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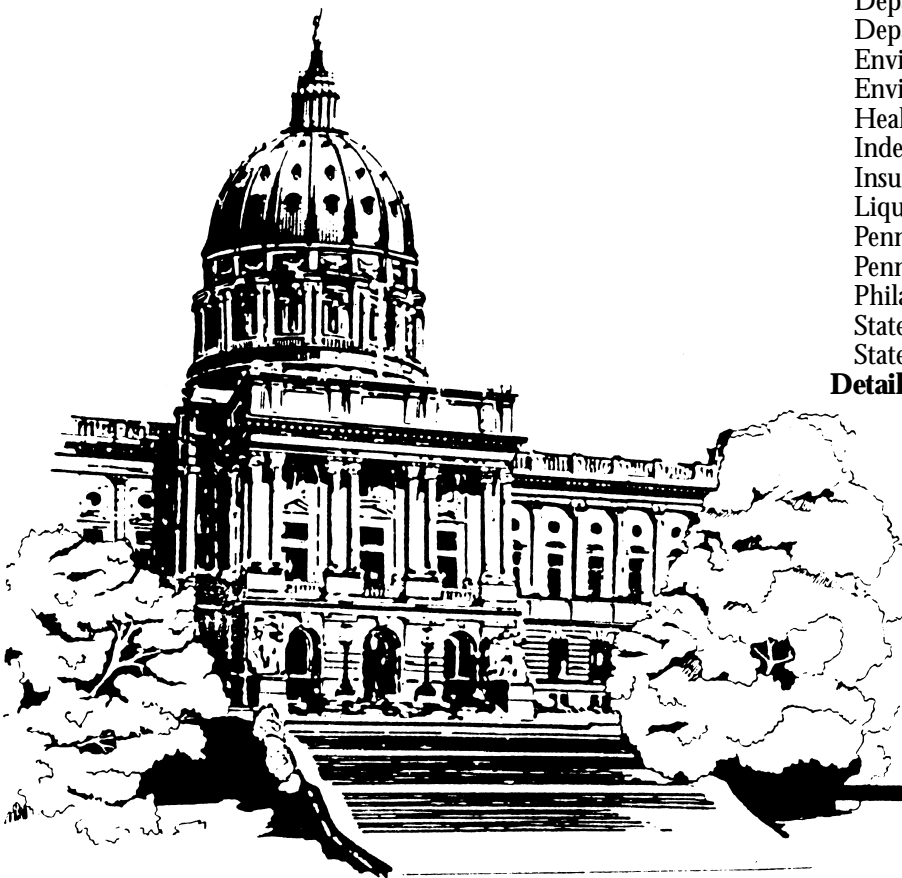
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Emergency Management Agency
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Cosmetology
State Board of Funeral Directors

Detailed list of contents appears inside.



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

No. 364, March 2005

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)		61 Pa. Code (Revenue)	
Adopted Rules		Adopted Rules	
6	348	32	256
65	1663		
Statements of Policy		204 Pa. Code (Judicial System General Provisions)	
1	358	Adopted Rules	
9	20, 1223, 1584	81	496, 497
114	1669	82	349
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93	1197	93	1656
		303	1508
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Adopted Rules		2250	501
13	1667	Proposed Rules	
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Proposed Rules		234 Pa. Code (Rules of Criminal Procedure)	
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13	1208	1	1331
16	1210	Proposed Rules	
18	1210	1	1556
21	1213	5	1558
27	1219	10	1416
37	258	246 Pa. Code (Minor Court Civil Rules)	
41	1582	Adopted Rules	
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48	1221	300	10
49	1221	500	10
52 Pa. Code (Public Utilities)		Proposed Rules	
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57	1421	249 Pa. Code (Philadelphia Rules)	
101	740	Unclassified	1334
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Adopted Rules		Unclassified	12, 246, 247, 350, 501, 505, 647, 654, 736, 1190, 1196, 1334, 1417, 1419, 1561, 1566
297	1567		
299	1567		
58 Pa. Code (Recreation)			
Adopted Rules			
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143	354		
147	355, 356, 357		

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CHS. 85, 87, 89, 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania; Order No. 61; Doc. Nos. R-142 and R-144

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Orders dated September 9, 2004 and November 22, 2004, the Supreme Court of Pennsylvania amended Pa.R.D.E. 102, 205(c), 206, 213(d) and 218(c), and 213(d) and (g), respectively. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

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

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

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

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

(4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary of the Board

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.2. Definitions.

(a) Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific chapters, subchapters or other provisions of this subpart, the following words and phrases, when used in this subpart shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * * * *

Experienced hearing committee member—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either:

(i) as a member of the Board, or

(ii) as a member of a panel of hearing committee members for at least one year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney.

* * * * *

Reviewing [member of a] hearing committee member—[The member of a] A senior or experienced hearing committee member designated under these rules to review the disposition of a complaint recommended by the Office of Disciplinary Counsel.

* * * * *

Senior hearing committee member—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either:

(i) as a member of the Board, or

(ii) a full three-year term on a panel of hearing committee members and on hearing committees that have conducted at least three hearings into formal charges of misconduct by respondent-attorneys for which formal transcripts have been prepared.

* * * * *

§ 85.11. Recusal.

(a) *General rule.* Enforcement Rule 220(a) provides that a member of the Board or [of] a hearing committee member or a special master shall withdraw from participating in a matter or proceeding where there is a substantial showing that the member or special master cannot participate in a fair and reasonable manner, including but not limited to instances where the member or special master:

* * * * *

(b) *Procedure for recusal.* Enforcement Rule 220(b) provides that a motion to disqualify a member of the

Board or [of] a hearing committee member or a special master shall be made in accordance with these rules, but the making of such a motion shall not stay the conduct of the proceedings or disqualify the challenged member or special master pending disposition of the motion. The procedures applicable to a motion for recusal shall be as follows:

* * * * *

(2) In the case of a motion to disqualify a [member of a] hearing committee member or special master, the motion must be filed within 15 days after the party filing the motion has been given notice of the referral of the matter to the hearing committee or special master.

* * * * *

(4) An interlocutory appeal from the decision on the motion, which appeal shall be ruled upon the Board [Chairman] Chair, may be filed within five days after the decision on the motion.

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

**Subchapter A. PRELIMINARY PROVISIONS
COMPLAINTS**

§ 87.8. District office action or recommendation.

* * * * *

(c) *Selection of form.* Action under subsection (b)(1) or (2) may be taken by the Assistant Disciplinary Counsel-in-charge with the written concurrence of any other Assistant Disciplinary Counsel. In such cases the district office shall prepare and attach to the file Form DB-4 (Final Disposition of Complaint). In other cases where disposition under subsection (b)(1) or (2) may be appropriate, the Assistant Disciplinary Counsel-in-charge shall prepare a Form DB-5 (Recommendation on Final Disposition of Complaint) and forward such form and the related file to Chief Disciplinary Counsel for review and action. In all other cases Assistant Disciplinary Counsel shall prepare and attach to the file Form DB-3 (Referral of Complaint to Reviewing [Member of] Hearing Committee Member).

Subchapter B. REVIEW OF RECOMMENDED DISPOSITION OF COMPLAINT

§ 87.31. Transmission to reviewing [member of a] hearing committee member.

[(a) *Designation of reviewing member of a hearing committee.* Upon receipt of Form DB-32 (Request for Designation of Reviewing Member) the Office of the Secretary shall indicate thereon the name and address of the reviewing member of a hearing committee to which the file has been assigned, and shall return the completed Form DB-32 to the Office of Disciplinary Counsel.

(b) *Transmission of file to reviewing member.*] Upon receipt of [the completed Form DB-32 the Office of Disciplinary Counsel shall] a request from the Office of Disciplinary Counsel for the assignment of a reviewing hearing committee member to review the disposition of a complaint recommended by the Office of Disciplinary Counsel, the Office of the Secretary shall assign a reviewing hearing committee member and forward the file with [its] the recommendation of the Office of Disciplinary

ary Counsel to the [appropriate] assigned reviewing [member of a] hearing committee member for action.

§ 87.32. Action by reviewing [member of a] hearing committee member.

(a) *General rule.* Enforcement [Rules 206(b)(3) and] Rule 208(a)(3) [provide] provides that, except where the complaint is dismissed because the complaint is frivolous or falls outside the jurisdiction of the Board, the reviewing [member of a] hearing committee member may approve or modify the recommendation of the Office of Disciplinary Counsel concerning the disposition of a complaint.

(b) *Approval.*

(1) Failure of a reviewing [member of a] hearing committee member to modify a recommendation within ten days after transmission by the Office of Disciplinary Counsel shall constitute approval of such recommendation.

* * * * *

(c) *Modification.* If the reviewing [member of a] hearing committee member determines to modify the recommendation of the Office of Disciplinary Counsel, the member shall set forth the determination on Form DB-3 (Referral of Complaint to Reviewing [Member of] Hearing Committee Member) together with a brief statement of the reasons therefor. Such determination shall be one of the following:

* * * * *

(d) *Return of file.* Upon making a determination, but in no event later than 48 hours after the expiration of the period set forth in subsection (b) of this section, the reviewing [member of a] hearing committee member shall return the file to the originating district office of the Office of Disciplinary Counsel.

§ 87.33. Appeal by Office of Disciplinary Counsel for modification of recommendation.

(a) *General rule.* Enforcement Rule 208(a)(4) provides that Disciplinary Counsel may appeal the recommended disposition directed by a reviewing hearing committee member to a reviewing panel composed of three members of the Board. The appeal shall be set forth on Form DB-8 (Appeal from Determination of Reviewing Member), and shall state briefly the grounds relied upon by the Office of Disciplinary Counsel for recommending modification of the determination of the reviewing hearing committee member. The appeal shall be filed with the Office of the Secretary within 30 days after the determination of the reviewing hearing committee member has become effective. The preceding sentence is not applicable to a motion made by the Office of Disciplinary Counsel to dismiss formal charges, which motion may be made at any time.

* * * * *

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL MATTERS

§ 89.1. Construction of chapter.

(a) *General rule.* This chapter is promulgated for the purpose of assisting the Office of Disciplinary Counsel, the respondent-attorney and the Board to develop the facts relating to, and to reach a just and proper determination of, grievances brought to the attention of the

Board. The Board recognizes the temptation in disciplinary matters to raise procedural defenses where substantive defenses would be unavailing and, therefore, the Board will not hold action of a hearing committee, **hearing committee member** or special master invalid by reason of any nonprejudicial irregularity, or for any error not resulting in a miscarriage of justice.

* * * * *

§ 89.4. Representation of respondent-attorney.

* * * * *

(c) *Restrictions on representation.* Members of the Board, partners or employes of any firm in which a member of the Board practices, **[members of hearing committees] hearing committee members** and special masters shall not appear as counsel for a respondent-attorney.

§ 89.7. Continuances.

(a) *Avoidance of delay.* All formal proceedings under these rules shall be as expeditious as possible, but the failure of the Office of the Secretary or the Board to comply with any of the procedural time periods in these rules shall not result in the dismissal of a petition for discipline or a lessening of the charges set forth therein. Only the Board **[Chairman] Chair** may extend the time for hearing or grant any other extension of time in a formal proceeding.

* * * * *

(c) *Application for continuance.* An application for continuance of a hearing shall be made either in writing or on the record at the hearing and shall set forth the basis for the application and the facts supporting it. The application shall be addressed to the **[chairman] chair** of the hearing committee or the special master conducting the hearing, who may deny it or recommend its approval to the Board **[Chairman] Chair**. A denial by the **[chairman] chair** of a hearing committee or special master may be reviewed by the Board **[Chairman] Chair**. A continuance of a hearing other than adjournment to a day certain not more than 15 days hence shall not be granted by a hearing committee or special master without the concurrence of the Board **[Chairman] Chair**.

* * * * *

(e) *Definition.* As used in this section, the term "involved person" includes a member of the Board **[or the assigned]**, a hearing committee **member assigned to act on any aspect of the matter**, a special master **assigned to the matter** and counsel for the respondent-attorney, as well as the respondent-attorney.

Subchapter B. INSTITUTION OF PROCEEDINGS

§ 89.56. Assignment for hearing.

(a) *General rule.* Enforcement Rule 208(b)(4) provides that following service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee. The Office of the Secretary shall transmit copies of the file of the Board by means of Form DB-9 (Reference for Disciplinary Hearing) to the members of **[a] the hearing committee appointed to hear the matter** or a special master in the appropriate disciplinary district not later

than five days after the date on which the answer of the respondent-attorney is due under § 89.54(a) (relating to answer).

(b) *Composition of committee.* The Secretary of the Board shall **[designate] appoint the members of the hearing committee to which the matter is assigned as provided by § 93.81(c) (relating to hearing committees)**. As provided by § 93.86 (relating to disqualification of reviewing member to sit on hearing in same matter), the hearing committee shall not **[be one which includes the reviewing member] include the hearing committee member who passed upon Disciplinary Counsel's recommended disposition of the matter. The Secretary shall also designate which member of the hearing committee will conduct the prehearing conference.**

§ 89.57. Scheduling of hearing and prehearing conference.

The date, time and place of hearing on a petition for discipline shall be scheduled by the Office of the Secretary **[after consultation with and consideration of any recommendations by the members of the hearing committee or special master, the Office of Disciplinary Counsel, and, if available, the respondent-attorney] at the time the members of the hearing committee are appointed.** The date fixed for the hearing shall not be later than 90 days after the file is transmitted to a hearing committee under § 89.56 (relating to assignment for hearing), unless an extension has been granted by the Board **[Chairman] Chair** at the request of any party. At the time that the hearing is scheduled, the Office of the Secretary shall also schedule a prehearing conference for a date not less than 30 days before the scheduled date of the hearing.

**Subchapter C. HEARING PROCEDURES
PREHEARING CONFERENCES**

§ 89.73. Initiation of conferences.

(a) *General rule.* The hearing committee or special master, with or without motion, and after consideration of the probability of beneficial results to be derived therefrom, may direct that a conference be held, and direct the respondent-attorney and staff counsel to appear thereat to consider any or all of the matters enumerated in § 89.72 (relating to subjects which may be considered at conferences to expedite hearings). Due notice of the time and place of such conference shall be given to the respondent-attorney and staff counsel. Where a proceeding is in the hands of a hearing committee, the conference may be conducted by the **[chairman] chair** of the hearing committee or by **[any regular member of the committee] a single senior or experienced hearing committee member** designated in writing by the **[chairman] chair**.

* * * * *

§ 89.74. Authority of hearing committee member or special master at conferences.

(a) *General rule.* The **[member of a hearing committee] senior or experienced hearing committee member** presiding at any conference may dispose of by ruling, irrespective of the consent of the participants, any procedural matters which the **[chairman] chair** of the committee is authorized to rule upon during the course of the proceeding, and which it appears may appropriately

and usefully be disposed of at that stage. Where it appears that the proceeding would be substantially expedited by distribution of proposed exhibits and written prepared testimony reasonably in advance of the hearing session, such advance distribution by a prescribed date may be directed at the discretion of the presiding hearing committee member. The presiding hearing committee member may also order the exchange of the names and addresses of expert witnesses and copies of all expert reports. An order for the distribution of exhibits and written testimony or the identification of expert witnesses and exchange of expert reports shall be made with due regard for the convenience and necessity of the respondent-attorney and staff counsel, and may provide that failure to comply with it shall have the consequences described in § 89.93(c) (relating to exclusion of evidence). The rulings of the presiding hearing committee member made at a conference shall control the subsequent course of the hearing, unless modified for good cause shown.

* * * * *

EVIDENCE AND WITNESSES

§ 89.123. Evidence by persons associated with Board.

Members and employees of the Board, [**members of hearing committees**] **hearing committee members** and special masters shall not testify as a character witness in any proceeding under these rules.

ORAL ARGUMENT AND BRIEFS

§ 89.163. Content and form of briefs.

