, Inc., 2240 Bethlehem Pike, Hatfield, PA 19440, has submitted a Final Report and the Final Report Addendum concerning soil contaminated with waste oil. This Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 1, 2004.

Cognis Corporation, Castanea Township, **Clinton County**. Weston Solutions, Inc. on behalf of Cognis Corporation, 300 Brookside Avenue, Ambler, PA 19002, has submitted a Final Report concerning groundwater contaminated with inorganics and PAHs. This Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 1, 2004.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR094. Essroc Materials Inc., P. O. Box 779, Bessemer, PA 16112-0779. For the beneficial use of cement kiln dust as a subgrade stabilizer in road construction and use as a fill material for road and embankment construction. The permit was issued by the Division of Municipal and Residual Waste on September 30, 2004.

Persons interested in reviewing the general permit should contact the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

General Permit No. WMGR002D009. Waste Management and Processors, Inc., 10 Gilberton Rd., Gilberton, PA 17934. For the beneficial use of wastewater treatment sludge generated by paper and pulp mills for use as a soil additive to: establish or reestablish agricultural activity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mine sites. The Department issued the determination of applicability on October 1, 2004.

Persons interested in reviewing the general permit should contact the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101600. Waste Reduction & Recycling Center, Inc., 2100 Sans Souci Parkway, Wilkes-Barre, PA 18702. A permit renewal approval for this municipal waste transfer facility in Hanover Township, **Luzerne County**. The approval authorizes the extension of their permit to continue operations at the Waste Reduction & Recycling Center until March 31, 2005. The permit renewal was issued by the regional office on September 30, 2004.

AIR QUALITY

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

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

09-0126A: Air Liquide America LP (19 Steel Road West, Morrisville, PA 19067) on September 28, 2004, to operate a wet scrubber s-7 in Falls Township, **Bucks County**.

23-0003E: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on October 1, 2004, to operate a kerosene and diesel unit in Trainer Borough, **Delaware County**.

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

39-303-015: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on September 28, 2004, to construct a drum mix asphalt plant that will be capable of utilizing recycled asphalt pavement and waste derived liquid fuels and install the associated air cleaning device at their Ormrod Plant in North Whitehall Township, **Lehigh County**.

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

06-05030A: Caraustar Mill Group, LLC (3110 Paper Mill Road, Sinking Spring, PA 19608) on September 30, 2004, to modify the dual fuel fired boiler at their facility in Spring Township, **Berks County**.

21-05013A: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050) on September 30, 2004, to install a ten-unit quadruple-web heatset web offset printing press controlled by a regenerative thermal oxidizer at their Building No. 2 facility (Plant No. 1) in Mechanicsburg Borough, **Cumberland County**.

44-03014: Barr Funeral Home, Inc. (120 Logan Street, Lewistown, PA 17044) on September 28, 2004, to install a natural gas operated human crematory controlled by a secondary chamber afterburner in Lewistown Borough, **Mifflin County**.

67-03128A: Bookspan, Inc. (501 Ridge Avenue, Hanover, PA 17331) on September 27, 2004, to construct a no. 6 oil-fired boiler rated at 8.5 mmBtu/hr at their book distribution facility in Penn Township, **York County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act 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.

23-0012: Epsilon Product Co. LLC (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on September 30, 2004, to operate a polypropylene plant 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

23-0024B: Hanson Aggregates PA, Inc. (P. O. Box 231, Easton, PA 18044) on October 1, 2004, to operate a hot mix asphalt plant in Middletown and Thornbury Townships, **Delaware County**.

46-0005X: Merck and Co., Inc. (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on September 30, 2004, to operate a 375 kW emergency generator in Upper Gwynedd Township, **Montgomery County**.

46-0026C: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) on September 30, 2004, to operate two flexographic printing presses in Upper Providence Township, **Montgomery County**.

46-0031B: SmithKline Beecham d/b/a GlaxoSmith Kline (1250 South Collegeville Road, Collegeville, PA 19426) on September 30, 2004, to operate two mw no. 2 fuel oil-fired generators in Upper Providence Township, **Montgomery County**.

46-0037R: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on September 30, 2004, to operate a dry dust collector in Douglass and Colebrookdale Townships, **Montgomery County**.

46-313-057E: Republic Environmental Systems of PA Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on September 30, 2004, to operate a hazardous waste treatment, storage, disposal in Hatfield Township, **Montgomery County**.

23-0030A: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on September 30, 2004, to operate three new boilers in Swarthmore Borough, **Delaware County**.

46-0146A: Republic Environmental Systems of PA Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on September 30, 2004, to operate a hazardous waste treatment, storage disposal in Hatfield Township, **Montgomery County**.

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

13-309-104: Horsehead Corp. (900 Delaware Avenue, Palmerton, PA 18071) on September 24, 2004, to modify waelzing/calcline kiln no. 1 and the associated air cleaning device at their facility in Palmerton Borough, **Carbon County**. The Plan Approval has been extended.

48-315-004: Newstech PA LP (6 Horwith Drive, Northampton, PA 18067) on September 28, 2004, to modify a pulping process and associated air cleaning device at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

39-313-042: Filmtech Corp. (2121 31st Street SW, Allentown, PA 18103) on September 28, 2004, modify polyethylene extrusion lines and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

48-302-103: Newstech PA LP (6 Horwith Drive, Northampton, PA 18067) on September 28, 2004, to reactivate a boiler at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

48-309-121: Keystone Cement Co. (P. O. Box A, Bath, PA 18014) on September 28, 2004, to install an air cleaning device to control the atmospheric emission from the no. 2 cement kiln at their facility in East Allen Township, **Northampton County**. The Plan Approval has been extended.

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

38-03035A: V and S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207-2509) on October 1, 2004, to construct a surface preparation and coating operation in Union Township, **Lebanon County**. This plan approval was extended.

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

17-305-051: Parkwood Resources, Inc. (P. O. Box 552, Somerset, PA 15501) on September 28, 2004, to correct two erroneous equipment identifications in Burnside Township, **Clearfield County**.

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

03-00062A: Freeport Terminals, Inc. (514 North Main Street, Butler, PA 16001) on October 1, 2004, for crushing operation at their Freeport facility in Freeport Borough, **Armstrong County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

15-00022: Columbia Gas Transmission Corp. (1470 Poorhouse Road, Downingtown, PA 19335) on September 28, 2004, to renew operation of a facility Title V Operating permit in West Vincent Township, **Chester County**.

23-00025: Fibre-Metal Products Co. (P. O. Box 248, Concordville, PA 19331) on September 28, 2004, to renew operation of a facility Title V Operating Permit in Concord Township, **Delaware County**.

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

06-05100: Calpine Construction Finance Co., LP (5115 Pottsville Pike, Reading, PA 19605) on September 30, 2004, to operate an electric generating facility controlled with low NOx combustion and selective catalytic reduction in Ontelaunee Township, **Berks County**.