* * * * *

(c) *Length.* Briefs (exclusive of any cover, table of contents, table of citations or appendix) shall be limited to 30 pages in length, except that for good cause shown the limitation on length may be altered or waived with respect to a particular brief upon application to and order of the [**Chairman**] **chair** of the hearing committee or the special master at least ten days before the time fixed for the filing of the brief.

ABBREVIATED PROCEDURE

§ 89.181. Abbreviated procedure.

* * * * *

(c) *Procedures.*

* * * * *

(7) If no timely objection is made no briefs shall be filed, no formal findings and recommendations shall be prepared by the hearing committee and the official reporter shall not prepare a transcript. The [**chairman**] **chair** of the hearing committee shall, however, prepare and file a brief summary of the case, in the form of a letter to the Board, which summary ordinarily should not exceed two pages in length, and the record of the proceedings shall forthwith be transmitted to the Office of the Secretary which shall serve upon the respondent-attorney and staff counsel copies of the brief summary of the case filed by the [**chairman**] **chair** of the hearing committee.

* * * * *

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.273. Procedures for reinstatement.

(a) *General rule.* Enforcement Rule 218(c) and (d) provide that:

* * * * *

(2) Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall file a response thereto with the Board and serve a copy on the formerly admitted attorney. Upon receipt of the response, the Board shall refer the petition and response to a hearing committee **appointed by the Office of the Secretary pursuant to § 93.81(c) (relating to hearing committees)** in the disciplinary district in which the formerly admitted attorney maintained an office at the time of the disbarment, suspension or transfer to inactive status. If any other formal disciplinary proceedings are then pending or have been authorized against the formerly admitted attorney, the reinstatement and disciplinary matters may be heard by the same hearing committee. In such case the combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

* * * * *

(7) **A petition for reinstatement to active status from inactive status by a formerly admitted attorney who has not been suspended or disbarred shall be considered by a single senior or experienced hearing committee member who shall perform the functions of a hearing committee under this subsection (a).**

(8) In all proceedings upon a petition for reinstatement, cross-examination of the respondent-attorney and witnesses of respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by Disciplinary Counsel.

* * * * *

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS

IN GENERAL

§ 91.2. Subpoenas and investigations.

* * * * *

(c) *Investigatory hearing committee.* On application by the Office of Disciplinary Counsel or of a respondent-attorney, where no petition for discipline has yet been filed under these rules, the Office of the Secretary shall [**designate**] **appoint** an investigatory hearing committee for the purpose of conducting an investigatory hearing under subsection (a)(1).

(d) *Notice and scheduling of investigatory hearings.* An investigatory hearing committee shall schedule an initial hearing on the matter to be held not later than 20 days after the committee is [**designated**] **appointed** pursuant to subsection (c). The committee shall give all persons affected at least four days written notice of each hearing held by the committee. Such a hearing may be held on less than four days notice if the [**chairman**] **chair** of

the committee determines that the shorter period is reasonably necessary under the circumstances.

* * * * *

§ 91.3. Determination of validity of subpoena.

Enforcement Rule 213(d) provides that any attack on the validity of a subpoena issued under these rules shall be [heard and determined by] handled as follows:

(1) [the hearing committee or special master before which it is returnable in the case of] A challenge to a subpoena authorized by § 91.2(a)(1) (relating to subpoenas and investigations) [; or] shall be heard and determined by the hearing committee or special master before whom the subpoena is returnable.

(2) [a member of a hearing committee in the disciplinary district in which the subpoena is returnable in the case of] A challenge to a subpoena authorized by § 91.2(a)(2) shall be heard and determined by a member of a hearing committee in the disciplinary district in which the subpoena is returnable.

(3) A determination under paragraph (1) or (2) may not be appealed to the Board, but may be appealed to the Supreme Court under § 91.4 (relating to appeal of challenges to subpoenas) within ten days after service of the determination on the party bringing the appeal.

§ 91.4. [Enforcement] Appeal of challenges to subpoenas.

Enforcement Rule 213(g) provides that:

(1) Either Disciplinary Counsel or a respondent-attorney may petition the Supreme Court [for the enforcement of any subpoena issued by the Prothonotary under these rules] to enforce a subpoena or to review a determination under § 91.3 (relating to determination of validity of subpoena) on the validity of a subpoena, and no attack on the validity of [such] a subpoena will be considered by the Court unless previously raised as provided in § 91.3 [(relating to determination of validity of subpoena)]. See also § 91.151(e) (relating to contempt of the Board).

* * * * *

(3) A petition for review of a determination made under § 91.3 must set forth in detail the grounds for challenging the determination. Upon timely receipt of a petition for review, the Court shall issue a rule to show cause upon the party to the proceeding who is not challenging the determination, returnable within ten days, why the determination should not be reversed. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

§ 93.23. Powers and duties.

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

* * * * *

(3) To appoint [three or more hearing committees] not less than 18 hearing committee members within each disciplinary district. [The Board may also appoint up to six persons in each disciplinary district to serve as alternate members of hearing committees within that district.]

* * * * *

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

* * * * *

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

(iii) consider a petition for reinstatement to active status from inactive status under § 89.273(a)(7) (relating to procedures for reinstatement).

* * * * *

§ 93.26. Meetings of the Board.

(a) Call and notice. Meetings shall be held upon the call in writing of the [Chairman] Chair or of any two members of the Board at any place [in the City of Harrisburg] designated in the call or at any other place designated for such purpose by resolution of the Board or in the absence of such resolution as designated by the [Chairman] Chair. Notice of special meetings shall be given in person or by telephone or telegraph to each member of the Board (at the address furnished to the Office of the Secretary for that purpose) at least 24 hours prior to the time fixed for the special meeting. Notice of a special meeting may be waived in writing and shall be waived by attendance at the meeting.

(b) Organization. The [Chairman] Chair shall preside at meetings of the Board. In the absence of the [Chairman] Chair one of the following persons in the order stated shall preside:

- (1) The Vice [Chairman] Chair;
- (2) An acting [chairman] chair selected by the Board for such purpose.

§ 93.28. Agenda.

An agenda for each meeting of the Board shall be prepared by the Office of the Secretary with the approval of the [Chairman] Chair.

§ 93.29. Panels.

(a) General rule. The Board [Chairman] Chair may designate panels of at least three Board members for the purpose of hearing oral argument in formal proceedings.

(b) Organization. The first-named member of each panel shall be the [chairman] chair thereof. Except as otherwise provided by these rules, meetings and proceedings of a panel of the Board shall be governed insofar as applicable by the provisions of these rules governing meetings and proceedings of the Board.

* * * * *

Subchapter D. OFFICE OF DISCIPLINARY COUNSEL

§ 93.61. Office of Disciplinary Counsel.

(a) *General rule.* There shall be an Office of Disciplinary Counsel, which shall be the office of the Chief Disciplinary Counsel and the following staff of the Board:

* * * * *

(3) Such other staff of the Board as may be designated by the Board [**Chairman**] **Chair**.

* * * * *

§ 93.63. Powers and duties of Office of Disciplinary Counsel.

(a) *General rule.* The Office of Disciplinary Counsel shall have the power and duty (pursuant to Enforcement Rule 207(b)):

* * * * *

(2) To dispose of all matters (subject to review by a [**member of a**] **senior or experienced** hearing committee member when required by these rules) involving alleged misconduct by dismissal, informal admonition, recommendation for private reprimand or the prosecution of formal charges before a hearing committee or special master.

* * * * *

Subchapter E. HEARING COMMITTEES AND SPECIAL MASTERS

HEARING COMMITTEES

§ 93.81. Hearing committees.

(a) *General rule.* Enforcement Rule 205(c)(3) provides that the Board shall appoint [**three or more hearing committees**] **not less than 18 hearing committee members** within each disciplinary district, and that each [**member of a hearing committee or alternate appointed**] person appointed as a hearing committee member for a district shall be a member of the bar of this Commonwealth who maintains an office for the practice of law within the district. [**Enforcement Rule 206(a) provides that when a hearing committee is first selected, one of its members shall be appointed for a term of one year, another member for a term of two years and the third member for a term of three years; that thereafter all regular terms shall be three years; that no member shall serve for more than two consecutive three-year terms; that a member who has served two consecutive three-year terms may be reappointed after the expiration of one year; and that the terms of members shall commence on July 1. A member of a hearing committee whose term has expired may continue to serve until the conclusion of any matter commenced before the member prior to the expiration of such term, if so requested in writing by the Office of the Secretary.**]

(b) [*Alternates.* Enforcement Rule 205(c)(3) further provides that only persons who have previously served as a member of a hearing committee or of the Board shall be eligible for appointment as an alternate. An alternate shall have the status of a member of a hearing committee, but shall not be eligible to serve under § 93.23(a)(7) (relating to powers and duties) or in the capacities reserved to

regular members of a hearing committee by § 93.82 (relating to quorum and manner of acting).] (Rescinded.)

[*Official Note:* The last sentence of subsection (b) is intended to make clear that an alternate hearing committee member will be subject, among other things, to the provisions of § 85.9 (relating to immunity) and § 85.11 (relating to recusal).]

(c) *Terms.* Enforcement Rule 206(a) provides that when a hearing committee is [**first selected, one of its members shall be appointed for a term of one year, another member for a term of two years and the third member for a term of three years**] required to handle a matter, the Board shall appoint a hearing committee consisting of three hearing committee members from the appropriate disciplinary district; that at least one of the members of the hearing committee shall be a senior hearing committee member, and another member shall be either a senior hearing committee member or an experienced hearing committee member; that [**thereafter all regular terms**] the terms of hearing committee members shall be three years; that no member shall serve for more than two consecutive three-year terms; [**that an alternate hearing committee member shall serve for a term of three years, and may serve for a second consecutive three-year term;**] that a [**regular or alternate**] hearing committee member who has served two consecutive three-year terms may be reappointed after the expiration of one year; and that the terms of members shall commence on July 1. A [**regular or alternate member of a**] hearing committee member whose term has expired may continue to serve until the conclusion of any matter commenced before the member prior to the expiration of such term, if so requested in writing by the Office of the Secretary.

[(d) *Designation.* Each hearing committee shall be identified by a two part numerical designation consisting of the number of the disciplinary district for which the committee is established and the number of the committee within the district, e.g. the second hearing committee in Disciplinary District I shall be known as "Hearing Committee 1.02."]

§ 93.82. Quorum and manner of acting.

Enforcement Rule 206(a) provides that a hearing committee shall act only with the concurrence of a majority of its members and that two members shall constitute a quorum, except that a single [**regular, but not an alternate**] senior or experienced hearing committee member may act for the committee when the committee is sitting as an investigatory hearing committee under § 91.2(a)(1) (relating to subpoenas and investigations), [**when hearing and determining a challenge to a subpoena under § 91.3(2) (relating to determination of validity of subpoena),**] or when conducting a prehearing conference [**or when considering a petition for reinstatement to active status from inactive status under § 89.273(a)(3)(ii) (relating to procedures for reinstatement) of a formerly admitted attorney who has not been suspended or disbarred**].

§ 93.83. Powers and duties.

(a) *General rule.* Enforcement Rule 206(b) provides that each hearing committee shall have the power and duty:

* * * * *

[(3) To review, by the member assigned, and approve or modify recommendations by Disciplinary Counsel for dismissals, informal admonitions, private reprimands and institution of formal charges.

(4) To hear and determine, by the member assigned, attacks on the validity of subpoenas issued pursuant to § 91.2(a)(2) (relating to subpoenas and investigations).]

* * * * *

§ 93.84. Officers.

Enforcement Rule 206(a) provides that the Board shall designate the **[chairman] chair** of each hearing committee, **who shall be a senior hearing committee member.** In the case of the absence or disability of the **[chairman] chair** of a hearing committee, the committee shall select an acting **[chairman] chair.** The **[chairman] chair** of a hearing committee shall be the presiding officer at all hearings held by the committee and, unless otherwise directed by the committee with respect to particular questions or issues, shall make all rulings on admissibility of evidence and other procedural matters arising in connection with formal proceedings.

§ 93.86. Disqualification of reviewing member to sit on hearing in same matter.

Enforcement Rule 205(c)(5) provides that a **[reviewing] hearing committee** member who has passed upon Disciplinary Counsel's recommended disposition of a matter shall be ineligible to serve on a hearing **[panel to which the matter is thereafter assigned for hearing] committee that considers the matter.**

§ 93.87. [Special procedures] Replacement of unavailable members.

[(a) Use of alternates.] Enforcement Rule 206(c) provides that[:

(1) Where a regular hearing committee member is disqualified or otherwise unavailable to serve with respect to any particular formal proceeding, the Secretary shall assign an alternate hearing committee member to serve in place of the unavailable member with respect to that proceeding.

(2) Particular formal charges may not be referred to a hearing committee unless at least one regular member of the committee serves on the committee during its handling of those charges.

(3) If the chairman] if a member of a hearing committee [is] becomes disqualified or otherwise unavailable to serve with respect to any particular [formal proceeding] matter, the Secretary shall designate [the chairman of the hearing committee for that proceeding who shall be a regular member of the committee] a replacement.

[(b) Special hearing committees. Enforcement Rule 206(c) further provides that where it is impracticable to refer particular formal charges to any established hearing committee within a disciplinary district, the Office of the Secretary shall select by lot a special hearing committee from all available regular hearing committee members within an adjacent district.]

Subchapter F. CONFIDENTIALITY

§ 93.103. Identity of reviewing hearing committee member.

The identity of the **hearing committee** member acting under § 87.32 (relating to action by reviewing **[member of a] hearing committee member**) shall not be a part of the record in formal proceeding under these rules and shall not be available to the respondent-attorney.

[Pa.B. Doc. No. 05-441. Filed for public inspection March 11, 2005, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial District Within the 5th Judicial District of the Commonwealth; No. 215 Magisterial Doc. No. 1

Order

Per Curiam

And Now, this 25th day of February, 2005, upon further consideration of the Petition for Realignment filed by the former President Judge of the Fifth Judicial District dated November 15, 2002, relating to the proposed Central Court and the evaluation of the current Pittsburgh Magistrates Court to gauge the feasibility of transitioning the Pittsburgh Magistrates Court into the statewide district justice system, it is hereby *Ordered*:

Pursuant to the authority set forth in Article V, Section 10(c) of the Constitution of Pennsylvania and the general supervisory and administrative authority of the Supreme Court of Pennsylvania as set forth in 42 Pa.C.S. Section 1701, et seq., (Judicial Code), all matters within the jurisdiction of Pittsburgh Housing Court are assigned to the administrative judicial unit referred to as the Pittsburgh Municipal Court which was established by Order of this Court dated November 29, 2004. All fines, fees, costs, restitution, and other reparations collected by the Pittsburgh Municipal Court shall be distributed in accordance with 42 Pa.C.S. Sections 3571, 3572, 3573, and all other relevant legal authority.

The provisions of this Order shall be effective March 7, 2005.

[Pa.B. Doc. No. 05-442. Filed for public inspection March 11, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 65]

State Art Commission

The Department of General Services (Department) acting under sections 506 and 2402.2 of The Administrative Code of 1929 (71 P. S. §§ 186 and 631.1), section 6(e) of the Sunset Act (71 P. S. § 1795.6(e)) and section 201 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201), known as the Commonwealth Documents Law (CDL), rescinds Chapter 65 (relating to State Art Commission).

Purpose

The State Art Commission (Commission) was terminated by section 6(e) of the Sunset Act (expired). The chapter set out the criteria the Commission used in reviewing construction projects. It further set out those submittals which must be made to the Commission. Since the Commission was sunsetted it no longer meets.

Notice of proposed rulemaking was published at 32 Pa. B. 5278 (October 26, 2002). Publication was followed by a 30-day public comment period during which the Department did not receive any comments. The Senate State Government Committee, the House State Government Committee and the Independent Regulatory Review Commission (IRRC) also had no comments.

Fiscal Impact

There will be no fiscal impact. With the sunset of the Commission in 1987, this chapter is obsolete.

Paperwork Requirements

The final-form rulemaking will impose no new or different paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 9, 2002, the Department submitted a copy of this proposed rulemaking to IRRC and the Chairpersons of the House and Senate Committees.

The final-form rulemaking was included on the agenda for consideration at the IRRC meeting on November 30, 2004. Under the Regulatory Review Act, the final-form rulemaking was deemed approved by the House and Senate Committees on November 29, 2004. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective February 9, 2005.

Effective Date

This final-form rulemaking is effective as of publication in the *Pennsylvania Bulletin*.

Additional Information

Individuals who need information about the final-form rulemaking should contact Mary Benefield Seiverling, Senior Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, Harrisburg, PA 17125.

Findings

The Department finds that:

(1) Public notice of intention to promulgate administrative regulations amended by this order has been given under sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of the Department's duties under The Administrative Code of 1929.

Order

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 4 Pa. Code Chapter 65, are amended by deleting §§ 65.1—65.6 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DONALD T. CUNNINGHAM, JR.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 35 Pa.B. 1487 (February 26, 2005).)

Fiscal Note: 8-2. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

CHAPTER 65. (Reserved)

§§ 65.1—65.6. (Reserved).

[Pa.B. Doc. No. 05-443. Filed for public inspection March 11, 2005, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHAPTER 86]

Coal Mining

The Environmental Quality Board (Board) by this order amends Chapter 86 (relating to surface and underground mining; general) to read as set forth in Annex A. The amendment addresses the extraction of coal incidental to government-financed construction projects and government-financed reclamation projects.

This order was adopted by the Board at its meeting of June 15, 2004.

A. *Effective Date*

This amendment will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information contact Joseph G. Pizarchik, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103, or William Shakely, Assistant Chief Counsel, Office of Chief Council, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-1956. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) website at: www.dep.state.pa.us, direct link: Participate.

C. *Statutory Authority*

This final-form rulemaking is made under the authority of section 4.2 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b(a)) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510—20).

D. *Background of the Final-Form Rulemaking*

The Department proposed this amendment following a request from the Department of Transportation (PENNDOT). PENNDOT asked the Department to amend Chapter 86 to exclude coal extraction on government-financed highway construction projects from regulation under the surface coal mining regulations. Prior to developing the proposed amendment, the Department reviewed the applicable provisions of the SMCRA and the Federal regulations on coal mining. The definition of "surface mining activities" in section 3 of the SMCRA (52 P. S. § 1396.3) states that "surface mining activities" do not include the "extraction of coal as an incidental part of Federal, State or local government-financed highway construction pursuant to regulations promulgated by the Environmental Quality Board." The Federal Office of Surface Mining, Reclamation and Enforcement (OSM) regulations in 30 CFR Part 707 (relating to exemption for coal extraction incidental to government-financed highway or other construction) exempt from regulation coal extraction incidental to government-financed highway or other construction. On the basis of these provisions, the Department agreed that coal extraction incidental to government-financed highway construction should not be regulated as surface coal mining and developed the proposed § 86.6 (relating to extraction of coal incidental to government-financed construction or government-financed reclamation projects) published at 32 Pa.B. 2217 (May 4, 2002). The proposed amendment to § 86.6 also restated the SMCRA exemption for coal extraction incidental to government-financed reclamation. The Department included government-financed reclamation in § 86.6 so that it more closely parallels the exemptions in section 3 of the SMCRA.

A 45-day public comment period was provided for the proposed rulemaking. Among the comments received was a suggestion to expand the exemption in § 86.6 to include coal extraction incidental to other types of government-financed construction, because 30 CFR Part 707 exempts those projects from regulation under the Federal act and regulations. The commentator noted that the statutory

basis for exempting other types of government-financed construction could be found in section 3 of the SMCRA, in the definition of "surface mining activities." The definition provides that surface mining activities do not include "Activities not considered to be surface mining as determined by the Office of Surface Mining, Reclamation and Enforcement and set forth in the Department regulations." See section 3 of SMCRA. The Department has revised the final-form rulemaking to exempt all coal extraction incidental to government-financed construction and reclamation projects from the requirements of the surface coal mining regulations.

While the extraction of coal as an incidental part of Federal, State or local government-financed construction and government-financed reclamation will no longer be subject to the requirements of Chapters 86—88 (relating to surface and underground coal mining; general; surface mining of coal; and anthracite coal), any potential environmental impacts from these activities are still regulated under State law and regulations. Federally funded highway construction, which includes virtually all PENNDOT highway construction projects, receives additional scrutiny under the National Environmental Policy Act of 1970 (NEPA) (42 U.S.C.A. § 4321—4370(e)), and the Commonwealth's Act 120.

The NEPA procedural requirements are very thorough and can take as long as 2 to 3 years to complete for a highway project. In general, this process requires notice to all potentially affected parties, a preliminary inter-agency "scoping" meeting to identify areas of concern, an environmental analysis, a determination of whether the project will have any significant environmental impacts, notice and opportunity to comment on that determination and consideration of the agency responses to those comments.

In addition, whether the project is partially funded by Federal tax dollars or is 100% State funded, PENNDOT must comply with Act 120. That act requires PENNDOT to "consult with appropriate officials as designated by the chief administrative officer of the... Department of Environmental [Protection] ... regarding the environmental hazards ... conservation ... recreation and social considerations that may arise by reason of the location, design, construction or reconstruction of any transportation or air facility" (71 P. S. § 512(a)(15)).

Act 120 also requires PENNDOT to follow the Federally mandated hearing procedures under Titles 23 and 49 of the *United States Code* (relating to highways; and transportation) in acquiring a new right-of-way even if no Federal funds are involved. At these hearings, PENNDOT must consider the impact of the proposed project on erosion, wildlife, the general ecology, noise, air and water pollution, and historic landmarks. PENNDOT may not proceed with the project unless it makes a written finding in the *Pennsylvania Bulletin* that there is no significant impact on the listed environmental elements or that there is no prudent alternative and steps have been taken to minimize any adverse impact.

Given the procedural requirements under the NEPA and Act 120, as well as new requirements in § 86.6(a)(4) and (5) and (c)(4) and (5) that are discussed in Section E of this order, the Department believes that it will receive adequate notice and opportunity to comment on any highway project that may impact the environmental resources of a particular area. In turn, the Department will recommend ways to protect those resources. Moreover, Federal, State and local government-financed construction projects are not exempt from the Department's

other permitting requirements and performance standards such as those in Chapters 91—96, 102 and 105. Specific provisions have been included in this final-form rulemaking to ensure that appropriate standards will be in place during the course of the project.

The proposed regulatory change was reviewed and discussed at the October 25 and November 19, 2001, Mining and Reclamation Advisory Board (MRAB) meetings. Several MRAB members noted that § 86.6 would allow coal extraction incidental to government-financed construction projects to take place in areas that have been designated unsuitable for coal mining. They expressed concern that the unique resources, particularly water resources, which led to areas being designated unsuitable for mining, will not be adequately protected. The Department agreed to establish internal notification procedures to protect the unique resources in areas designated unsuitable for mining. This was accomplished by creating a GIS layer in eFACTS Spatial, which is a mapping application that displays Department permitting information on an Internet map server. On January 3, 2002, the MRAB supported the proposed rule. This final-form rulemaking was reviewed by the MRAB on January 9 and October 23, 2003.

Section 86.6 will provide for the incidental extraction of coal on government-financed construction and reclamation projects and ensure that all environmental concerns are addressed.

E. Summary of Changes to the Proposed Rulemaking

The Board has revised proposed § 86.6, as published at 32 Pa.B. 2217, by including coal extraction incidental to other types of government-financed construction among the exemptions to the coal mining regulations provided by this section. The § 86.6 exemption for other types of government-financed construction is based on the definition of “surface mining activities” in section 3 of the SMCRA, which states that surface mining activities shall not include “Activities not considered to be surface mining as determined by the United States Office of Surface Mining, Reclamation and Enforcement and set forth in department regulations.” The Federal regulations in 30 CFR 707.1(b) (relating to scope) exempt the extraction of coal incidental to government-financed construction from the Federal act and regulations.

The Board has also inserted several new provisions. New paragraphs (1), (5) and (6) were added to subsection (a) to provide opportunity for Department comment on proposed projects and require that the construction or reclamation be performed under bond, contract and specifications consistent with the environmental statutes applicable to those projects and requires Department approval when potential adverse environmental impacts may occur. New paragraph (4) added to subsection (c) requires that a person whose project will affect an area designated unsuitable for mining must maintain on site a copy of the detailed report that was developed by the Department during the designation process. A new subsection (d) affirmatively states that activities exempted from regulation as coal mining by this section must nevertheless comply with other, applicable regulations of the Department.

F. Summary of Comments and Responses on the Proposed Rulemaking

The Board adopted the proposed amendment at its meeting of March 19, 2002. The proposed amendment was published at 32 Pa.B. 2217, with a 45-day public comment period. The Game Commission and Fish and

Boat Commission, the Pennsylvania Coal Association and the Independent Regulatory Review Commission (IRRC) submitted comments. Following is a discussion of their comments and any resulting changes in the final-form rulemaking.

Two of the commentators expressed concern that the proposed rulemaking would weaken environmental protections currently placed on highway projects in the coal mining areas. They noted that highway construction projects involving cut and fill are very similar to linear surface mining operations. Both operations involve clearing the land, removing and storing topsoil and excavating and storing rock material. However, one critical difference is that in mining the permit includes plans for handling toxic and acid-producing rock strata and the affected area is reclaimed to its approximate original contour. Conversely, in the majority of highway projects open cuts remain, exposing toxic strata to weathering, and fills are constructed with little regard to special handling of toxic spoils. The commentators recommended the Board oppose this regulation until these concerns are adequately addressed.

As explained in the preamble to the proposed rulemaking and in Section D of this order, the Board believes that the Department, natural resource agencies and other interested parties have adequate opportunity to provide PENNDOT with information on environmental concerns, including the handling of toxic and acid-producing overburden, on projects under the requirements of the NEPA and Act 120. To address any lingering concerns, the Board has amended § 86.6 by inserting several new provisions. The construction or reclamation must be performed under a bond, contract and specifications consistent with the acts and regulations and be approved by the Department. For any government-financed construction or reclamation project that will extract more than 250 tons of coal or affect more than 2 acres in an area designated unsuitable for mining, the person conducting the project shall maintain onsite a copy of the Department's detailed report on the area designated unsuitable for mining. Additionally, the Board has inserted a new subsection that requires government-financed construction and government-financed reclamation projects to comply with applicable Department water quality, erosion and sediment control and dam safety regulations.

One commentator suggested the proposed rulemaking include other types of government-financed construction beyond highway construction and reclamation. The commentator noted that exclusion (4) in the SMCRA definition of “surface mining activities” excludes activities not considered to be surface mining by the OSM provided those activities are set forth in Department regulations. The commentator argued that the SMCRA uses the words “considered to be” instead of “defined as” and defers to OSM's “determination” on these activities; therefore, the Legislature intended to provide flexibility and to allow the Board to adopt regulations consistent with the Federal regulatory scheme.

The Board, upon further consideration of the language in section 3 of the SMCRA, agrees that these projects are not properly regulated as traditional surface mining. The Board interprets exclusion (4) to cover those activities that the OSM has determined are not subject to regulation as surface mining. The Federal Surface Mining Control and Reclamation Act and regulations specifically exempt the incidental removal of coal in government-financed highway and other construction projects from the requirements of the Federal act and regulations.

Another commentator had two comments on the proposed rule. The first one questioned why the rule did not include the exemption for other types of government-financed construction if the Federal regulations exempt those activities.

The proposed rulemaking was developed in response to a specific request from PENNDOT. It was based on exclusion (2) in the SMCRA definition of "surface mining activities," which deals solely with coal extraction incidental to government-financed highway construction. The Department has revised the regulation to exempt coal extraction incidental to government-financed construction from its coal mining regulations based on exclusion (4) in the SMCRA definition of "surface mining activities."

Second, the commentator suggested that the proposed rulemaking include references to the water quality and environmental protection regulations that will still apply to government-financed projects. The Board agrees and has inserted a new subsection (d) requiring these projects to comply with the appropriate Department regulations. The new subsection also identifies specific water resources chapters that typically apply to earth disturbance activities.

G. *Benefits, Costs and Compliance*

Government entities located in this Commonwealth's coal fields that are proposing construction projects or reclamation projects will benefit from the addition of § 86.6. These entities will be able to avoid additional requirements associated with complying with the coal mining regulations for nonmining activities. Furthermore, in situations where a government-financed construction project or reclamation project involving coal removal will affect an area designated unsuitable for mining, the designation will not automatically prohibit excavation or removal of coal or coal refuse. The Department and Commonwealth may also benefit through additional reclamation of abandoned mine lands if government-financed reclamation contracts involving the necessary and incidental removal of coal and coal refuse can occur in areas designated unsuitable for mining.

Compliance Costs

The change will impose no additional compliance costs on the coal mining industry, government entities or the public.

Compliance Assistance Plan

The Department will provide written notification of this rulemaking to PENNDOT, the Turnpike Commission and local government associations such as the Pennsylvania State Association of Township Supervisors and the County Commissioners Association of Pennsylvania.

Paperwork Requirements

This final-form rulemaking will not result in the need for additional forms, reports or other paperwork.

H. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 23, 2002, the Department submitted a copy of the proposed rulemaking, published at 32 Pa.B. 2217, to IRRC and the Chairpersons of the

Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 28, 2004, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 29, 2004, and approved the final-form rulemaking.

J. *Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed amendment published at 32 Pa.B. 2217.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. *Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 86, are amended by adding § 86.6 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 4528 (August 14, 2005).)

Fiscal Note: 7-376. No fiscal impact; (1) General Operations; (2) Implementing Year 2003-04 is \$4,000; (3) 1st Succeeding Year 2004-05 is \$4,000; 2nd Succeeding Year 2005-06 is \$4,000; 3rd Succeeding Year is \$4,000; 4th Succeeding Year is \$4,000; 5th Succeeding Year is \$4,000; (4) 2002-03 Program—\$2,973,000; 2001-02 Program—\$1,390,00; 2000-01 Program—\$1,524,000; (8) recommends

adoption. There will be minimal savings to State government to the extent that it will be exempt from permitting requirements.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL

MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.6. Extraction of coal incidental to government-financed construction or government-financed reclamation projects.

(a) Extraction of coal incidental to government-financed construction or government-financed reclamation projects is exempt from the permitting requirements of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a) and this chapter as it relates to surface mining activities and operations, and Chapters 87 and 88 (relating to surface mining of coal; and anthracite coal) if the following conditions are met:

(1) During the project site selection process and prior to development of final construction plans or reclamation plans for projects located within coal bearing regions, the government entity financing the construction or reclamation has provided the Department with an opportunity to provide comments on the potential environmental impacts of the project.

(2) The extraction of coal is necessary to enable the construction or reclamation to be accomplished. Only that coal extracted from within the right-of-way, in the case of a road, railroad, utility line or other similar construction, or within the boundaries of the area directly affected by other types of government-financed construction or government-financed reclamation, may be considered incidental to that construction or reclamation.

(3) The construction or reclamation is funded by a Federal, Commonwealth, county, municipal, or local unit of government, or a department, bureau, agency, or office of the unit which, directly or through another unit of government, finances the construction or reclamation.

(4) The construction or reclamation is funded 50% or more by funds appropriated from the government unit's budget or obtained from general revenue bonds. Funding at less than 50% may qualify if the construction is undertaken as a Department-approved reclamation contract or project.

(5) The construction or reclamation is performed under a bond, contract and specifications that substantially provide for and require protection of the environment, reclamation of the affected area, and handling of excavated materials in a manner consistent with the acts and regulations implementing the acts.

(6) The Department has approved the standards and specifications for protection of the environment that will apply to the project when potential adverse environmental impacts have been identified.

(b) Construction funded through government financing agency guarantees, insurance, loans, funds obtained

through industrial revenue bonds or their equivalent or in-kind payments do not qualify as government-financed construction.