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

33-00002: Owens-Brockway Glass Container, Inc.—Plant No. 19 (Route 219N, Brockway, PA 15824) on September 30, 2004, reissuance of a Title V Permit to operate a glass containers manufacturing facility in Snyder Township, **Jefferson County**. The facility's major emission sources include boiler, raw material handling, batch gathering and mixing, glass melting furnaces, cullet handling and storage, refiners (2), six forehearth, six lehrs, miscellaneous combustion sources, six container forming machines, road fugitives and four degreaser units. The facility is a major facility due to its potential to emit of NOx and SOx.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104; Thomas
Huynh, Chief, (215) 823-7584.*

V03-003: ThyssenKrupp Budd Co. (2450 Hunting Park Avenue, Philadelphia, PA 19129) on October 4, 2004, to operate a transportation equipment manufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emissions' sources include a 97 mmBtu/hr boiler and an 87 mmBtu/hr boiler.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

22-05049: Harsco Corp.—Taylor Wharton Gas Equipment Division (1001 Herr Street, Harrisburg, PA 17105-2365) for a Synthetic Minor Operating Permit in the City of Harrisburg, **Dauphin County**.

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

63-00631: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue, Charlestown, WV 25325) on September 28, 2004, to operate a natural gas compressor station at Donora Township, **Washington County**.

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

25-00952: Bush Industries, Inc. (2455 Robison Road West, Erie, PA 16509) on September 24, 2004, for a Natural Minor Operating Permit for a wood furniture manufacturing plant in Summit Township, **Erie County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

08-303-003: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on September 28, 2004, to incorporate, through administrative amendment, conditions established in Plan Approval 8-303-003C authorizing the use of recycled/reprocessed oil as a fuel in a batch asphalt concrete plant in Wysox Township, **Bradford County**.

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

25-00025: General Electric Co. (2901 East Lake Road, Erie, PA 16531) on September 30, 2004, to administratively amend the Title V Operating Permit to incorporate the conditions of Plan Approval 25025F into the permit.

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

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

33890113 and NPDES Permit No. PA0241679. Cookport Coal Company, Inc. (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous strip operation in Perry Township, **Jefferson County** affecting 50.1 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Rose Run. Application received August 11, 2004. Permit issued September 29, 2004.

24830103 and NPDES Permit No. PA0601578. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous strip and auger operation in Horton Township, **Elk County** affecting 134.0 acres. This renewal is issued for reclamation only. Receiving streams: Johnson Run. Application received July 29, 2004. Permit issued September 29, 2004.

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

40920102R2. Susquehanna Coal Company, P. O. Box 27, Nanticoke, PA 18634, renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County** affecting 1,325.0 acres, receiving stream: none. Application received June 9, 2004. Renewal issued October 1, 2004.

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

32970104 and NPDES Permit No. PA0234401. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit transfer from Mears Enterprises, Inc. and permit renewal for reclamation only and continued restoration of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 87.2 acres. Receiving streams: unnamed tributaries of Little Mahoning Creek to Little Mahoning Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 17, 2003. Permit issued September 27, 2004.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

66040806. Jeremy Choplosky (R. R. 2 Box 2015, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received July 16, 2004. Permit issued September 27, 2004.

58040845. John J. Nagy (R. R. 2 Box 2006, Brackney, PA 18812), commencement, operation and restoration of a bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 2, 2004. Permit issued September 27, 2004.

58040848. Russell Lechlitter (R. R. 1 Box 1679, Laceyville, PA 18623), commencement, operation and restoration of a bluestone quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 30, 2004. Permit issued September 27, 2004.

6477SM5T2 and NPDES Permit No. PA0009059. ISP Minerals, Inc. (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), transfer of an existing quarry operation Hamiltonban and Washington Townships, **Adams and Franklin Counties** affecting 306.6 acres, receiving stream: Miney Creek. Application received July 20, 2004. Transfer issued September 27, 2004.

01930302T and NPDES Permit No. PA0223239. ISP Minerals, Inc. (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), transfer of an existing quarry operation and renewal of NPDES Permit for discharge of treated mine drainage in Hamiltonban Township, **Adams County** affecting 313.2 acres, receiving stream: unnamed tributary to Tom's Creek. Applications received July 20, 2004, and February 20, 2004. Transfer/Renewal issued September 27, 2004.

7575SM1A1C6 and NPDES Permit No. PA0594296. Hempt Bros., Inc. (P. O. Box 278, Camp Hill, PA 17001), correction and renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Silver Spring Township, **Cumberland County**, receiving stream: unnamed tributary to Hogestown Run. Application received July 8, 2004. Renewal issued September 28, 2004.

58040832. Kenneth W. Stanley (320 Glendale Drive, Endicott, NY 13760-3708), commencement, operation and restoration of a bluestone quarry operation in Apolaco Township, **Susquehanna County** affecting 3.0 acres. Receiving stream: Bow Bridge Creek. Application received May 24, 2004. Permit issued September 30, 2004.

64040803. David Korty (HC 65 Box 39, Herrick Center, PA 18430), commencement, operation and restoration of a quarry operation in Mount Pleasant Township, **Wayne County** affecting 5.0 acres. Receiving stream: East Branch of Lackawanna River. Application received August 18, 2004. Permit issued September 30, 2004.

21042801. Mark B. Nolt (711 Ridge Road, Shipensburg, PA 17257), commencement, operation and restoration of a quarry operation in Hopewell Township, **Cumberland County** affecting 5.0 acres. Receiving stream: tributary to Conodoguinet Creek. Application received June 1, 2004. Permit issued October 1, 2004.

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

42040802. Tucker Enterprises (P. O. Box 291, Roulette, PA 16746). Commencement, operation and restoration of a small bluestone operation in Annin Township,

McKean County affecting 4.0 acres. Receiving streams: Two Mile Creek. Application received May 3, 2004. Permit issued September 30, 2004.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

28044038. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Antrim Township, **Franklin County** with an expiration date of September 30, 2005. Permit issued September 28, 2004.

28044039. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Black Forest Estates in Greene Township, **Franklin County** with an expiration date of September 30, 2005. Permit issued September 28, 2004.

28044040. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Highlands of Greenvillage in Greene Township, **Franklin County** with an expiration date of September 30, 2005. Permit issued September 28, 2004.

36044109. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Earl Township, **Lancaster County** with an expiration date of October 30, 2004. Permit issued September 29, 2004.

46044033. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Evans Brook in Limerick Township, **Montgomery County** with an expiration date of October 27, 2005. Permit issued September 30, 2004.

46044034. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Station Square in Lansdale Borough and Upper Gwynedd Township, **Montgomery County** with an expiration date of October 27, 2005. Permit issued September 30, 2004.

06044039. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Cloister Car Wash in Spring Township, **Berks County** with an expiration date of October 27, 2005. Permit issued September 30, 2004.

36044085. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting for Manor Oaks in Manor Township, **Lancaster County** with an expiration date of October 27, 2005. Permit issued September 30, 2004.