(c) A person extracting coal incidental to government-financed construction or government-financed reclamation who extracts more than 250 tons of coal or affects more than 2 acres shall maintain on the site of the extraction operation and make available for inspection the following documents:

(1) A written description of the construction or reclamation project.

(2) A map showing the exact location of the construction or reclamation, right-of-way or the boundaries of the area which will be directly affected by the construction or reclamation.

(3) A statement identifying the government agency that is providing the financing and the kind and amount of public financing, including the percentage of the entire construction costs represented by the government financing.

(4) When the area delineated in paragraph (2) is wholly or partially within an area designated unsuitable for mining by the EQB under § 86.130 (relating to areas designated as unsuitable for mining), a copy of the detailed report required by § 86.124(e) (relating to procedures: initial processing, recordkeeping and notification requirements).

(d) Government-financed construction projects and government-financed reclamation must comply with Chapters 91—96, 102 and 105.

[Pa.B. Doc. No. 05-444. Filed for public inspection March 11, 2005, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Limited License

The State Board of Funeral Directors (Board) amends §§ 13.1 and 13.12 (relating to definitions; and fees) and adds § 13.77 (relating to limited license).

Description and Need for the Amendment

The act of June 22, 2000 (P. L. 376, No. 48) authorized the Board to enter into an agreement with the appropriate licensing authority of any other state to issue limited licenses to funeral directors licensed in that state, so long as the other state would extend similar privileges to funeral directors licensed in this Commonwealth. Acting under a limited license, an out-of-State funeral director may enter this Commonwealth for the purpose of removing, transporting and burying dead human bodies and directing funerals. A limited license does not authorize the out-of-State funeral director to maintain an establishment or to hold himself out as a funeral director in this Commonwealth. This final-form rulemaking implements limited licensure in this Commonwealth for out-of-State funeral directors.

Summary of Comments and Responses to the Proposed Rulemaking

The Board published notice of proposed rulemaking at 34 Pa.B. 1961 (April 10, 2004) with a 30-day public comment period. The Board did not receive any comments from the public. The Board received a single comment from the House Professional Licensure Committee (HPLC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12). The Board did not receive comments from the Independent Regulatory Review Commission (IRRC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of their review of proposed rulemaking under the Regulatory Review Act.

Section 9(c) of the Funeral Director Law (act) (63 P.S. § 479.9(c)) requires that any limited license agreement entered into by the Board must include a provision that that “any disciplinary action [taken against the holder of a limited license] shall be reported to the corresponding licensing authority [of the limited license holder’s home state].” Section 13.77(d) reads that the Board “will” report to the reciprocal state any disciplinary action taken against the holder of a limited license. The HPLC commented that because this provision imposes a duty upon the Board, the term “shall” should be used instead of “will.” In drafting this proposed rulemaking, the Board looked to section 6.8(c) of the *Pennsylvania Code and Bulletin Style Manual* of the Legislative Reference Bureau that directs agencies to use “will” when the agency pledges to act and “shall” when anyone else has a duty to act. Through this rulemaking, the Board pledges to take action, in addition to having the existing statutory duty to do so. Therefore, the Board has retained the language as proposed.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Effective date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The final rulemaking is authorized under sections 9(c) and 16(a) of the Funeral Director Law (63 P.S. §§ 479.9(c) and 479.16(a)).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 30, 2004, the Board submitted a copy of the notice of proposed rulemaking published at 34 Pa.B. 1961, to IRRC and the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing

the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 17, 2004, the final-form rulemaking was approved by the HPLC. On February 9, 2005, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective February 9, 2005.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Michelle T. Smey, Administrator, State Board of Funeral Directors, by mail to P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397 or st-funeral@state.pa.us.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 13, are amended by amending §§ 13.1 and 13.12 and by adding § 13.77 to read as set forth at 34 Pa.B. 1961.

(b) The Board shall submit this order and 34 Pa.B. 1961 to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and 34 Pa.B. 1961 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JANICE H. MANNAL, FD,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 35 Pa.B. 1487 (February 26, 2005).)

Fiscal Note: Fiscal Note 16A-4810 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 05-445. Filed for public inspection March 11, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 114]

Volunteer Fire Company and Volunteer Ambulance Service Grant Program

The Pennsylvania Emergency Management Agency (Agency) has adopted a statement of policy regarding the Volunteer Fire Company and Volunteer Ambulance Service Grant Program (Program) to read as set forth in Annex A. This Program provides grants to improve and enhance the capabilities of volunteer fire companies and ambulance services to provide either firefighting, ambulance or rescue services to the citizens of this Commonwealth under the Volunteer Fire Company and Volunteer Ambulance Service Act (35 P. S. §§ 6942.101—6942.902).

The guidelines are needed for the administration of the Program. For this reason, the Agency announces the availability of grant funds and the following guidelines, schedules and application procedures that eligible applicants must follow to apply for the grant funds.

Fiscal Impact

Appropriation of \$25 million provided in Act 7-A of 2004, the General Appropriation Act of 2004.

Paperwork Requirements

The guidelines will require applicants to complete a grant agreement and the Volunteer Fire Company and Volunteer Ambulance Service Application, available on the Office of the State Fire Commissioner website www.osfc.state.pa.us or in paper form upon request.

Effective Date

The guidelines contained in this statement of policy take effect upon publication in the *Pennsylvania Bulletin*.

ADRIAN R. KING, Jr.,
Director

Fiscal Note: 30-SOP-60. No fiscal impact; (8) recommends adoption. An appropriation of \$25 million for this program was provided in Act 7A of 2004.

(Editor's Note: The regulations of the Agency, 4 Pa. Code Chapter 114, are amended by amending a statement of policy in §§ 114.1—114.6 to read as set forth in Annex A.)

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 114. VOLUNTEER FIRE COMPANY AND VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM—STATEMENT OF POLICY

§ 114.1. Introduction.

(a) The Grant Program provides one-time grants to improve and enhance the capabilities of volunteer fire companies and volunteer ambulance services throughout this Commonwealth to provide firefighting, ambulance and rescue services. Grant Program funds may be used for projects that are in accordance with the act. Eligible projects are defined in § 114.3(a)(2) and (b)(2) (relating to eligibility).

(b) Assistance from the Grant Program is in the form of grants from the Commonwealth to eligible volunteer fire companies and volunteer ambulance services for projects which, in the judgment of the Agency, comply with the act, and are in accordance with the Grant Program guidelines in this chapter and meet the Volunteer Fire Company-Volunteer Ambulance Service Grant Application criteria found in the application.

(c) Grants will be not less than \$2,500 and not more than \$15,000 per applicant volunteer fire company nor more than \$10,000 per applicant volunteer ambulance service, except as noted in § 114.3(a)(3).

(d) Applicants should be aware that the Grant Program expects to receive a large number of applications for the limited appropriation from the General Assembly. As such, it is possible that not every application can be fully funded, in which case grants will be awarded on a prorata basis.

(e) The Grant Program expenditures will be charged to the State fiscal year July 1, 2004 to June 30, 2005.

§ 114.2. Definitions.

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

Act—The Volunteer Fire Company and Volunteer Ambulance Service Act (35 P. S. §§ 6942.101—6942.902), as amended by Act 80 of 2004.

Advanced life support—The advanced prehospital and interhospital emergency medical care of serious illness or injury by appropriately trained health professionals and by certified EMT-paramedics.

Agency—The Pennsylvania Emergency Management Agency.

Application—The Volunteer Fire Company-Volunteer Ambulance Service Grant Program application.

Basic life support services—Prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained and certified or licensed personnel.

Certification—Any class of instruction or test that will provide certification at any level that is currently offered in this Commonwealth through the Voluntary Fire Fighter Certification Program administered by the State Fire Academy.

Certified personnel—Any member of the fire or rescue company who is certified at a minimum level of Fire Fighter 1 on or before October 1, 2004, by the National Professional Qualifications Board or by the International Fire Service Accreditation Congress and verified by the Pennsylvania State Fire Academy.

Commissioner—The State Fire Commissioner.

Equipment—Any apparatus, equipment or tools ordinarily used by a fire, rescue or ambulance service in the performance of its duties.

Facility—

(i) A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus,

ambulances or rescue vehicles and related equipment and gear. The repair, renovation or construction of sleeping quarters (bunk rooms) is also included as an authorized expenditure.

(ii) The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

Final report—The report to be filed as provided in § 114.6 (relating to grant award and reporting procedures) by the volunteer fire company or volunteer ambulance services detailing the expenditure of the funds granted.

Grant Program—The Volunteer Fire Company Grant Program and the Volunteer Ambulance Service Grant Program.

Invalid coach—A vehicle which is primarily maintained, operated and intended to be used for routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit. These vehicles will not be considered ambulance or emergency medical service vehicles.

OSFC—Office of the State Fire Commissioner.

Regional or joint project—A cooperative agreement wherein any combination of three or more separately chartered fire or rescue companies agree to use all, or any portion of their respective grant request to jointly complete any project that qualifies under the act.

Volunteer ambulance service—

(i) Any nonprofit chartered corporation, association or organization located in this Commonwealth, which is licensed by the Department of Health and is not associated or affiliated with any hospital and which is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and the transportation of patients.

(ii) The term does not include any corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

Volunteer fire company—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

Volunteer rescue company—A nonprofit chartered corporation, association or organization located in this Commonwealth that provides rescue services as part of the response to fires or vehicle accidents, or both, within this Commonwealth.

§ 114.3. Eligibility.

(a) *Volunteer Fire Company Grant.*

(1) *Eligible applicants.* A volunteer fire company as defined in § 114.2 (relating to definitions) is an eligible applicant. To receive grant funds under the act, a volunteer fire company shall have actively responded to one or more fire or rescue emergencies since July 1, 2003. The volunteer fire company shall also sign a written agree-

ment to participate in and report information using the Pennsylvania Fire Information Reporting System.

(2) *Eligible projects.*

(i) Grant Program funds may be used for projects that are consistent with the act. Eligible projects must improve and enhance the capabilities of the volunteer fire company to provide firefighting, ambulance or rescue services. Eligible projects include:

(A) Construction or renovation, or both, of the fire company's primary structure facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.

(B) Purchase of firefighting, ambulance or rescue equipment or repair thereof.

(C) Debt reduction associated with already completed projects eligible under clause (A) or (B).

(D) Training and certification of members.

(ii) Projects initiated after July 31, 2004, and completed prior to disbursement of Grant Program funds may be considered as eligible projects for the current grant year.

(3) When two or more fire companies have consolidated their use of equipment, firefighters and services between July 1, 1998, and October 31, 2004, the consolidated entity may be deemed eligible to receive a one-time grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(b) *Volunteer Ambulance Service Grant.*

(1) *Eligible applicants.* A volunteer ambulance service as defined in § 114.2 is an eligible applicant.

(2) *Eligible projects.*

(i) Grant Program funds may be used for projects that are consistent with the act. Eligible projects must improve and enhance the capability of the ambulance service to provide ambulance, emergency medical, basic life support or advanced life support services. Eligible projects include:

(A) Construction or renovation, or both, of the volunteer ambulance service's primary structure facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide ambulance, emergency medical, basic life support and advanced life support services.

(B) Purchase of ambulance or rescue equipment or repair thereof.

(C) Debt reduction associated with already completed projects eligible under this paragraph.

(D) Training and certification of members.

(ii) Projects initiated after July 31, 2004, and completed prior to disbursement of Grant Program funds may be considered as eligible projects for the current grant year.

§ 114.4. Program requirements and instructions.

The following requirements apply to the program:

(1) Project applications for the grants shall be submitted using either the online web based application process or the paper forms provided by the Agency. The Agency will provide information about the application process for grants under the act to every volunteer fire company and every volunteer ambulance service in this Common-

wealth. Applications will also be available from the OSFC and on the OSFC's website. Addresses and phone numbers are listed in § 114.5 (relating to application submission and approval procedure).

(2) The Agency reserves the right to:

(i) Request additional information regarding an organization's eligibility.

(ii) Request additional information regarding proposed use of funds.

(iii) Require explanation or revision of the applicant's project budget.

(iv) Require clarification of the applicant's project narrative.

(3) Incomplete applications will be rejected. An applicant shall carefully follow the instructions for completing either the online or the paper form of the application. Specific information is required as indicated on both the online application and the paper form. Applications not containing required information will be considered incomplete.

(4) The project narrative must provide a detailed and comprehensive description of the project and include the following:

(i) Description of the projects.

(ii) Benefits to be realized from the project.

(iii) Grant funds to be expended on the project.

§ 114.5. Application submission and approval procedure.

(a) The Agency will mail information detailing the grant application process to volunteer fire companies and volunteer ambulance services throughout this Commonwealth. The application will also be available by calling the OSFC at (800) 670-3473, or on the OSFC's website at www.osfc.state.pa.us. Applications shall have been submitted to the OSFC, either online at www.osfc.state.pa.us or in the case of paper forms, at 2605 Interstate Drive, Harrisburg, Pennsylvania 17110-9364, by 4 p.m. Eastern Standard Time, February 28, 2005.

(1) The application process involves gathering applicant information and verifying that applicant projects are eligible for grant funding. The agency will provide an online Web based process to gather the additional applicant information and verify project eligibility. The agency will provide written information to every volunteer fire company and ambulance service regarding the Grant Program guidelines and the availability of the online applicant information/project eligibility verification process.

(2) Paper submissions will be accepted. At the time the availability of the online grant application process is announced, the OSFC will provide information about how to obtain a paper form to submit the required applicant and project eligibility information. Information will also be available from the OSFC and on the OSFC's website.

(b) A volunteer fire company or a volunteer ambulance service seeking a grant under the Grant Program shall have submitted a completed online or paper form of the grant application to the OSFC on or before 4 p.m. on February 28, 2005.

(c) Applications received after 4 p.m. on February 28, 2005, will be rejected.

(d) The Agency will act to approve or disapprove the applications by May 1, 2005. Applications received by the

Agency on or before February 28, 2005, which have not been approved or disapproved by the Agency by May 1, 2005, will be deemed approved, subject to the act.

(e) Grant award determinations are as follows:

(1) *Volunteer Fire Company Grants.*

(i) A volunteer fire company as defined in § 114.2 (relating to definitions), that actively responded to one or more fire or rescue emergencies since July 1, 2003, and agrees to actively participate in the Pennsylvania Fire Information Reporting System will be eligible for a base award of the first \$7,000 of the applicants grant request.

(ii) Additional grant funds not exceeding \$8,000 will be awarded to eligible applicants by applying an award factor to that portion of the applicant's grant request which exceeds \$7,000.

(A) The award factor is determined by dividing the applicant's bonus points by 15, the highest possible number of points.

(B) Award factor points are as follows:

5 points will be awarded to an eligible fire or rescue service who uses the grant funding to perform a regional/joint project as found in the definitions.

1 point will be awarded for each person currently certified in accordance with the definitions in § 114.2, to a maximum of 10 points.

(iii) If necessary, the resultant additional award will be pro rated by a factor determined by dividing the total Grant Program funds remaining after the base awards have been determined by the total amount of funds requested in excess of the base awards so that all grant awards do not exceed the total grant funds available.

(iv) If funding is not fully distributed after this award factor calculation, the Agency reserves the right to adjust the award factor formula so that all grant funds available are distributed, subject to the act.

(v) Volunteer fire company grants to individual volunteer fire companies will not exceed \$15,000.

(2) *Volunteer Ambulance Service Grant.* A volunteer ambulance service as defined in § 114.2 will be eligible for a grant, not to exceed \$10,000, and pro rated by a factor determined by dividing the total funds available by the total amount of funds requested so that all grant awards do not exceed the total grant funds available.

§ 114.6. Grant award and reporting procedures.

(a) Grant award notifications will be made as follows:

(1) Applicants that apply for the grant using the online application process will be notified by e-mail.

(2) Applicants that apply for the grant using the paper form will be notified by letter.

(b) At the time grant recipients are notified of their award, and in the same manner, they will be presented with a grant agreement. This grant agreement will contain the details of the grant, including the name of recipient, amount of award, project description and terms of the agreement. In the case of volunteer fire company grant recipients, it will also include an agreement that they participate in PennFIRS. The grant agreement shall

be signed by an officer of the organization authorized to commit the recipient organization to the terms of the agreement and returned to the OSFC for execution by the Commonwealth before grant funds can be released.

(c) The applicant will maintain full and accurate records with respect to the project. The Agency will have free access to these records, including invoices of material and services, and other relative data and records, as well as the right to inspect all project work. The applicant shall furnish upon request of the Agency all data, reports, contracts, documents and other information relevant to the project.

(d) The applicant shall, upon completion of the project, but no later than December 1, 2005, file a final report

with the Agency, in a manner and form prescribed by the OSFC. Grant funds not expended by the applicant for the project shall be returned to the Agency prior to or with the filing of the final report. Failure to file a final report will be grounds for the Agency to seek the return of all grant funds awarded.

(e) Funds from this and successive grant programs, even though approved by the agency, will not be released to any recipient organization until that organization has fulfilled its obligation to submit a final report to the Agency documenting the expenditure of all grant funds previously received.

[Pa.B. Doc. No. 05-446. Filed for public inspection March 11, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 1, 2005.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-05	Integrity Bank Camp Hill Cumberland County	One Marketway South York York County	Opened
2-22-05	Marquette Savings Bank Erie Erie County	1775 East 38th Street Erie Erie County	Opened
2-28-05	Royal Bank America Narberth Montgomery County	215 Main Street Fort Lee Bergen County, NJ	Filed
2-28-05	Community Banks Millersburg Dauphin County	The Manor at Oakridge 4500 Oakhurst Boulevard Harrisburg Susquehanna Township Dauphin County (Limited Service Facility)	Filed
2-28-05	Lafayette Ambassador Bank Easton Northampton County	1127 Chestnut Street Emmaus Lehigh County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-28-05	New Life Credit Union Philadelphia Philadelphia County	3955 Conshohocken Avenue Philadelphia Philadelphia County	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-447. Filed for public inspection March 11, 2005, 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, March 23, 2005, 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 at (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. 05-448. Filed for public inspection March 11, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2004—2005 Career and Technical Education Equipment Grants

Applications are invited for Fiscal Year 2004—2005 Career and Technical Education Equipment Grants funding. The project period is from March 25, 2005, to June 30, 2005. The maximum amount per Statewide Demonstration Project is \$50,000. Available funds total \$900,000.

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers and area school districts with eight or more approved career and technical programs, two of which must be trade and industrial.

2. Applications Deadline

Applications are due March 25, 2005, by 5 p.m.

3. How to Apply

The Department of Education (Department) has implemented an Internet-based E-Grant system that requires eligible applicants to apply for funding on-line. The grant guidelines will be available on the Department's website: www.pde.state.pa.us. Click on Pre K-12 Schools, then on the left hand side click on Career/Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines. Click on Equipment Grants.

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

FRANCIS V. BARNES, Ph.D.,
Secretary

[Pa.B. Doc. No. 05-449. Filed for public inspection March 11, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0024104 SP	Spring Township Municipal Authority P. O. Box 133 Beaver Spring, PA 17812	Snyder County Spring Township	Beaver Creek 6A	Y
PA0112330	Country Squire Mobile Home Park Melvin G. Rummings 290 Tochter Street Jersey Shore, PA 17740	Woodward Township Lycoming County	Antes-Lycoming Creeks (10A)	Y
PA0113719 SP	Perry Township Municipal Authority 9351 State Route 35 Mt. Pleasant Mills, PA 17853-9536	Snyder County Perry Township	North Branch Mahantango Creek 6C	Y
PA0209058 SP	Montour Township 195 Rupert Drive Bloomsburg, PA 17851-9627	Columbia County Montour Township	Fishing Creek 5C	Y
PA0110124	Harvest Moon Mobile Home Park David A Liberti 38 Harvest Moon Park Linden, PA 17744	Woodward Township Lycoming County	Antes-Lycoming Creeks (10A)	Y
PA0009725 (Industrial Wastewater)	Jersey Shore Steel Company P. O. Box 5055 Jersey Shore, PA 17740	Pine Creek Township Clinton County	W. Branch Susquehanna River, 9C	Y
PA0228184	J & D Campground LLC 973 Southern Drive Catawissa, PA 17820	Franklin Township Columbia County	Roaring Creek 5E (Catawissa—Roaring Creeks)	Y
PA0228150 IW	Embassy Powdered Metals, Inc. P. O. Box 344 Emporium, PA 15834	Emporium Borough Cameron County	Driftwood Branch Sinnemahoning Creek 8-A	Y
PA0024341	Canton Borough Authority P. O. Box 237 Canton, PA 17724-0237	Bradford County Canton Borough	Towanda Creek (SWP 4C)	Y
PA0112755	Betty Williams R. D. 1, Box 308 Gaines, PA 16921	Tioga County Gaines Township	UNT to Pine Creek (9A)	Y
PA0114596 (Industrial Wastewater)	Avery Dennison Performance Polymers 171 Draketown Road Mill Hall, PA 17751	Bald Eagle Township, Clinton County	Bald Eagle Creek, 9C	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.

PA0058866, Industrial Waste, SIC 2066, **Blommer Chocolate Company**, P. O. Box 45, 1101 Blommer Drive, East Greenville, PA 18041-0045. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Activity: Discharge of noncontact cooling water from four cooling towers, boiler blowdown from a boiler and stormwater associated with industrial activities to an UNT to Perkiomen Creek.

The receiving stream, Perkiomen Creek, is in the State Water Plan watershed 3E, and is classified for TSF. The nearest downstream public water supply intake for Philadelphia Water Suburban Company is located on Perkiomen Creek, 26.80 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on stormwater discharge associated with industrial activities:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor		
COD			Monitor		
Oil and Grease			Monitor		
pH (STD)			Monitor		
Total Suspended Solids			Monitor		
Total Kjeldahl Nitrogen			Monitor		
Total Phosphorus			Monitor		
Iron (Dissolved)			Monitor		

The proposed effluent limits for Outfall 002 are based on a design flow of 2,300 gpd of noncontact cooling water:

<i>Parameters</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 (mg/l)</i>
Total Suspended Solids			30	60	75
Temperature					110°F
pH (STD)			6.0 Min.		9.0

The proposed effluent limits for Outfall 003 are based on a design flow of 6,000 gpd of noncontact cooling water:

<i>Parameters</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 (mg/l)</i>
Total Suspended Solids			30	60	75
Temperature					110°F
pH (STD)			6.0 Min.		9.0
Chromium, Hexavalent			Monitor	Monitor	Monitor

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

1. Remedial Measures.
2. BAT/ELG Reopener.
3. Chemical Additives.
4. TMDL/WLA Analysis.
5. Stormwater Discharge and Implementation of BMPs.
6. Annual Inspection at Outfall 004 which is identical to the Outfall 001.
7. Laboratory Certification.

PA0024309, Industrial Waste, SIC 3273, **Delaware Valley Concrete Company, Inc.**, 248 East County Line Road, Hatboro, PA 19040. This proposed facility is located in New Britain Borough, **Bucks County**.

Description of Proposed Activity: Issuance of an individual NPDES permit which will replace current general permit for discharge of stormwater from Delaware Valley Concrete Company's New Britain Batch Plant.

The receiving stream, an UNT to the Neshaminy, is in the State Water Plan watershed 2F and is classified for: TSF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek, approximately 28.5 miles below the point of discharge.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids:			Monitor	Monitor	
(Issuance through Year 1)					
(Year 2 through Expiration)			50	100	
pH (Std. Units)					
(Issuance through Year 1)			Monitor, I-min		
(Year 2 through Expiration)			6.0, I-min		Monitor
Oil and Grease			Monitor	Monitor	9.0

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

1. Implementation of Stormwater Management Best Management Practices:
 - a. Dust control around material handling areas.

- b. Raw material storage.
- c. Secondary containment for materials stored at mixing plant.
- d. Water diversion to prevent commingling of stormwater with process-related materials.
- e. Water treatment through sedimentation basin prior to discharge and containment of truck washing wastewater.
- f. Modifications to truck barrel washout area, including recycling unit.

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. 0905403, Sewerage, **Robert Righter**, 626 Cherry Road, Hatfield, PA 19440. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a 400 gpd single residential STP.

WQM Permit No. 0905404, Sewerage, **Warwick Township Water & Sewer Authority**, P. O. Box 315, 1733 Township Green, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station and force main to serve 199-lot subdivision.

WQM Permit No. 0905405, Sewerage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant to serve a proposed 67-lot residential development.

WQM Permit No. 0905406, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976-1413. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a raw sewage pumping station and a 6-inch diameter force main.

WQM Permit No. 4605403, Sewerage, **Ridgewood Partnership**, 409 Riverview Road, Plymouth Meeting, PA 19462. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station for a 450-unit adult community.

WQM Permit No. 1505405, Sewerage, **Borough of Kennett Square**, P. O. Box 5, 120 North Broad Street, Kennett Square, PA 17348. This proposed facility is located in Kennett Square Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a new sanitary sewer pumping station.

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

WQM Permit No. 5405202, Industrial Waste, **Troutman Brothers**, P. O. Box 73, Klingerstown, PA 17941. This proposed facility is located in Upper Mahantango Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project consists of the spray irrigation of 150 gpd of wastewater in Upper Mahantango Township, Schuylkill County.

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

WQM Permit No. 1405401, Sewerage, **James Julian**, 803 Egypt Hollow Rd., Julian, PA 16844. This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility to serve a residence. The treatment facility will discharge to Brower Hollow Run (CWF).

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

New

WQM Permit No. 0270413-A3, Sewerage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108. This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of a diffuser air distribution system.

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

WQM Permit No. 6205201, Industrial Waste, **Ellwood National Steels**, One Front Street, Irvine, PA 16329. This proposed facility is located in Brokenstraw Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the installation of a treatment system to treat the blowdown from the ENS vacuum degasser cooling water recycle system.

WQM Permit No. 3705402, Sewerage, **Ellwood City Borough**, 525 Lawrence Avenue, Ellwood City, PA 16117. This proposed facility is located in Ellwood City Borough, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new sewage treatment facility to replace an existing treatment system and to serve all of Ellwood City Borough, and portions of Franklin, North Sewickley and Wayne Townships.

WQM Permit No. 2505403, Sewerage, **Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for improvements to the existing sanitary sewer lift station located on Route 97 South of Interstate 90, to serve the Presque Isle Downs Entertainment Center with Thoroughbred Horse Racing.

WQM Permit No. 2705401, Sewerage, **Tionesta Municipal Authority**, P. O. Box 408, Tionesta, PA 16353. This proposed facility is located in Tionesta Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and sewer extension on Lighthouse Island to serve a proposed Pennsylvania Hunting and Fishing Museum and future residential dwellings plus a lighthouse.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505010	Mystay Partnership Lilly Woods Subdivision P. O. Box 615 Honey Brook, PA 19344	Chester	West Caln Township	UNT Pequea Creek (HQ)
PAI011505011	Wesley M. Taylor 307 Astor Circle Kennett Square, PA 19348	Chester	Warwick Township	UNT French Creek (EV)
PAI011505012	Vincent Meadows Partners The Todd Tract 2500 East High Street, Suite 610 Pottstown, PA 19464	Chester	East Vincent Township	Stony Run Creek (HQ-TSF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905006	Balfour Beatty Construction Larry Toberman 1183 Grange Rd. Wescosville, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805010	Bethlehem Area School District 1516 Sycamore St. Bethlehem, PA 18017	Northampton	City of Bethlehem	Monocacy Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0307030021	Paul Yohn P. O. Box 951 Altoona, PA 16603	Blair	Frankstown Township	UNT to Canoe Creek HQ/CWF

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050205002	George Biros 3289 Jacks Run Road White Oak, PA 15131	Allegheny	White Oak Borough	Jacks Run (HQ-TSF)
PAI050205003	Walnut Street Partners 3285 Jacks Run Road White Oak, PA 15131	Allegheny	McKeesport City	Long Run (HQ-TSF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061005001	Concordia Lutheran Ministries— Lund Building Addition Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023-2299	Butler	Winfield and Jefferson Townships	UNT to Little Buffalo Creek HQ-TSF

Lawrence County Conservation 430 Court Street, New Castle PA 16101, (724) 652-4512.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103713(1)	Lawrence Conservation District	Lawrence	New Beaver Borough	North Fork Little Weaver Creek (HQ-CWF)

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1516532, Public Water Supply	
Applicant	American Aqueduct, Inc City of Philadelphia
County	Philadelphia
Responsible Official	Truc To
Type of Facility	Vended Machine
Consulting Engineer	R. E. Coleman Associates, Inc.
Application Received Date	February 22, 2005
Description of Action	Installation of a Retail Water Vended Machine at the Adam Run Shopping Center.

Permit No. 0905505, Public Water Supply	
Applicant	Buckingham Township
Township	Buckingham
County	Bucks
Responsible Official	Graham Orton

Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Indianola, PA 15051
Application Received Date	February 28, 2005
Description of Action	Construction of a slow sand water filtration plant and appurtenances for the Pritts Spring water source.
<i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>	
Application No. 1604502-MA1 , Minor Amendment	
Applicant	East Brady Borough WTP
Township or Borough	East Brady Borough Clarion County
Responsible Official	Mary Lou Wyman Borough Council President
Type of Facility	PWS
Application Received Date	02/25/2005
Description of Action	Construction of 256,000-gallon finished water storage tank on site of Rimersburg Pump Station No. 2; physical site is situated in Borough of East Brady, on the south side of Ferry Street.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Riess-Vision Kennels, Highland Township, **Chester County**. David M. Socks, Response Env., Inc., 912 Spring Cir., Mechanicsburg, PA 17055 on behalf of MaryAnn Riess, 3232 Limestone Rd., Cochranville, PA 19330 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. Oil filled a second AST without equalizing the oil between two tanks causing the overflow. The property is residential.

2345-51 South Swanson Street Property, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of James Piacentino, Trustee for Pearla Piacentino, 918 Eisenhower St., Woodlyn, PA 19094 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with other organics and inorganics. The site was used to manufacture dyes and as a scrap yard. The proposed future use of the property will be for use as a vocational school.

148 East State St. Site, Doylestown Borough, **Bucks County**. John Walker, INTEX Env. Group, Inc., 6205 Easton Rd., Pipersville, PA 18947 on behalf of Naomi Plakins, Esq., Plakins Rieffel & Ray PC, 140 E. State St., P. O. Box 1287, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate. The site is a former residence converted to an office building. Soil at the site was impacted by No. 2 fuel oil. The future use of the site is nonresidential.

Laser Labs, City of Philadelphia, **Philadelphia County**. Richard Werner, P. G., Env. Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Tilak Singh, Sant Prop., 380 Red Lion Rd., Huntingdon Valley, PA 19006 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted by chlorinated organics.

1201 West Chester Pike Site, West Goshen Township, **Chester County**. Jason Free, RT Env. Svc., 510 Heron Drive, P. O. Box 521, Bridgeport, NJ 08014 on behalf of Wayne DiFrancesco, White Horse Farms, 184 West London Grove Rd., West Grove, PA 19390 has submitted a Notice of Intent to Remediate. Former gasoline service station and related fuel release and impacted soils. Soil at the site was impacted by BTEX. Future use of the property is commercial.

Spray Prod. Corp., Plymouth Township, **Montgomery County**. Toby J. Kessler, P. G., Gilmore & Assoc., Inc., 350 E. Butler Ave., New Britain, PA 18901 on behalf of Bart Bastian, Spray Prod. Corp., P. O. Box 737, Norristown, PA 19404 has submitted a Notice of Intent to Remediate. Chlorinated solvents, MTBE and other organics impacted groundwater at the site.