52044101. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Mountain Lake Forest Development in Delaware Township, **Pike County** with an expiration date of September 30, 2005. Permit issued September 30, 2004.

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

11044003. D. C. Guelich Explosives Company, 456 Stouffer Hill Road, Friedens, PA 15541. Sewer line at the

Johnstown, PA Airport, Richland Township, **Cambria County**. Duration is 30 days. Permit issued September 27, 2004.

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

02044007. The Meritage Group L. P. (772 Pine Valley Drive, Pittsburgh, PA 15239) for construction blasting to a housing development in Plum Borough, **Allegheny County**, with an expected duration of 180 days. Permit issued September 28, 2004.

26044008. Shallenberger Construction, Inc. (2611 Memorial Blvd, Connellsville, PA 15425) for construction blasting to install sewage lines in Redstone Township, **Fayette County**, with an expected duration of 10 days. Permit issued September 28, 2004.

63044004. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690) for construction blasting in West Bethlehem and Deemston Townships, **Washington County**, with an expected duration of 10 days. Permit issued September 28, 2004.

63044005. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690) for construction blasting in Independence Township, **Washington County**, with an expected duration of 10 days. Permit issued September 28, 2004.

65044007. Paul Yurinko Contracting (6050 Hamilton Avenue, Export, PA 15632) for construction blasting in the Municipality of Murrysville, **Westmoreland County**, with an expected duration of 30 days. Permit issued September 28, 2004.

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

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

E35-371. City of Scranton, R800 Providence Road, Scranton, PA 18508. City of Scranton, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a concrete arch bridge having a 36-foot span and an approximate underclearance of 13.7 feet approximately 100 feet across Leggetts Creek and to construct and maintain two 18-inch reinforced concrete stormwater outfalls in the floodway of Leggetts Creek (TSF). The project is on Rockwell Avenue approximately 0.1 mile east of Market Street (Scranton, PA Quadrangle N: 12.2 inches; W: 4.8 inches) (Subbasin: 05A).

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

E26-317. Fayette County Redevelopment Authority, 45 East Main Street, Uniontown, PA 15401. Remove the Autenreith Building over Dunlap Creek in Brownsville Borough, **Fayette County**, Pittsburgh ACOE District (California, PA Quadrangle N: 3.9 inches; W: 1.9 inches and Latitude: 40° 01' 17"—Longitude: 79° 53' 19"). To remove the Autenreith Building over Dunlap Creek (WWF) for the purpose of improving public safety. The demolition of the building includes cutting left side piers below normal flow elevation and cutting right side piers 2 feet below the streambed. During removal of the structure, a temporary causeway consisting of nine 24-inch diameter pipes and cofferdams will be constructed and maintained. The project is just downstream of the High Street Bridge.

E65-827. Department of Transportation, P. O. Box 459, Uniontown, PA 15401. Mainline widening project of SR 0022, Section B02 in Salem Township and the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District. To conduct the activities listed in Attachment A (Page 1A) as part of the SR 0022, Section B02 mainline widening project:

Attachment A

1. Structure 1, S. R. 0022, Station 182+25 (Murrysville, PA Quadrangle N: 7.32 inches; W: 2.44 inches; Latitude: 40° 24' 57"; Longitude: 79° 38' 2.44"): To extend and maintain an existing 312.0-foot long concrete arch culvert having a normal span of 12.0 feet and an underclearance of 8.2 feet, in kind 21.3 feet downstream in an unnamed

tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

2. Structure A, S. R. 0022, Station 226+25 (Murrysville, PA Quadrangle N: 6.7 inches; W: 0.3 inches; Latitude: 40° 24' 44"; Longitude: 79° 37' 38"): To extend and maintain an existing 276.0-foot long concrete arch culvert having a normal span of 4.0 feet and an underclearance of 3.6 feet, in kind 5.0 feet upstream and 43.0 feet downstream in an unnamed tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

3. Structure 3, S. R. 0022, Station 265+26 (Slickville, PA Quadrangle N: 6.05 inches; W: 15.9 inches; Latitude: 40° 24' 31"; Longitude: 79° 36' 38"): To extend and maintain an existing 371.0-foot long concrete arch culvert having a normal span of 14.0 feet and an underclearance of 11.1 feet, in kind 40 feet downstream in an unnamed tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

4. Structure 5, S. R. 0022, Station 296+37 (Slickville, PA Quadrangle N: 5.5 inches; W: 14.45 inches; Latitude: 40° 24' 31"; Longitude: 79° 36' 16"): To extend and maintain an existing 289.0-foot long concrete arch culvert having a normal span of 12.0 feet and an underclearance of 5.1 feet, in kind 88.2 feet downstream in an unnamed tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

5. Structure 6, S. R. 0022, Station 314+80 (Slickville, PA Quadrangle N: 5.14 inches; W: 13.6 inches; Latitude: 40° 24' 15"; Longitude: 79° 35' 39"): To extend and maintain an existing 134.0-foot long concrete arch culvert having a normal span of 8.0 feet and an underclearance of 7.0 feet, in kind 167.8 feet downstream in an unnamed tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

6. Structure B, S. R. 4026, Station 12+64 (Slickville, PA Quadrangle N: 5.2 inches; W: 14.0 inches; Latitude: 40° 24' 15"; Longitude: 79° 36' 01"): To remove the existing structure and to construct and maintain an 88.0-foot long, 1.0-foot depressed, 7.0-foot × 4.5-foot reinforced concrete box culvert in an unnamed tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

7. S. R. 0022, Station 295+25 Left (Jughandle S. R. 9429) Slickville, PA Quadrangle N: 5.6 inches; W: 14.54 inches; Latitude: 40° 24' 31"; Longitude: 79° 36' 16"): To place and maintain fill along 58.0 feet of an unnamed tributary to Turtle Creek (TSF) in the Municipality of Murrysville, Westmoreland County.

8. S. R. 0022, Station 366+00 (Slickville, PA Quadrangle N: 4.4 inches; W: 11.25 inches; Latitude: 40° 24' 00"; Longitude: 79° 34' 22"): To reconstruct and maintain the existing 158.0-foot long concrete arch culvert having a normal span of 8.0 feet and an underclearance of 7.0 feet in an unnamed tributary to Beaver Run (HQ-CWF) and to extend said culvert 230.5 feet upstream with an 8.0-foot × 7.0-foot concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) in Salem Township, Westmoreland County.

9. To permanently place and maintain fill in 10 wetland areas: a) 0.74 acre of PEM; b) 0.11 acre of PSS; c) 0.05 acre of PFO; and d) 0.01 acre of POW. To compensate for wetland impacts, the permittee shall construct 0.9 acre of replacement wetland.

The project will directly affect through enclosures, stream relocations, extensions of existing culverts and

culvert replacements, a total of 663.73 feet of perennial streams. The project will directly impact 0.91 acre of wetlands and will create 0.90 acre of replacement wetland.