PECO Newtown MGP, Newtown Borough, **Bucks County**. John Roberts, Jacques Whitford Co., 450 S. Gravers Rd., Suite 105, Plymouth Meeting, PA 19462 on behalf of Rabbi Yehuda Shemtov, Lubavitch of Bucks County/Glazier Jewish Community Center, 25 N. State St., Newtown, PA 18940 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by PAH. The future site will be used as a community center.

7-Eleven, Inc., Store No. 20435, Ambler Borough, **Montgomery County**. Stacey Kriwonos, ENSR Intl, 2005 Cabot Blvd West, Suite 100, Langhorne, PA 19047 on behalf of Ken Hilliard, 7-Eleven, Inc., Store No. 20435, 2711 N. Haskell Ave., Dallas, TX 75304 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with MTBE and unleaded gasoline. The current and intended future use of the property is a commercially-viable (nonresidential) industrial property.

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

Faulkner Collision Center, City of Bethlehem, **Lehigh County**. Michael Bingaman, Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606 has submitted a Notice of Intent to Remediate (on behalf of his client, Dick Milham, 3810 Hecktown Road, Easton, PA 18045) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents related to a former unregulated heating oil tank. The applicant proposes to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as an automotive body shop.

Morrissey Property (Poplar Valley Road), Stroud Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has electronically submitted a Notice of Intent to Remediate (on behalf of their client, Gertrude Morrissey, R. R. 1, Stroudsburg, PA 18360) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release from a home heating oil tank. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as a private residence.

Pennsylvania Real Estate Investment Trust (PREIT)—Wyoming Valley Mall, Wilkes-Barre Township, **Luzerne County**. Joseph Ozog, Jr., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 has submitted a Notice of Intent to Remediate (on behalf of his client, Pennsylvania Real Estate Investment Trust, 200 South Broad Street, Philadelphia, PA 19120) concerning the remediation of groundwater found or suspected to have been impacted by benzene and vinyl chloride. The applicant proposes to meet a site-specific (pathway elimination) standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The future use of the site will remain the same, as a commercial retail shopping complex.

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

Sunoco—Chambersburg Terminal, Borough of Chambersburg, **Franklin County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382, on behalf of Sunoco, Inc., (R & M), Quaker Park, 4th Floor, 1001 East Hector Street, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate site groundwater contaminated with diesel/fuel oil No. 2. The applicant is seeking to attain a Statewide health standard, and the site will be used for commercial and industrial purposes.

SICO—Mount Joy Upper Rack, Mount Joy Borough, **Lancaster County**. Onesky Engineering, Inc., 444 Creamery Way, Suite 300, Exton, PA 19341, on behalf of The SICO Company/The Clarence Schock Foundation, 15 Mount Joy Street, Mount Joy, PA 17552, submitted a Notice of Intent to Remediate site soils and groundwater impacted by a release from an unregulated storage tank system. A combination of Site-specific and Statewide health standards will be demonstrated for dissolved benzene, ethylbenzene, naphthalene and lead. The proposed future use of the property will remain commercial.

Fypon—Stewartstown, Borough of Stewartstown, **York County**. Langan Engineering & Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, on behalf of Fyp Investment, LP, 5 Hog Island Road, Philadelphia, PA 19153, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCE. The applicant proposes to remediate the site to meet the Site-Specific Standard requirements.

Laurel Center II, City of Reading and Cumru Township, **Berks County**. Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Greater Berks Development Fund, 19 North Sixth Street, Suite 200, P. O. Box 8621, Reading, PA 19603-8621 and Cambridge-Lee Industries, Inc., P. O. Box 14026, Reading, PA 19612-4026, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PHCs, PCBs, metals and solvents. The applicants propose to remediate the site to meet a combination of the requirements for the Statewide Health and Site-Specific Standards.

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

Former R. Rador Complex, Montgomery Borough, **Lycoming County**. Cocciardi & Assoc., Inc., 4 Kacey Court, Mechanicsburg, PA 17055-5596 has submitted a Notice of Intent to Remediate soil contaminated with lead. This site is being remediated to meet a Site-Specific Standard.

Weis Markets Inc., Milton Warehouse, Milton Borough, **Northumberland County**, Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, has submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. This site is being remediated to meet a Site-Specific Standard.

Sunoco—Washington Blvd., Williamsport, City of Williamsport, **Lycoming County**, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum hydrocarbons. This site is being remediated to meet a Site-Specific Standard. (This is a corrected notice. Previous notice was published at 35 Pa.B. 1247 (February 12, 2005) with the wrong county listed.)

McCloskey Residence, City of Lock Haven, **Clinton County**, Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil No. 1. This site is being remediated to meet a Statewide Health Standard.

Catawissa Lumber Farm Property, Scott Township, **Columbia County**, Converse Consultants, 2738 West College Ave., State College, PA 16801 has submitted a Notice of Intent to Remediate soil contaminated with lead. This site is being remediated to meet a Statewide Health Standard.

FCI USA, Inc. Clearfield, Clearfield Borough, **Clearfield County**, HRP Associates, Inc., 4811 Jonestown Rd., Suite 235, Harrisburg, PA 17109 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvent contaminated waste oil. This site is being remediated to meet a Site-Specific Standard.

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

BP Site No. 07002, Collier Township, **Allegheny County**, Heather Fazekas, URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Peg Chandler, Procure Automotive Service Solutions, LLC, 9525 Kenwood Road, Suite No. 16-406, Cincinnati, OH 45242, and Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with waste oil, unleaded gasoline and diesel fuel. Proposed remediation includes soil vapor extraction. Planned future use of the property is commercial.

Charapp Ford South, Inc. (South Village Ford, Inc.), Peters Township, **Washington County**, Gary Toplak, P. E., Toplak & Associates, 112 Pineview Road, Baden, PA 15005 on behalf of Gregory J. and Lois D. Heath, 101 Colony Circle, McMurray, PA 15317, and Ronald J. Charapp, Charapp Ford South, Inc., P. O. Box 189, Freeport, PA 16229 has submitted a Notice of Intent to Remediate site soil contaminated with VOCs and semivolatile compounds (PAHs). Contaminated soils are to be excavated and removed from site, to meet a Statewide Health Standard. Planned future use of the property is commercial.

Babe Charapp Ford, Inc., (Pro Bowl Ford Inc.), City of McKeesport, **Allegheny County**, Gary Toplak, P. E., Toplak & Associates, 112 Pineview Road, Baden, PA 15005 on behalf of Ronald J. Charapp, Eden Park Associates, LLC, P. O. Box 189, Freeport, PA 16229 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with metals, VOCs and

semivolatile organics to meet the Statewide Health Standard. Remediation includes excavation and removal of contaminated soil, removal of contaminated water in the vaults. Planned future use is as a car dealership and repair shop.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

48-329-002: Bethlehem Renewable Energy LLC (2305 Applebutter Road, Bethlehem, PA 18015) for construction of five internal combustion engines to generate electricity from landfill gas generated at their IESI Landfill in Lower Saucon Township, **Northampton County**.

54-399-038: Blackwood, Inc. (P. O. Box 639, Wind Gap, PA 18091) for construction of a diesel powered screening operation for spent foundry sand at their mining reclamation site in Reilly Township, **Schuylkill County**.

48-304-033: Victaulic Co. of America (4901 Kesslersville Road, Easton, PA 18045) for installation of an air cleaning device (replacement of two smaller units) to capture particulate emission from the sand and finishing areas at their facility in Forks Township, **Northampton County**.

13-301-013: Mountain Crest Crematory, Inc. (11 North Cleveland Street, McAdoo, PA 18237) for construction of a crematory and associated air cleaning device at their facility at 10 East Kline Street, Banks Township, **Carbon County**.

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

06-03113B: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for construction of additional sources at a nonmetallic mineral crushing plant controlled by two fabric collectors and wet suppression in Robeson Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for New Stationary Sources.

06-05069G: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of two lead oxide mills each controlled by a cyclone, fabric collector and HEPA filter in their assembly plant in Richmond Township, **Berks County**. The sources will be subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources.

28-05038A: Blue Ridge Renewable Energy, LLC (1300 North 17th Street, Suite 1600, Arlington, VA 19543-0588) for installation of a new engine generating facility. This facility will generate electric power for the electric power grid from landfill gas generated by the Blue Ridge Landfill. The facility is in Greene Township, **Franklin County**.

36-05087B: Morgan Corp. (P. O. Box 588, 35 Thousand Oaks Boulevard, Morgantown, PA 19543-0588) for installation of a new paint booth with high volume low pressure spray guns. This source will be controlled by the use of dry filters to control particulate matter emissions. The facility is in Ephrata Borough, **Lancaster County**.

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

41-318-049: Williamsport Steel Container Co., Inc. (360 Arch Street, Williamsport, PA 7701) for construction of two metal drum paint spray booths, a curing oven and a flash-off oven in the City of Williamsport, **Lycoming County**.

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

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

40-302-149: Fairchild Semiconductor (125 Crestwood Road, Mountaintop, PA 18707) for construction of a 12.5 mmBtu/hr natural gas and No. 2 fuel oil fired boiler at their manufacturing facility, in Wright Township, **Luzerne County**. This facility is not a Title V facility. The boiler will utilize low-NOx burners and flue gas recirculation to reduce NOx emissions to a maximum of 2.84 tons per year. Potential emissions of carbon monoxide and sulfur dioxide will be 4.5 tons per year and 0.6 ton per year, respectively. The boiler in the operation is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 60.40c—60.48c. The plan approval will include all appropriate monitoring, fuel restrictions, recordkeeping and reporting requirements designed to keep the boiler operating within all applicable air quality requirements.

45-301-029: H G Smith Wilbert Vault Co. (2120 North Fifth Street, Stroudsburg PA 18360) for installation of a new Animal Remains Crematory Incinerator at their facility in Stroudsburg, **Monroe County**. The unit will have a rated capacity of 75 lbs/hr and fire on natural gas. The minimum operating temperature of 1,800° F shall be maintained with a minimum gas retention time of 1 second. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O₂. Visible air contaminants shall not be emitted in a way that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time. The company currently has a Title V Natural Minor Permit NM45-00010. The Plan Approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Natural Minor Operating Permit through an administrative amendment at a later date.

45-317-002: Horizon Milling LLC (P. O. Box 147, Mount Pocono, PA 18344) for construction and operation of their new C-Mill whole wheat process and associated air cleaning device (fabric filter) at their facility on Harvest Lane and Route 940 in Mt. Pocono Borough, Pocono Township, and Tobyhanna Township, **Monroe County**. The particulate emissions from the new C-Mill will be controlled by a new baghouse. The expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the process and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional record keeping and operating restrictions, that are designed to keep the facility operating within all applicable air quality requirements once the equipment is constructed and operational in compliance with all requirements, in accordance with 25 Pa. Code § 127.450.

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

06-05002F: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522-8541) for construction and modification of their clinker handling system controlled by seven fabric collectors in Maiden creek Township, **Berks County**. The approval will permit the applicant to replace the existing handling system with a new system that will minimize the handling of the clinker and improve the emission control efficiency. The facility is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Plants. The plan approval will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit No. 06-05002. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

07-03049A: AP Green Refractories, Inc. (R. D. No. 1, Box 588D, Claysburg, PA 16625) for modification of the rotary dryer and No. 2 castable processes and the replacement of a ball mill and various fabric collectors in Greenfield Township, **Blair County**. This is a non-Title V (State-Only) facility. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

28-05034A: Grove US LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) for modification of a chrome electroplating system at their plant in Quincy Township, **Franklin County**. The modifications include the installation of mist eliminators and scrubbers for emissions control. This action will not measurably impact emissions from the facility. The chrome electroplating system is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. The plan approval will include provisions for testing, recordkeeping, monitoring, reporting and work practice standards to ensure the facility complies with the applicable air quality requirements.

38-03039A: Martin's Wood Products, LLC (650 Houtztown Road, Myerstown, PA 17067) for increasing their allowable VOC emission limit to 45 tons per year for their facility in Jackson Township, **Lebanon County**. The plan approval will include emission limits and provisions for recordkeeping, monitoring, training and reporting to ensure the facility complies with the applicable air quality requirements.

44-05002D: CNH America LLC (36 Maple Street, Belleville, PA 17004) for modification of the annual VOC emission limits for the plant in Union Township, **Mifflin County**. Total plant VOC emissions will not change. This action will establish a plant-wide VOC emissions limit that will replace the existing emission limits on various paint lines. The plan approval will include emission limits and provisions for recordkeeping, monitoring and reporting to ensure the facility complies with the applicable air quality requirements. The plant currently operates under Title V Operating Permit No. 44-05002.

67-05004H: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-0500) for installation of a selective noncatalytic control system on Power Boiler No. 5 in Spring Grove Borough, **York County**. The system will utilize aqueous ammonia (less than 20% by weight)

and is expected to lower NOx emissions by 200 tons per year. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

PA-30-00077A: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) for modification of an existing turbine at their Holbrook Compressor Station in Wind Ridge, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval PA-30-00077A to Texas Eastern Transmission, L.P., P. O. Box 1642, Houston, TX 77251-1642, for their Holbrook Compressor Station located in Wind Ridge, Greene County. The facility currently has a Title V Operating Permit No. TV-30-00077. The provisions of this plan approval will subsequently be incorporated into the Title V Operating Permit through an amendment in accordance with 25 Pa. Code § 127.450.

The proposed modification of an existing turbine is subject to the applicable requirements of 25 Pa. Code Chapter 127. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

The facility is to be constructed in accordance with the plans submitted with the application (as approved).

Upon completion of the turbine modification, an amendment to Title V Operating Permit No. TV-30-00077 must be obtained. Notify the Department when the turbine modification is completed so that the modified equipment can be inspected.

1. This Plan Approval authorizes Texas Eastern Transmission, L. P. to modify an existing Solar Model Mars 100-14000s stationary gas turbine to a Solar Model Mars 100-15000s stationary gas turbine and operate the modified gas turbine at the company's Holbrook Compressor Station located in Wind Ridge, Greene County. (25 Pa. Code § 127.12b)

2. The modified turbine shall be equipped with dry low NOx combustors for use during the combustion of natural gas. (25 Pa. Code § 127.12b)

3. The emissions of NO₂, CO and VOCs from the turbine, with the operation of the DLN combustors during the combustion of natural gas, on a 12 consecutive month rolling average basis shall not exceed the following (25 Pa. Code § 127.12b)

Pollutant	Lbs/Hr	Tons/Year
NOx	12.52	51
CO	15.24	86.5
VOC	1.0	4.3

4. The Group Level Requirements for Stack Testing specified in Section E, Conditions Nos. 002—008 of Title V/ State Operating Permit No: TV-30-00077 shall apply to the modified stationary gas turbine. (25 Pa. Code § 127.12b)

5. The hourly emission limits established above do not apply during startup and shutdown. Startup/shutdown emissions and emissions during a failure of the emission controls must be included in determination of compliance with annual emission limits. (25 Pa. Code § 127.12b)

6. The stationary turbine is subject to the applicable requirements of the 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. (25 Pa. Code § 127.12b)

7. The owner/operator shall record hours of operation for the turbine and the amount of fuel (natural gas) consumed on a daily basis. (25 Pa. Code § 127.12b)

8. The owner/operator shall comply with the applicable reporting requirements of 40 CFR 60.7 and 60.334.

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

Director, Air, Toxics, and Radiation
Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

Department of Environmental Protection
Regional Air Quality Manager
Office of Air Quality
400 Waterfront Drive
Pittsburgh, PA 15222-4745

10. The owner/operator shall maintain a current tariff sheet that specifies that the maximum total sulfur content of the natural gas fuel is 20.0 grains/100 SCF, or less. (40 CFR 334(h)(3i)). Fuel nitrogen content is not required to be monitored since the NOx standard was calculated using an F value of zero. (40 CFR 60.334(h)(2))

11. All logs and required records shall be maintained for a minimum of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

12. Compliance with the turbine emission limitations for NOx, CO and VOC shall be demonstrated through performance testing. (25 Pa. Code § 127.12b)

a. All stack testing shall be performed in accordance with 40 CFR 60.8 and 60.335, 25 Pa. Code Chapter 139 and the most recent version of the Department's Source Testing Manual.

b. Two copies of the performance test protocol shall be submitted to the Department at least 60 days in advance of the performance test date. Performance testing shall not take place until the owner/operator has received written approval of the performance test protocol.

c. The owner/operator shall notify the Department of the date and time of the performance test at least two weeks prior to the tests so that an observer may be present.

d. Two copies of the performance test results shall be submitted to the Department within 60 days of the completion of the test.

e. In regards to initial performance testing shall be performed within 60 days of achieving maximum firing rate but no later than 180 days after the initial startup.

f. The owner/operator shall record all pertinent operating data during the performance test and include this data with the performance test results.