E65-836. Maronda Homes, Inc., 202 Park West Drive, Pittsburgh, PA 15275. Construct a pipe culvert in Rostraver Township, **Westmoreland County**, Pittsburgh ACOE District (Donora, PA Quadrangle N: 11.2 inches; W: 5.2 inches and Latitude: 40° 11' 12"—Longitude: 79° 47' 14"). To construct and maintain a 6-inch depressed, 100.0-foot long, 54-inch reinforced concrete pipe culvert in an unnamed tributary to Pollock Run (WWF) for the purpose of providing access to a proposed development. The project is off of Vernon Drive.

E65-848. Coby G. and Han G. Van Snik, 5139 Mamont Road, Murrysville, PA 15668-9323. Construct a culvert in Haymakers Run in the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 15.9 inches; W: 4.1 inches and Latitude: 40° 27' 46"—Longitude: 79° 39' 17"). To remove the existing structure and to construct and maintain a 30-foot long, 5-foot diameter pipe culvert (with invert depressed 6 inches below stream bed) in Haymakers Run (HQ-CWF) for an existing residential driveway on the south side of Mamont Road approximately 3,900 feet west of its intersection with Christy Road.

E65-850. Dominion Transmission, Inc., P. O. Box 66, Route 22, Delmont, PA 15626. Construct a culvert in Penn and Hempfield Townships, **Westmoreland County**, Pittsburgh ACOE District (Greensburg, PA Quadrangle N: 17.9 inches; W: 10.7 inches and Latitude: 40° 20' 53"—Longitude: 79° 34' 35"). To remove the existing structure and to construct and maintain a 52.0-foot long, 12.0-foot by 5.0-foot concrete box arch culvert in Brush Creek (TSF) for the purpose of providing access to an existing gas well. The project is off of Route 766 approximately 600 feet south of its intersection with Route 66.

WATER QUALITY CERTIFICATIONS

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

The Department of Environmental Protection 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 (33 U.S.C.A. § 1341(a)).

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.

Responsible Office: Southeast Regional Office
Regional Water Management
Program Manager
2 East Main Street
Norristown, PA 19401
(484) 250-5970

Certification Request Initiated By:

Weston Solutions, Inc.
1400 Weston Way
P. O. Box 2653
West Chester, PA 19380

Project Description:

The project involves dredging of GROWS dock-berthing area adjacent to the Fairless Turning Basin and disposal of the dredged material in the Money Island. The supernanent of the dredge material from Money Island will be discharged in the Delaware River Estuary Zone 2.

Final Action on Request:

Certification Granted

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

During September 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A-1 Realty Services, Inc.	2879 Pricetown Road Temple, PA 19560	Testing
John Bertone	420 William Street Downingtown, PA 19335	Testing
James Bucciarelli Certified Testing Services	474 Easton Road Horsham, PA 19044	Testing and Mitigation
J. L. Camp Inspection Services, Inc.	6006 Forest Drive Monaca, PA 15061	Testing
Mark Dilts	2844 Slifer Valley Road Riegelsville, PA 18077	Mitigation
Andrew Dionne	421 West Chocolate Avenue Hershey, PA 17033	Testing
Stephen Fiorelli	700 Braxton Road Ridley Park, PA 19078	Testing
John Gogal Keystone Inspection Service	P. O. Box 204 Sciota, PA 18354	Testing
Dennis Huson	P. O. Box 255 Mifflinburg, PA 17844	Testing
Robert Klebanoff	325 West Second Avenue Conshohocken, PA 19428	Testing
Richard D. Malin & Assoc., Inc.	2075 Haymaker Road Monroeville, PA 15146	Testing
Wesley Morgan	176 Churchill Road Turtle Creek, PA	Testing
James Rodkey	74 Derbyshire Drive Carlisle, PA 17013	Testing
Jeffrey Schlaline	800 Locust Grove Road York, PA 17402	Testing
Joseph Schwab	1341 N. Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Robert Shields Ameritech Environmental Services, Inc.	107 Summit Place Landsdale, PA 19446	Testing and Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Tafeen, M.D. PRO-LAB	3300 Corporate Avenue No. 112 Weston, FL 33331	Laboratory
Michael Tyrell	720 Sourwood Lane Collegeville, PA 19426	Mitigation
Diana Vaccarello	P. O. Box 373 Murrysville, PA 15668	Testing
James Wandless	1424 West 30th Street Erie, PA 16508	Mitigation

Public Meeting for Source Water Assessment; Mountain Water Association

The Department of Environmental Protection (Department) will hold a public meeting on October 26, 2004, for the Source Water Assessment for Mountain Water Association. The Source Water Protection Assessment Program (SWAP) meeting will be held on October 26, 2004, at 6:30 p.m. at the Mountain Water Association Office, 2799 Morgantown Road, Smithfield, PA.

The purpose of this meeting is to provide a review of the draft SWAP Report and an opportunity for the public to voice any additional concerns or make suggestions regarding the assessment of the groundwater source within the Brownfield Hollow Watershed. This watershed is the source of public water supplied by the Mountain Water Association.

The Safe Drinking Water Reauthorization of 1996 required states to develop a SWAP to assess drinking water sources that serve public water systems for their susceptibility to pollution and to use this information as a basis for building voluntary, community-based remedies to drinking water contamination. The SWAP assessments are of raw water quality, not of finished water quality and are not intended as a measure of water supplier compliance with the Safe Drinking Water Act. These source water assessment public meetings will assist the Department in gaining vital information about the watershed in the vicinity of groundwater sources and in gaining public support for the assessments. The ultimate goal of the assessments is to support and promote the development of voluntary, local source water protection programs and to reduce the threat of contamination of public drinking water.

For more information about the public meeting, contact Helen Humphreys-Short, Community Relations Coordinator, (412) 442-4183. Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys-Short at (412) 442-4183 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) Developed for Long Valley Run in Bradford County

The Department and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on October 18, 2004, at 7 p.m. at the Stoll Natural Resource Center, Lake Road, Towanda, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for Long Valley Run in Bradford County. In accordance with the requirements of section 303(d) of the Clean Water Act, several stream segments in the watershed have been identified as impaired due to high levels of metals, from acid mine drainage.

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
30360	Long Valley Run	1.6

The proposed plan provides calculations of 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</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.0	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal throughout the 19th and 20th centuries. The affects of this are still present. All on the allocations made in the TMDL are load allocations, which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS 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 TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is, SRBC collected, 604(b) report data collected during 2002 and 2003.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed and printed on the Department's website: www.dep.state.pa.us/watermanagement_apps/tmdl/. To request a copy of this TMDL, contact Lee McDonnell, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2938.