13. The opacity of the exhaust from the turbine at this facility shall not exceed 10% at any time. (25 Pa. Code § 127.12b)

14. Particulate emissions shall not exceed 0.02 grain per dry standard cubic foot. (25 Pa. Code § 127.1)

15. In accordance with 25 Pa. Code § 123.21(b), SO₂ emissions from the turbine shall not exceed 500 ppmvd.

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

a. The Department must receive written notice from the owner/operator of the anticipated date that sources will commence operation.

b. Operation is authorized only to facilitate the startup and shakedown of the sources, to permit operation of the sources pending the issuance of an Operating Permit, or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

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

d. Owner/operator may request an extension of this Plan approval if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance.

e. Status of the source, a detailed schedule for establishing compliance, and the reasons that compliance has not been established.

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the following:

1. Name, address and telephone number of the commentator.

2. Identification of the proposed Plan Approval: PA-30-00077A.

3. A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Donald R. Dodge, New Source Review, Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4331.

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

43-337A: Canadian Railway—Bessemer and Lake Erie Railroad Co. (85 Ohl Street, Greenville, PA 16125) for construction of a flow coat line at their facility in the Township of Hempfield, **Mercer County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection intends to issue a Plan Approval for post construction of a flow coat line at their facility in the Township of Hempfield, Mercer County as described in the applicant's application of February 4, 2005. The Plan Approval will subsequently be incorporated into a State only operating permit at a later date.

OPERATING PERMITS

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

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

09-00014: Bake Rite Rolls—Division of Northeast Foods Inc., (2945 Samuel Drive, Bensalem, PA 19020) a Title V facility for limitation of emissions of VOCs in Bensalem Township, **Bucks County**. This facility produces bread products. Ethanol is the major volatile organic compound that is emitted from the baking process. The Title V Permit limits the emissions of VOCs to 10 tons per year from the griddle and 30 tons per year from the oven. Monitoring and recordkeeping requirements have been added to the permit to address the applicable limitations.

46-00019: Lockheed Martin Corp. (P. O. Box 8048, Building 10, Room 2164, Philadelphia, PA 19101-8048) for a renewal of Title V operating permit 46-00019 in Upper Merion Township, **Montgomery County**. The original Title V Operating Permit was issued on March 31, 2000, and became effective on May 1, 2000. The facility's major emission points include boilers, generators and small miscellaneous VOC sources. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. No sources at this facility are subject to CAM (40 CFR Part 64).

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

13-00005: Altadis USA, Inc. (1000 Tresckow Road, McAdoo, PA 18237) for operation of three boilers, emergency generators, casting lines mixing tanks and clean up activities in Banks Township, **Carbon County**. This action is a renewal of the Title V Operating Permit issued in 2000.

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

04-00108: Armstrong World Industries (13th Street and 10th Avenue, P. O. Box 441, Beaver Falls, PA 15010) for operation of mineral wood manufacturing at their Beaver Falls Ceiling Plant in Beaver Falls, **Beaver County**. This is a TV Renewal.

03-00197: Natures Blend Wood Product (P. O. Box 392, Ford City, PA 16226) for manufacturing of wood kitchen cabinets at their Ford City Plant in Ford City Borough, **Armstrong County**. This is a TV Renewal.

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

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

15-00103: Christiana Cabinetry (504 Rosemont Avenue, Atglen, PA 19310-9449) for a non-Title V, State Only Operating Permit in Atglen Borough, **Chester County**. Christiana Cabinetry owns and operates a wood cabinet manufacturing facility. The facility has six spray booths that are used for coating the wood cabinets. VOCs are the main emissions from this facility. The facility VOC emission limit will be 8.79 tons per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address the applicable limitations.

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

06-05016: Grafika Commercial Printing, Inc. (710 Johnston Street, Sinking Spring, PA 19608) for operation of a printing plant including various types of printing presses in the Borough of Sinking Spring, **Berks County**. The facility is a non-Title V (State only) facility. The facility will be required to limit the emissions to less than 100 tons of particulate, SOx, NOx and CO, 50 tons for VOCs and 10/25 tons for HAPs, during any consecutive 12-month period. Records of the solvent usage and resulting emissions will be required monthly and 12-month rolling totals. The permit will include monitoring, work practices, recordkeeping and reporting requirements to keep the facility operating within all applicable air quality requirements.

07-03048: Chimney Rocks Animal Rest, Inc. (R. R. 1, Box 136, Chimney Rocks Road, Hollidaysburg, PA 16648-9501) for operation of a crematory for animal remains in Blair Township, **Blair County**. The facility's emission source includes a propane operated crematory, which primarily emits NOx. The facility has the potential to emit less than 2 tons of NOx per year. The state only operating permit will contain monitoring and recordkeeping requirements to keep the facility operating within all applicable air quality requirements.

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

55-00013: Midd-West School District—West Snyder Middle School (568 Main Street, Middleburg, PA 17842) for operation of their school at Snyder Avenue in Beaver Springs, Spring Township, **Snyder County**.

The school incorporates one anthracite coal-fired boiler, one No. 2 fuel oil-fired boiler and one propane-fired emergency generator. The air contaminant emissions from the school are not expected to exceed 17.26 tons of NOx, 52.17 tons of SOx, 6.09 tons of CO, .51 ton of VOCs, .197 ton of combined HAPs and 11.21 tons of particulate matter (including PM10) per year under any circumstances and should realistically be far less than this.

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

The Department proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to the emission of air contaminants and a condition requiring the submission of coal and oil samples, or analyses, as the Department may request.

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

25-00464: Klein Plating Works, Inc. (2020 Greengarden Road, Erie, PA 16502) for a Natural Minor operating permit for a metal finishing—electroplating operation (nonchromium) in the City of Erie, **Erie County**.

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

N04-012: AT&T Corp. (500 South 27th Street, Philadelphia, PA 19146) for operation of a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six turbine emergency generators.

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 particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

Effluent Limits

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

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

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

11990101 and NPDES No. PA0235041. Twin Brook Coal, Inc., P. O. Box 225, Clymer, PA 15728, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Barr Township, **Cambria County**, affecting 80.0 acres. Receiving

streams UNTs to/and Hoppel Run (CWF) and West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received February 9, 2005.

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

65980103 and NPDES Permit No. PA0202487. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Ligonier Township, **Westmoreland County**, affecting 101 acres. Receiving streams: UNTs to Loyalhanna Creek, classified for the following use: TSF. The first potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Renewal application received: February 22, 2005.

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

33000101 and NPDES No. PA0241768. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) renewal of an existing bituminous strip, auger, and coal preparation plant in Ringgold Township, **Jef-**

erson County affecting 86.0 acres. Receiving streams: UNTs to Painter Run and Painter Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: February 24, 2005.

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

14820103 and NPDES Permit No. PA0611719. Junior Coal Contracting, Inc. (233 Six Mil Road, Philipsburg, PA 16866). Transfer of an existing bituminous surface mine-auger-biosolids application permit from Al Hamilton Contracting Company. The permit is located in Rush Township, **Centre County** and affects 379.7 acres. Receiving streams: UNTs to Moshannon Creek, UNTs to Trout Run, classified for the following use: CWF. Application received: January 24, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

32052801. John P. Shawley, 4348 Elders Ridge Road, Saltsburg, PA 15681, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Conemaugh Township, **Indiana County**, affecting 7 acres. Receiving stream: Blacklegs Creek classified for the following use: CWF. There are no potable water intakes within 10 miles downstream. Application received February 9, 2005.

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

03920301 and NPDES Permit No. PA0097250. Continental Clay Company (260 Oak Avenue, Kittanning, PA 16201). NPDES renewal application for a noncoal surface mine, located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: UNTs to Allegheny River, classified for the following use: WWW. The first potable water supply intake within 10 miles downstream from the point of discharge: PA American Water Company. Renewal application received: February 22, 2005.

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

37050302 and NPDES Permit No. PA0242632. Quality Aggregates, Inc. (200 Neville Road, Neville Island,

PA 15225-0347). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 100.0 acres. Receiving streams: Seven UNTs to Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Camp Allegheny Salvation Army and PA American Water Company, Ellwood City District. Application received: February 23, 2005.

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

59050301 and NPDES Permit No. PA0256170. Fred J. Robbins (R. D. 2, Box 25A, Tioga, PA 16946). Commencement, operation and restoration of a large industrial minerals (gravel) permit in Lawrence Township, **Tioga County** affecting 38.41 acres. Receiving streams: Mutton Lane Creek to Tioga River, classified for the following use: WWF. Application received: February 15, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 642-3118.

21050301 and NPDES Permit No. PA0224456. JR Zimmerman Enterprises, LLC (35 Ridge Road, Newville, PA 17241), commencement, operation and restoration of a quarry operation which includes an NPDES Permit for discharge of treated mine drainage in North Newton Township, **Cumberland County** affecting 32.98 acres, receiving stream: UNT to Green Spring Creek, classified for the following use: CWF. Application received February 17, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-733. Kennett Square Borough, Kennett Borough Hall, 120 N. Broad Street, P. O. Box 5, Kennett Square, PA 19348, Kennett Square Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain an approximately 9,500 linear feet long trail consisting of several pedestrian bridges and a gravel walking path along the banks and floodplain of the East Branch of Red Clay Creek (TSF) The purpose of the project is to connect the existing recreational facilities within the Borough of Kennett Square including its parks, the YMCA, a picnic area, the museum and the community pool. The limit of the work begin at Anson B. Nixon Park, approximately 600 feet east of Broad Street (Kennett Square, PA Quadrangle N: 18.4 inches; W: 11.9 inches) and end at Junction of

Walnut Street and East Branch of Red Clay Creek (Kennett Square, PA Quadrangle N: 16.6 inches; W: 10.9 inches).

The proposed work will include the following:

1. Bridge No. 1—to replace and maintain an existing 4-foot wide by 45-foot long metal pedestrian truss bridge with a 6-foot wide by 45-foot long pratt truss vehicular bridge over the East Branch of Red Clay Creek. This bridge is located at the north end of the site situated within Anson B. Nixon Park.

2. Bridge No. 2—to install a 6-foot wide by 45-foot long pratt truss Vehicular bridge over the East Branch of Red Clay Creek. This bridge is located south of Cypress Street adjacent to the fire company property and will connect the existing trail on the east side of the creek to the proposed trail on the west side.

3. Bridge No. 3—to install a 6-foot wide by 30-foot long covered pedestrian bridge over the East Branch of Red Clay Creek. This bridge is located south of Bridge No. 2, adjacent to the fire company property and will connect the existing trail on the east side of the creek to the proposed picnic area on the island within the creek.

4. Bridge No. 4—to install a 4-foot wide by 45-foot long pedestrian bridge over the East Branch of Red Clay Creek. This bridge is located south of Bridge No. 3, north of the railroad tracks and will connect the proposed trail segments on both sides of the creek and will mark the end of the section of corridor where the trail exists on both sides.

5. Bridge No. 5—to install a 6-foot wide by 45-foot long pedestrian bridge over the East Branch of Red Clay Creek. This bridge is located south of the railroad tracks and Bridge No. 4 and will connect the proposed trail from the east side of the creek to west side of the creek.

6. To install a 15-inch diameter CMP culvert in and along a UNT at the confluence of the East Branch of Red Clay Creek under the proposed trail.

7. This permit will also authorize the maintenance of the portion of the trail and the pedestrian crossing beneath the Cypress Street Bridge, which were previously constructed with no permit.

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

E38-144: Cornwall Associates, LLC, 111 Millersville Road, Lancaster, PA 17603 in West Cornwall Township, **Lebanon County**.

To fill in 0.645 acre of wetland, to construct and maintain a 42-inch diameter reinforced concrete pipe by 123 feet stream enclosure at the channel of a UNT to Snitz Creek (TSF) and associated improvements to construct Alden Place, A Retirement Community located just west of the Burd Coleman Village (Lebanon, PA Quadrangle N: 3.65 inches; W: 8.1 inches) in Cornwall Borough, Lebanon County.

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

E02-1491. The Rubinoff Company for Claire Boyce Associates, Alcoa Business Services Center, 30 Isabella Street, 2nd Floor, Pittsburgh, PA 15212. To relocate a UNT and temporarily fill wetlands in South Fayette Township, **Allegheny County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 22.6 inches; W: 5.4 inches and Latitude: 40° 22' 28"—Longitude: 80° 09' 50"). The applicant proposes to temporarily impact 0.11 acre of wetlands (PEM) for the purpose of constructing a large

wetland replacement required for mitigation by the United States Army Corps of Engineers. The applicant also proposes relocating a 120.0-foot length of a UNT to Millers Run (WWF) to its original channel and providing stream bank stabilization along 100.0 feet of a UNT to Millers Run (WWF). The project is located behind the South Fayette High School Complex.

E65-867. Department of Transportation, Engineering District 12-0, P. O. Box 469, Uniontown, PA 15401. Upgrades to SR 0022, Section B08 in New Alexandria Borough and Derry Township, **Westmoreland County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain the following structures and activities as part of 4.5 miles of highway widening and safety improvements to US 22, Section B08. (Begin Saltsburg, PA Quadrangle N: 4.9 inches; W: 5.2 inches and Latitude: 40° 24' 7"—Longitude: 79° 24' 44" and End: Blairsville, PA Quadrangle N: 8.4 inches; W: 13.2 inches and Latitude: 40° 25' 17"—Longitude: 79° 20' 41").

1. To extend and maintain, with matching span and rise, an existing 163.0-foot long, 6.0-foot wide by 5.0-foot high box culvert 40.0 feet at the upstream end and 118.0 feet at the downstream end in a UNT to the Loyalhanna Creek (WWF). Also, to construct and maintain a temporary stream crossing. The temporary crossing will be constructed in accordance with General Permit BDWM-GP-8, SR 0022, Station 853 + 40 (Saltsburg, PA Quadrangle N: 5.0 inches; W: 5.0 inches and Latitude: 40° 24' 10"—Longitude: 79° 24' 10").

2. To extend and maintain, with matching diameter, an existing 150.0 foot long, 36-inch diameter reinforced concrete pipe 125.0 feet at the upstream end and 115.0 feet at the downstream end in Boatyard Run (CWF). This structure qualifies for Department waiver 105.12(a)(2). SR 0022, Station 968 + 50 (Blairsville, PA Quadrangle N: 7.5 inches; W: 17.0 inches and Latitude: 40° 24' 59" and Longitude: 79° 22' 20").

3. To extend and maintain, with matching span and rise, an existing 119.0-foot long, 7.0-foot wide by 6.0-foot high box culvert 62.0 feet at the upstream and only in a UNT to Spruce Run (HQ-CWF). SR 0022 Station 1018 + 40. (Blairsville, PA Quadrangle N: 8.4 inches; W: 14.9 inches and Latitude: 40° 25' 21"—Longitude: 79° 21' 25").

4. To extend and maintain, with matching span and rise, an existing 107.0-foot long, 20.0-foot wide by 10.0-foot high box culvert 17.25 feet at the upstream end and 39.0 feet at the downstream end in Spruce Run (HQ-CWF). SR 0022, Station 1051 + 66. (Blairsville, PA Quadrangle N: 8.4 inches; W: 13.3 inches and Latitude: 40° 25' 15"—Longitude: 79° 20' 40").