Written comments will be accepted at the previous address and must be post marked by December 16, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on October 15, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-1889. Filed for public inspection October 15, 2004, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-3301-106. Title: Turbidity Reporting Instructions for Public Water Systems Using Filtered Surface Water or Groundwater Under the Influence of Surface Water (GUDI) Sources. Description: This manual, which was formerly titled "Filter Rule Reporting Instructions for Public Water Systems Using Filtered Surface Water Resources," contains detailed instructions for reporting monitoring results for turbidity to the Department as required by the PA Filter Rule (Federal Surface Water Treatment Rule), the Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1 ESWTR). The Turbidity Reporting Instructions in this manual were recently updated to reflect the new Federal monitoring and reporting requirements for turbidity, as specified in the IESWTR and LT1 ESWTR rules. Substantive changes to the manual include the lowering of turbidity standards for combined filter effluent, the incorporation of new monitoring and reporting requirements for individual

filters and the incorporation of a revised SDWA-5 Form for reporting monthly filter plant performance data. The instructions in this manual apply to public water systems that are required to submit surface water turbidity monitoring results to the Department. The monitoring and reporting requirements described in this manual are in addition to other routine monitoring and reporting requirements for public water systems, and do not supersede them. Written Comments: Interested persons should submit written comments on technical guidance document 383-3301-106 by November 15, 2004. Comments submitted by facsimile will not be accepted. However, the Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Phil Consonery, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467, pconsonery@state.pa.us. Questions regarding the technical guidance document should be directed to Phil Consonery, (717) 772-2184, pconsonery@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1890. Filed for public inspection October 15, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 107.62, 138.15 and 138.18 (relating to oral orders; high-risk cardiac catheterizations; and EPS studies).

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, ra-paexcept@state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-1891. Filed for public inspection October 15, 2004, 9:00 a.m.]

Application of Saint Vincent Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Health Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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, ra-paexcept@state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-1892. Filed for public inspection October 15, 2004, 9:00 a.m.]

Application of University of Pennsylvania Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the University of Pennsylvania Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.1 (relating to principle).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-1893. Filed for public inspection October 15, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Broad Acres Health and Rehabilitation Center
1883 Shunway Hill Road
Wellsboro, PA 16901

Spring Creek Rehabilitation and Health Care Center
1205 South 28th Street
Harrisburg, PA 17111

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

The Communities at Indian Haven
1675 Saltsburg Avenue
Indiana, PA 15701

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previ-

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

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

[Pa.B. Doc. No. 04-1894. Filed for public inspection October 15, 2004, 9:00 a.m.]

Statewide Integrated Human Immunodeficiency Virus (HIV) Planning Council Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, November 3, 2004, from 10:30 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at (717) 783-0572, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1895. Filed for public inspection October 15, 2004, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission (Commission), under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)), announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)) in the following cases:

David Borden v. Motherswork, Inc.; Doc. No. 200205129 (Human Relations Commission, September 28, 2004).

Damage case, following a liability finding for failure to answer claims, alleging religious harassment and termination because of sex, age and religion.

Ruling for Complainant, 9-0 decision
14 pages

Rochelle D. Detter v. Richard Sharp and Sharp's Village Mobile Home Park; Doc. No. H-7404 (Human Relations Commission, September 27, 2004).

Housing case relating to discrimination because of familial status in that she was charged an extra fee by the owner of a mobile home park for having more than three people in a unit.

Ruling for Complainant, 9-0 decision
13 pages

Mary Ann Remick v. Wilkins & Associates Real Estate, Inc.; Doc. No. E-91253-H (Human Relations Commission, September 28, 2004).

Failure to provide reasonable accommodation and termination for nonjob related disability (alcoholism).

Ruling for Complainant, 9-0 decision
45 pages

The final order in the previously listed cases are subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 15¢ per page to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Pennsylvania Place, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania." Copies are also available on the Commission's website: www.phrc.state.pa.us (choose "Legal" and "Public Hearing Opinions").

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 04-1896. Filed for public inspection October 15, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website: www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5312	State Board of Osteopathic Medicine Delegation of Medical Services	10/1/04
16A-5117	State Board of Nursing Continuing Education	10/1/04
16A-604	State Board of Vehicle Manufacturers, Dealers and Salespersons Established Place of Business for Dealers	10/1/04

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5715	State Board of Veterinary Medicine Implanting Electronic Identification; Veterinary Technician	10/1/04
16A-5313	State Board of Osteopathic Medicine Continuing Medical Education	10/1/04
16A-6314	State Board of Psychology Notice Requirements	10/1/04
16A-561	State Real Estate Commission Education	10/1/04
16A-528	State Board of Optometry General Revisions	10/1/04
7-386	Environmental Quality Board Triennial Review of Water Quality Standards	10/1/04
17-65	Pennsylvania State Police Use of Unmarked Vehicles	10/4/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1897. Filed for public inspection October 15, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Wilbert F. O'Dell and O'Dell and Company, Inc.; Doc. No. SC04-09-041

Notice is hereby given of the Order to Show Cause issued on September 30, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 604, 622 and 639 of The Insurance Department Act of 1921 (40 P. S. §§ 234, 252 and 278); and sections 4 and 5(a)(1)(vi) and (2) of the Unfair Insurance Practices Act (40 P. S. § 1171.4, 1171.5(a)(1)(vi) and (2)).

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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

hearing should contact Jeffrey Wallace, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1898. Filed for public inspection October 15, 2004, 9:00 a.m.]

Inter-County Hospitalization Plan, Inc.; 65 Select Health Plan; Rate Filing

On September 29, 2004, the Insurance Department (Department) received from Inter-County Health Plan a filing requesting an overall rate increase of 15.6%.

This increase will produce approximately \$420,000 annually of additional income. The proposed effective date is January 1, 2005, and will impact 3,300 subscribers.

Unless formal administrative action is taken prior to December 29, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy of this filing is located at the "Filing.pdf" link following the name of the filing.

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, 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. 04-1899. Filed for public inspection October 15, 2004, 9:00 a.m.]

Inter-County Hospitalization Plan, Inc.; 65 Select Hospital Plan; Rate Filing

On September 29, 2004, the Insurance Department (Department) received from Inter-County Health Plan a filing requesting an overall rate increase of 25.3%.

This increase will produce approximately \$754,000 annually of additional income. The proposed effective date is January 1, 2005, and will impact 3,300 subscribers.

Unless formal administrative action is taken prior to December 29, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy of this filing is located at the "Filing.pdf" link following the name of the filing.

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, 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. 04-1900. Filed for public inspection October 15, 2004, 9:00 a.m.]

Inter-County Hospitalization Plan, Inc.; 65 Special B Health Plan; Rate Filing

On September 29, 2004, the Insurance Department (Department) received from Inter-County Health Plan a filing requesting an overall rate increase of 17.4%.

This increase will produce approximately \$348,000 annually of additional income. The proposed effective date is January 1, 2005, and will impact 2,900 subscribers.

Unless formal administrative action is taken prior to December 29, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy of this filing is located at the "Filing.pdf" link following the name of the filing.

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, 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. 04-1901. Filed for public inspection October 15, 2004, 9:00 a.m.]

Nationwide Mutual Insurance Company; Private Passenger Automobile Rate Revision; Rate Filing

On September 27, 2004, the Insurance Department (Department) received from Nationwide Mutual Insur-

ance Company a filing for a proposed rate change for private passenger automobile insurance.

The company requests an overall 3.4% increase amounting to \$21.363 million annually to be effective January 14, 2005.

A copy of the filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click "Rate filings published in the PA Bulletin."

Unless formal administrative action is taken prior to November 26, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1902. Filed for public inspection October 15, 2004, 9:00 a.m.]

Qualified Annuity Contractors for Awarded Periodic Medical Professional Liability Payments

Under section 509(b)(6) of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. § 1303.509(b)(6)), the Insurance Commissioner hereby lists insurers designated by the Insurance Department as qualified to participate in the funding of periodic payment judgments:

<i>NAIC #</i>	<i>Insurers Qualified to Issue Annuity Contracts under the MCARE Act</i>
60607	American General Life Assurance Company
93432	C. M. Life Insurance Company
29980	First Colony Life Insurance Company
70025	General Electric Capital Assurance Company
65935	Massachusetts Mutual Life Insurance Company
65978	Metropolitan Life Insurance Company
70416	MML Bay State Life Insurance Company
66281	Monumental Life Insurance Company
66915	New York Life Insurance Company
61271	Principal Life Insurance Company
68241	The Prudential Insurance Company of America
87726	The Travelers Insurance Company
69507	Transamerica Life Insurance and Annuity Company

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1903. Filed for public inspection October 15, 2004, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution # CB-04-251—Dated September 22, 2004. This resolution authorizes the side letter with AFSME that provides \$1,000 lump sum cash payments for certain employees in the Department of Labor and Industry who obtain certifications under the Uniform Construction Code (UCC). This resolution also authorizes the payments for employees in three management classifications. The intent of these payments is to aid in the recruitment and retention of employees who perform inspection, examination and review work under the UCC.

Governor's Office

Management Directive No. 515.12—Confidential Employees—Amended September 28, 2004.

Management Directive No. 530.28—Pennsylvania Employees Benefit Trust Fund (PEBTF)—Amended September 14, 2004.

Management Directive No. 720.6—Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls—Dated September 21, 2004.

Administrative Circular No. 04-22—Changes to the 2004 Commonwealth Telephone Directory—Department of Transportation—Dated September 13, 2004.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 04-1904. Filed for public inspection October 15, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Dauphin County, Wine & Spirits Shoppe # 2208, Uptown Plaza, 2943 N. 7th Street, Harrisburg, PA 17110.

Lease Expiration Date: September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,300 net useable square feet of new or existing retail commercial space within the area bordered by Division Street to the south and Interstate 81 to the north in the City of Harrisburg.

Proposals due: November 5, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Columbia County, Cost Center # 8742, Audit District 2, 111 E. 7th Street, Bloomsburg, PA 17815.

Lease Expiration Date: September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 net useable square feet of new or existing retail office space within the Town of Bloomsburg. The location must be within the area bordered by West 6th Street to the north, East/Poplar Streets to the east, East 10th Street to the south and Market Street to the west.

Proposals due: November 5, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe # 3911, 119 Chestnut Street, Coplay, PA 18037.

Lease Expiration Date: September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,700 net useable square feet of new or existing retail commercial space within Coplay Borough.

Proposals due: November 5, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe # 3919, K-Mart Plaza, 4777 Tilghman Street, Allentown, PA 18104-3211.

Lease Expiration Date: January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,000 net useable square feet of new or existing retail commercial space along Tilghman Street in South Whitehall Township.

Proposals due: November 5, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

York County, Wine & Spirits Shoppe # 6714, Shrewsbury Commons Shopping Ctr., 570 Shrewsbury Commons Avenue, Shrewsbury, PA 17361.

Lease Expiration Date: October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 12,000 net useable square feet of new or existing retail commercial space within 1/4 mile of 570 Shrewsbury Commons Avenue, Shrewsbury Township.

Proposals due: November 5, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228
 JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-1905. Filed for public inspection October 15, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
 September 30, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzigrilli; Wendell F. Holland

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Promise—Net Intl., Inc. (2003.0264.00); C-20031940; A-310789

Default Order

By the Commission:

On October 17, 2003, Law Bureau Prosecutory Staff filed a Complaint against Promise—Net Intl., Inc. (Respondent), an interexchange reseller certificated at A-310789. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail a notice to the Respondent that its 2002 Annual Report was overdue. The Complaint charged that the Respondent's failure to file its 2002 Annual Report violated 66 Pa.C.S. § 504. The Complaint sought an order from the Commission canceling the Respondent's certificate of public convenience for failure to file its 2002 Annual Report.

The Complaint was mailed by the Secretary's Bureau to Respondent's last known business address, but proof of service has not been confirmed because the Commission has on file no record of a return receipt. To date, no answer has been filed to the Complaint, and the 2002 Annual Report has never been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

Since filing the Complaint, an Assessment Report form seeking a statement of operating revenues for the calendar year 2003 for use in calculating the General Assessment was sent by first class mail on February 23, 2004, to Respondent at its last known business address, and was returned as undeliverable. Telephone calls to the last known telephone number for Respondent were answered by a nonjurisdictional "800" service provider operating in the same building under a different name. A knowledgeable source with this other provider advised that Respondent is no longer in business. At this point, there is no reasonable means to reach the Respondent, and it has failed in its responsibility to notify the Commission of any address or telephone number changes.

Based on Respondent's failure to file its 2002 Annual Report and its failure to file the Assessment Report for

2003, and upon our inability to serve the Complaint and other documents upon Respondent, we conclude that revocation of Respondent's certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Furthermore, we may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Promise—Net Intl. Inc. at A-310789 shall be revoked, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1906. Filed for public inspection October 15, 2004, 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 November 8, 2004. 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 of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00121107. Mary-Jo B. Marion (1309 Harness Lane, Chester Springs, Chester County, PA 19425)—persons in limousine service, between points in Pennsylvania, which

is to be a transfer of the rights authorized under the certificate issued at A-00085656 to Robert P. Monaghan, subject to the same limitations and conditions.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1907. Filed for public inspection October 15, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-152.P, Preventive Maintenance and Repairs as well as Water Treatment for a Cleave Brooks Boiler, Model # CB100-125-150ST (installed 1 year ago) (TMT) (LMSR Project), until 2 p.m. on Friday, October 29, 2004. 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 October 19, 2004. PRPA is an equal opportunity employer. The contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1908. Filed for public inspection October 15, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

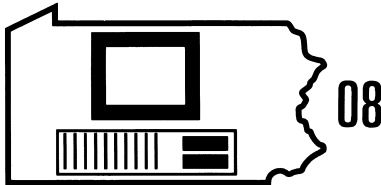
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