5. To relocate and maintain 105.0 linear feet of a UNT to Spruce Run (HQ-CWF). Also, to construct and maintain a temporary stream crossing. The temporary stream crossing will be constructed in accordance with General Permit BDWN-GP-8. (Blairsville, PA Quadrangle N: 8.4 inches; W: 13.3 inches and Latitude: 40° 25' 17"—Longitude: 79° 20' 44").

6. To construct and maintain the following outfalls in the Loyalhanna Creek Watershed: An 18-inch diameter pipe with 10.0 linear feet of R-4 rock lined channel at SR 0022, Station 839, 127.0 feet left. A 30-inch diameter reinforced concrete pipe with 80.0 linear feet of R-7 rock lined channel, SR 0022, Station 861 + 60, 115.0 feet left. A 24-inch diameter reinforced concrete pipe with 190.0 feet of gabion-lined mattress. SR 0022, Station 861 + 60, 115 feet right.

7. To construct and maintain the following outfalls in the Spruce Run Watershed: a 30-inch diameter reinforced concrete pipe with a 15.0 linear foot rock basin. SR 0022, Station 1023 + 55 85.0 feet left. A 30-inch diameter reinforced concrete pipe with 25.0 linear feet of R-4 rock lined channel, SR 0022, Station 1026 + 00, 60.0 feet left. An 18-inch diameter corrugated metal pipe with 35.0 linear feet of erosion control mat, SR 0022, Station 1027 + 50, 85.0 feet left. A 24-inch diameter reinforced concrete pipe with 160.0 linear feet of R-5 rock lined channel, SR 0022, Station 1041 + 40, 250.0 feet left.

8. To temporarily place and maintain fill in 0.04 acre of wetland and to permanently place and maintain fill in 2.05 acres of wetland (1.26 acres PEM, 0.77 acre PSS and 0.02 acre POW).

The applicant proposes to create 2.05 acres of replacement wetlands at a 5.20-acre mitigation site located in the Loyalhanna Flood Protection Area. The applicant proposes to impact 516.25 linear feet of stream by culvert extensions and 105.0 linear feet of stream by relocations. The applicant proposes to permanently impact 2.05 acres of wetland and temporarily impact 0.04 acre of wetland.

E65-868. Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Upgrades to SR 0022, Section B09 in Derry Township, **Westmoreland County**, Pittsburgh ACOE District. (Begin: Blairsville, PA Quadrangle N: 8.4 inches; W: 13.2 inches; and Latitude: 40° 25' 17"—Longitude: 79° 20' 42" End: Blairsville, PA Quadrangle N: 9.3 inches; W: 8.7 inches and Latitude: 40° 25' 34"—Longitude: 79° 18' 45"). The applicant proposes to construct and maintain the following structures and activities as part of 1.75 miles of highway widening and safety improvements to US 22, Section B09.

1. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 30.0 feet and an underclearance of 14.0 feet in Spruce Run (HQ-CWF). Also, to construct and maintain a temporary stream crossing in accordance with General Permit BDWM-GP-8. SR 9428, Station 24 + 72 (Previously Township Road T-938) (Blairsville, PA Quadrangle N: 8.6 inches; W: 13.3 inches and Latitude: 40° 25' 20"—Longitude: 79° 20' 44").

2. To remove the existing structure and to construct and maintain a 140 foot long, 72-inch diameter reinforced concrete pipe (invert depressed 9.0 inches) in a UNT to Spruce Run (HQ-CWF). SR 0982 Station 18 + 30 (Blairsville, PA Quadrangle N: 8.3 inches; W: 13.2 inches and Latitude: 40° 25' 15"—Longitude: 79° 20' 41").

3. To extend and maintain, with matching diameter, an existing 197.0-foot long, 30-inch diameter reinforced concrete pipe 35.0 feet at the upstream end and 30.0 feet at the downstream end. Also to realign and maintain the stream channel for a distance of 75.0 feet upstream and 36.0 feet downstream in a UNT to Spruce Run (HQ-CWF). SR 0022, Station 10889 + 00 (Blairsville, PA Quadrangle N: 8.2 inches; W: 11.4 inches and Latitude: 40° 25' 13"—Longitude: 79° 19' 55").

4. To extend and maintain, with matching span and rise, an existing 4.0 foot wide by 3.0 foot high concrete box culvert 35.0 feet at the upstream end and 40.0 feet at the downstream end in a UNT to the Conemaugh River (WWF). SR 0022, Station 1119 + 84 (Blairsville, PA Quadrangle N: 8.6 inches; W: 10.0 inches and Latitude: 40° 25' 20"—Longitude: 79° 19' 19").

5. To extend and maintain, with matching diameter, an existing 180.0-foot long, 48-inch diameter reinforced concrete pipe a distance of 40.0 feet at the upstream end and to realign and maintain the stream channel for a linear distance of 40.0 feet at the upstream end in a UNT to the Conemaugh River (WWF) SR 0022, Station 1145 + 00 (Blairsville, PA Quadrangle N: 9.2 inches; W: 8.9 inches and Latitude: 40° 25' 32"—Longitude: 79° 18' 50").

6. To relocate and maintain 81.0 linear feet of a UNT to Spruce Run (HQ-CWF). SR 0022 Station 1077 + 56 (Blairsville, PA Quadrangle N: 8.2 inches; W: 12.2 inches and Latitude: 40° 25' 13"—Longitude: 79° 20' 16").

7. To relocate and maintain 220.0 linear feet of a UNT to Spruce Run (HQ-CWF). SR 0022 Station 1084 + 20 (Blairsville, PA Quadrangle N: 8.2 inches; W: 11.9 inches and Latitude: 40° 25' 13"—Longitude: 79° 20' 8").

8. To construct and maintain the following outfalls in the Spruce Run Watershed: An 18-inch diameter pipe with 18.0 linear feet of R-4 rock lined channel at SR 9428, Station 24 + 30, 56.0 feet left. A 24-inch diameter pipe with 10.0 linear feet of R-6 rock lined channel at SR 0022, Station 1051 + 75, 89.0 feet left. An 18-inch diameter pipe with 10.0 linear feet of R-6 rock lined channel at SR 0022, Station 1051 + 54, 167.0 feet left. A 30-inch diameter reinforced concrete pipe with 20.0 linear feet of R-7 rock lined channel at SR 0022, Station 1083 + 00, 76.0 feet right.

9. To construct and maintain the following outfalls in the Conemaugh River Watershed: An 18-inch diameter pipe with 20.0 linear feet of R-7 rock lined channel at SR 0022, Station 1118 + 46, 128.0 feet right. A 24-inch diameter pipe with 12.0 linear feet of R-6 rock lined channel at SR 0022, Station 1145 + 00, 75.0 feet left. An 18-inch diameter pipe with 8.0 linear feet of R-6 rock lined channel at SR 0022, Station 1121 + 32, 18.0 feet left.

10. To construct and maintain temporary stream crossings at SR 0022, Station 1078 + 75, 105.0 feet right and Station 1086 + 40, 145.0 feet right. The temporary crossing will be constructed in accordance with General Permit BDWN-GP-8.

11. To temporarily place and maintain fill in 0.033 acre of PEM/PSS wetland and to permanently place and maintain fill in 0.20 acre of wetland (0.062 acre PEM, 0.032 acre PSS and 0.106 acre PEM/PSS).

To compensate for wetland impacts, the applicant proposes to create 0.20 acre or replacement wetlands at a 5.20 acre mitigation site located in the Loyalhanna Flood Protection Area. The applicant proposes to impact 85 linear feet of stream channel through bridge construction; 320 linear feet of stream channel through enclosures; and 452 linear feet of stream channel through relocation. The applicant proposes to permanently impact 0.20 acre of wetland and to temporarily impact 0.033 acre of wetland.

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

E10-401. Department of Transportation, District 10-0, 2550 Oakland Ave., P.O. Box 429, Indiana, PA 15701-0429. SR 0019 and SR 3022 over Coal Run, in Cranberry Township, **Butler County**, ACOE Pittsburgh District. (Mars, PA Quadrangle 40° 41' 30" N; 80° 6' 15" W).

The applicant proposes roadway improvements to SR 0019 and SR 3022 (Rochester Road) including; widening

of two bridge structures over Coal Run, roadway widening, and roadway resurfacing.

The project proposes widening the SR 3022 existing single span cast-in-place concrete slab bridge by 35 feet 8 inches in the upstream and downstream directions, and associated wingwall and riprap placement. The existing bridge has an overall length of 22.0 feet (+/-) between abutment faces and a clear roadway width of 42 feet 8 inches. The minimum underclearance of the structure is 8 feet 4 inches.

The project also proposes widening the SR 0019 existing single span cast-in-place concrete T-Beam bridge by 15 feet 2 inches on the downstream side and associated wingwall and riprap placement. The existing bridge has an overall normal opening of 21 feet 1 inch between abutment faces and a clear roadway width of 79 feet 6 inches between curbs on a 75° skew to Coal Run. The minimum underclearance of the structure is 6 feet 9 inches. Coal Run is classified in Chapter 93 as WWF.

E10-403, Slippery Rock University Foundation, 1 Morrow Way, Slippery Rock, PA 16057. Slippery Rock University Student Housing Project, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 11.6 inches; W: 5.8 inches).

To place fill within 0.1 acre of Emergent wetlands and to impact 865 linear feet of two UNTs to Slippery Rock Creek (CWF) on grounds of Slippery Rock University. The permittee is required to replace 0.10 acre of wetlands as a part of this project.

E10-404, Butler County, P.O. Box 1208, Butler, PA 16003-1208. Cunningham Bridge No. 120 Replacement Project, in Clitnton Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 8.9 inches; W: 10.75 inches).

To remove the existing truss bridge having a clear span of 36 feet a curb to curb width of 12 feet 7 inches underclearance of 9 feet 5 inches and to construct and maintain a steel girder bridge with a concrete deck having a clear span of 43 feet, a curb to curb width of 24 feet and a maximum underclearance of feet at a point approximately 300 feet east of Saxonburg Boulevard along Andreson Road (T-572) over Bull Creek (TSF).

E16-127, Porter Township, 9485 Currllsville Road, New Bethlehem, PA 16242. Leatherwood Creek Low Flow Stream Crossing, in Porter Township, **Clarion County**, ACOE Pittsburgh District (Sligo, PA Quadrangle N: 6.3 inches; W: 1.8 inches).

To construct and maintain a low flow crossing within Leatherwood Creek (CWF) consisting of a minimum of seven 30-inch diameter pipes with concrete roadway surface at a point approximately 1,600 feet southeast of the intersection of SR 854 and T-472.

E42-313, Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Northeast Storage Pipeline TL-527, in Ceres and Eldred Townships, **McKean County**, ACOE Pittsburgh District.

To construct and maintain a 20-inch natural gas pipeline within Ceres and Eldred Townships in McKean County beginning at the Potter/McKean County boundary (N: 41° 58' 19"; W: 78° 12' 23") traversing northwest to the Cattarugus County boundary in New York (N: 41° 08' 58"; W: 78° 33' 34"). The impacts include: 1) 16.94 acres of temporary impacts to PEM/PSS/PFO/POW

nonexceptional value wetlands including 51 crossings by pipeline; and 2) 447 linear feet of temporary impacts to UNTs to Oswayo Creek (CWF), Champlin Hollow (CWF), Kings Run (CWF), Allegheny River (CWF), Indian Creek (CWF), Barden Brook (CWF); and to Horse Run (CWF), Oswayo Creek (WWF), Bell Run (CWF), Kings Run (CWF), Allegheny River (CWF), Indian Creek (CWF), North Branch Indian Creek (CWF) with 39 stream crossings by pipeline.

E43-320. Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301. SR 4006, Section B01, in Hempfield Township, **Mercer County**, ACOE

Pittsburgh District. (Greenville East, PA Quadrangle N: 9.2 inches; W: 16.9 inches).

The applicant proposes to remove the existing one lane truss bridge having a clear span of 121.0 feet, which provides approximately 1,776 square feet of cross sectional opening, and construct and maintain a two lane, single span prestressed concrete I-beam bridge having a clear span of 125.0 feet, which provides approximately 1,570 ft² of cross sectional opening and an underclearance of approximately 12.0 feet on a 90° skew over Little Shenango River on SR 4006, Section B01. Little Shenango River is classified as a TSF. Wetland impacts are de minimis consisting of 0.049 acre of Palustrine wetland.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0070092 Minor Renewal	John M. Yetter and Van Daniel Yetter Evergreen Village R. D. 5, Box 5308 East Stroudsburg, PA 18301	Northampton County Upper Mount Bethel Township	UNT to Allegheny Creek 01F	Yes
PA-0060445 Sewage: Minor Renewal	Historical and Museum Commission Eckley Miner's Village R. D. 2, Box 236 Weatherly, PA 18255	Foster Township Luzerne County	UNT to Black Creek (05D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0031798 Sewerage	Bucktail Council Inc. Boy Scouts of America 209 First Street DuBois, PA 15801	Huston Township Clearfield County	Mountain Run 8-A	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0094137 Sewage	RJ & L Limited Partnership 9073 Nemo Street West Hollywood, CA 90069	Beaver County Hopewell Township	UNT of Boggs Run	Y
PA0094960 Sewage	William Barnes P. O. Box 337 Eighty Four, PA 15330	Washington County Somerset Township	Little Chartiers Creek	Y
PA0095362 Sewage	Laurelville Mennonite Church Center Association Route 5, Box 145 Mt. Pleasant, PA 15666-8908	Westmoreland County Mt. Pleasant Township	UNT of Jacobs Creek	Y
PA0216445 Sewage	Helicopter Aviation Services Corporation P. O. Box 1117 Mt. Pleasant, PA 15666	Fayette County Bullskin Township	UNT of Jacobs Creek	Y

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

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

NPDES Permit No. 0063266, Industrial Waste, **Newstech PA, LLP**, 6 Horwith Drive, Northampton, PA 18067. This proposed facility is located in Northampton Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit for increased discharge of 1.32 mgd from recycled paper and pulp processing plant.

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

NPDES Permit No. PA0025381, Sewage, **Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678. This proposed facility is located in Liberty Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to the Raystown Branch Juniata River in Watershed 11-D.

NPDES Permit No. PA0043494, Sewage, **Loysville Village Municipal Authority**, 101 Bunny Lane, P. O. Box 133, Loysville, PA 17047. This proposed facility is located in Tyrone Township, **Perry County**.

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

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

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

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

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

WQM Permit No. 1504416, Sewerage, **Caln Township**, 253 Municipal Drive, P. O. Box 72149, Thorndale, PA 19372. This proposed facility is located in Caln Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pump station to serve a 122-lot single family home residential subdivision.

WQM Permit No. 0904201, Sewerage, **Forest Park Water-North Penn and North Wales Authority**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in the Borough of Chalfont, **Bucks County**.

Description of Action/Activity: Expanding the plant capacity from 30 mgd to 43 mgd.

WQM Permit No. 4604410, Sewerage, **Chris Jordin**, P. O. Box 486, Colmar, PA 18915. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of STP for single family dwelling.

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

WQM Permit No. 4804201, Industrial Waste, **Grand Central Sanitary Landfill, Inc.**, 1963 Pen Argyl Road, Pen Argyl, PA 18072. This proposed facility is located in Plainfield Township, **Northampton County**.

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

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

WQM Permit No. 2104415, Sewerage, **Newville Borough Water & Sewer Authority**, 4 West Street, Newville, PA 17241. This proposed facility is located in Newville Borough, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of North Newton Hills pump station and force main located in North Newton Township.

WQM Permit No. 6797407 05-1, Sewerage, **Jackson Township Sewer Authority**, 439 Roth's Church Road, Spring Grove, PA 17362. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facility upgrades.

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

WQM Permit No. 0804203, CAFO Operation 0213, **Country View Family