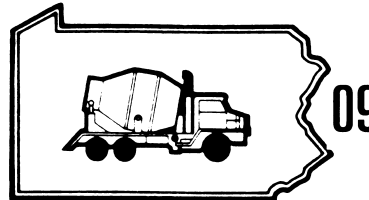
BARBARA HAFER,
State Treasurer



Computer Related Services

6000058321 The Engineering and Construction Management System (ECMS) was implemented to automate PENNDOT's design, bidding and construction processes. The ECMS system recently underwent a technology refresh that updated both system hardware and software. The ECMS system has experienced short periods of unscheduled downtime that the department has deemed to be unacceptable. The objective of this statement of work is to reduce the level of system downtime by implementing system redundancy. The department is requesting a technical resource to evaluate the current project's architecture, develop recommendations for system redundancy and assist in the testing and implementation of those recommendations. Required skill set of Technical Resource: must have a full understanding of failover capabilities for both web and database scenarios and server availability indexes and how to manipulate them; must have in-depth knowledge of troubleshooting redirect issues and cluster statistics setup and monitoring; must have familiarity with all pertinent notes.ini settings. Overall, the individual(s) should have recent hands-on experience at a functional level that resulted in a successful implementation of redundancy for an enterprise application. Required Deliverables: evaluation of current system architecture; develop recommendation for implementing redundancy; participate in failure scenario testing of redundancy; assist in creating a detailed implementation plan; assist in implementation of redundancy; document all hardware and software configuration changes.

Department: Transportation
Location: PENNDOT/BIS, Harrisburg, PA
Duration: Estimated: 4 months
Contact: Sibel Claywell, (717) 705-1556



Construction & Construction Maintenance

Collective #: CN00011202 This contract will provide the manpower, equipment, and incidental guide rail material for the installation of approximately 15,000 linear feet of strong post guide rail. All guide rail material will be supplied by the Department except for the bolts, nuts, washers, rotating brackets, connection plates, anchor bolts, concrete for the end treatments, and end anchorages. The Contractor will pick up and deliver the material to various worksites, while the Department shall be responsible for any grading of shoulder stabilizations, prior to the placement of the guide rail by the Contractor. A mandatory pre-bid meeting (one day) will be held to include review of guide rail locations, and site(s) where the guide rail will be stored, will be determined. All requests for bid packages must be received by FAX at (814) 765-0487 or by PHONE (814) 765-0496, ATTN: Jerome Latosky ***All bidders must be prequalified to bid on this project. The Pennsylvania Prevailing Wage Act does apply.

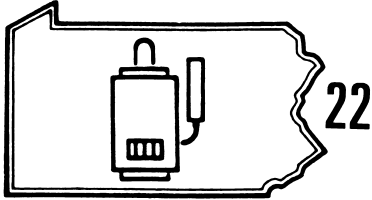
Department: Transportation
Location: Various Locations throughout Juniata County
Duration: This is a one-year contract.
Contact: Jerome Latosky, District Turnback Coordinator, (814) 765-0496

62-0080 West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids in the Construction Procurement Office, 201 Carter Drive, Suite 201, West Chester University, West Chester, PA 19383 for Project 62-0080 - Addition and Renovations - Lawrence Dining Facility. Work included under this project consists of a two-story addition to the existing Lawrence Dining Facility on the campus of West Chester University in West Chester, Pennsylvania. The project contains several food service venues with related seating areas; convenience store, student lounge area and office suite and includes minor alterations to the existing Lawrence Hall and related site work. Separate prime contracts will be issued for General Construction #62-0080.1, HVAC Construction # 62-0080.2, Plumbing Construction, 62-0080.3, Electrical Construction #62-0080.4. All work to include but is not necessarily limited to, the furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary to complete construction to the satisfaction of, and subject to the approval of the Professional and the State System of Higher Education. The bids are due and will be publicly opened at 11:00 a.m. on November 8, 2004. A site visit/pre-bid will be conducted at 10:00 a.m. on October 19, 2004 in the lobby of the Lawrence Dining Facility, 705 S. New Street, West Chester, PA 19383. Prevailing wages apply. A bid bond in the amount of 10% and contract bonds in the amount of 100% will be required. Plans and specifications will be available at no charge from the Construction Procurement Office of West Chester University. Please fax your request to Barb Cooper at 610-436-2720. Include your company name, address, phone, fax, e-mail and contact person's name. You will be notified when bid packages can be picked up. To arrange express delivery, please provide your UPS or FedEx account number on your request. The total project is estimated at \$3,500,000.00: General Construction 62-0080.1, (\$2,200,000 - \$2,400,000); HVAC Construction 62-0080.2 (\$360,000 - \$400,000); Plumbing Construction 62-0080.3 (\$230,000 - \$255,000); Electrical Construction 62-0080.4 (\$510,000 - \$555,000).

Department: State System of Higher Education
Location: West Chester University, S. New Street, West Chester, PA 19383
Duration: Contract completion 270 days after the "Notice to Proceed"
Contact: Barb Cooper, 610-436-2706

PR30058521 Provide and install 3,700 square yards of bituminous wearing course ID-2 (Standard), 2-1/2" depth, along with 100 square yards bituminous binder course ID-2, and tack coat at Newton Hamilton Access, Mifflin County, off State Route 3017 (Front Street), Newton Hamilton, PA - 1/8 mile east of the bridge over the Juniata River.

Department: Fish and Boat Commission
Location: Newton Hamilton Access, Mifflin County, Newton Hamilton, PA
Duration: Prior to 6/30/05
Contact: Kathi Tibbott, (814) 359-5130



HVAC Services

788004A Qualified vendor needed to maintain and do on-call repairs to Variable Message Signs, Crash Avoidance Systems and related computer hardware and software for PENNDOT owned signs located along I-79 and SR 38 in Butler County. To receive a bid package, please email the following information to Dspence@state.pa.us: Company Name, Company Address, Remittance Address (if different from company address), Name of Contact Person, Company Phone Number, Company Fax Number, SAP Vendor Number (vendors must be registered in the Commonwealth vendor files). All bidders are required to attend a mandatory Pre-bid meeting on October 29, 2005, at 10:00 A.M., at the village of Hooker at the intersection of SR38/SR1010, Butler County - (Segment 320 Offset 0000) and at 1:00 PM at the VMS site on I-79 SB, South of Slippery Rock, Butler County - (Segment 1025 Offset 0052).

Department: Transportation
Location: Variable Message Signs are located along I-79 North and I-79 South in Butler County, Crash Avoidance Systems are located on S. R. 38 in Butler County; Related Computers are located at Butler County Maintenance Office, 351 New Cast Road, Butler, PA 16001 and PENNDOT District Office, 2550 Oakland Avenue, Indiana, PA 15701.
Duration: 3 Years
Contact: Diane Spence, (724) 357-7987



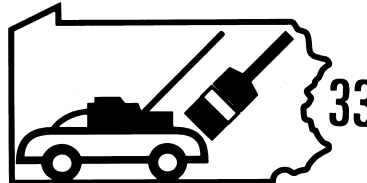
Medical Services

SP1345041027 Vendor to supply complete diagnostic services including, but not limited to, on-site x-ray studies, ultrasound studies, all necessary supplies, technician services and physician reading services on an as-needed basis. Diagnostic services to be provided as ordered by facility's physicians. Technician must be certified. Listing and estimated quantity of tests with specific conditions and instructions to be included in bid packet. SAP Vendor number must accompany request for bid packet/RFP. Apply for SAP Vendor number at www.state.pa.us Keyword: Imagine PA - Vendor Registration. Anticipated bid opening date of November 15, 2004.

Department: Military Affairs
Location: Southeastern Veterans' Center, One Veterans Drive, Spring City, PA 19475
Duration: Contract to be written for a period of one (1) year with the option to renew for up to four (4) additional one (1) year time periods. Yearly begin date 7/1 - end date 6/30.
Contact: Joan A. Gutchen, MHS, PA3, (610) 948-2492

SP1345041026 Vendor to supply complete laboratory services including, but not limited to, on-site phlebotomy draws, pick-up and delivery of specimens, all necessary supplies, and phlebotomist services on an as-needed basis. Phlebotomy services and specimen pick-up to be provided three (3) times weekly (M-W-F), plus emergency "STAT" testing as ordered by physicians. Phlebotomist must be certified. Listing and estimated quantity of tests with specific conditions and instructions to be included in bid packet. SAP Vendor number must accompany request for bid packet/RFP. Apply for SAP Vendor number at www.state.pa.us Keyword: Imagine PA - Vendor Registration. Anticipated bid opening date of November 15, 2004.

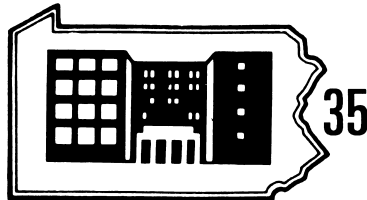
Department: Military Affairs
Location: Southeastern Veterans' Center, One Veterans Drive, Spring City, PA 19475
Duration: Contract to be written for a period of one (1) year with the option to renew for up to four (4) additional one (1) year time periods. Yearly begin date 7/1 - end date 6/30.
Contact: Joan A. Gutchen, MHS, PA3, (610) 948-2492



Property Maintenance

CL-605 Modify HVAC, Room 125 Harvey Clarion University is soliciting bids for HVAC renovations to Room 125 in Harvey Hall, a two-story classroom and office building on the main campus of Clarion University, Clarion, PA. The project will provide for installation of a new stand-alone HVAC system that is designed to minimize noise levels within the room. Work includes removal of existing HVAC units and installation of the new system to include insulated ductwork, and replacement of ceiling components with the installation of bulkheads for ductwork. The work will be assigned to two (2) Prime Contractors, General (.1) and Mechanical (.2). Pre-bid meeting: 10:00 a.m., October 19, 2004 in McEntire Maintenance Building, Wilson Avenue, Clarion, PA. Bids Due: 2:00 p.m. October 29, 2004. Plans Cost: \$30.00, non-refundable, for one complete set of plans and specifications, payable to Clarion University. Additional charge for multiple copies. Plans and specifications may be reviewed without charge at the university. Requests may be mailed to the attention of Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion, PA 16214 or via e-mail at jmcaninch@clarion.edu.

Department: State System of Higher Education
Location: Clarion University, Clarion, PA
Contact: Judy McAninch, Contract Specialist



Real Estate Services

93726 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Banking with 19,128 useable square feet of office space with a minimum parking requirement for 10 vehicles within the following boundaries: North: Forster St. South: Chestnut St. East: 7th St. West: Front St., Harrisburg, Dauphin County, PA. Downtown locations will be considered. For more information on SFP #93726 which is due on November 30, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-4396.

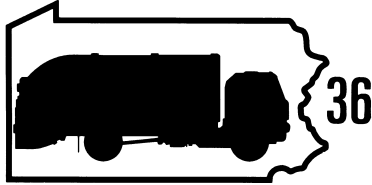
Department: Banking
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. John Hocker, (717) 787-4396

93759 Lease office space to the Commonwealth of PA. Proposals are invited to provide the PA State Police with 16,054 useable square feet of office space with a minimum parking requirement for 57 vehicles within a 2 1/2 mile radius of the intersection of I-78 and Rt. 100, Lehigh County, PA. For more information on SFP #93759 which is due on December 6, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-4396.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. John Hocker, (717) 787-4396

93760 The Department of General Services, through its exclusive marketing agent, will accept bids by public auction for the purchase of approximately 0.652-acres of real estate, including a masonry building, known locally as the Diagnostic and Rehabilitation Center, 229 Arch Street, City of Philadelphia. The auction will be conducted at the site on Friday, November 5, 2004. Interested parties wishing to receive a copy of Solicitation #93760, or to schedule a site visit, should contact Ziegler Auction Co., Ltd. (Lic. #2120-L), Attn: Jay Ziegler, 1550 Sand Hill Road, Hummelstown, PA 17036-9704, Telephone (717) 533-4267 Fax (717) 533-2114.

Department: General Services
Location: Attn: Jay Ziegler, 1550 Sand Hill Road, Hummelstown, PA 17036-9704, Telephone (717) 533-4267 Fax (717) 533-2114.
Contact: Mr. Jay Ziegler, (717) 533-4267



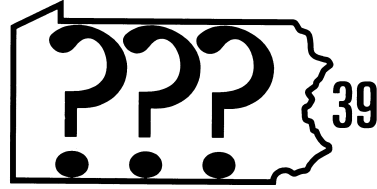
Sanitation

053701 Provide 8cy dumpsters at 7 Stockpile locations in Lehigh County for the removal and disposal of trash that is generated on site and from along the Departments Right of Way. No hazardous materials all regular trash.

Department: Transportation
Location: PENNDOT, 1712 Lehigh Street, Allentown, PA 18103
Duration: 1-3 year contract with 1-2 year renewal
Contact: Daniel Graham, (610) 798-4280 ext. 106

053702 Provide a location for the disposal of solid waste transported by Department trucks. Location should be within Lehigh County.

Department: Transportation
Location: PENNDOT, 1712 Lehigh Street, Allentown, PA 18103
Duration: 1-3 year contract with 1-2 year renewal
Contact: Daniel Graham, (610) 798-4280 ext. 106



Miscellaneous

CN00011205 Contractor to provide annual Fire Alarm System Testing and Certification for Warren State Hospital Simplex Grinnell System in accordance with NFPA72, Chapter 7 and manufacturers recommended procedures. Complete specifications can be obtained by contacting the hospital.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 01/01/2005 - 12/30/2007
Contact: Ms. Bobbie D. Muntz, PA III, (814) 726-4496

ADV-227 Indiana University of Pennsylvania (IUP) is seeking bids for replacement parts only to overhaul Cooper-Bessemer Engines at S. W. Jack Cogeneration Plant. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-227 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP, Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; or Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until October 25, 2004. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Availability of Parts
Contact: Mrs. Roxie M. Johnson, (724)357-3077

[Pa.B. Doc. No. 04-1909. Filed for public inspection October 15, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <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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DONALD T. CUNNINGHAM, Jr.
Secretary

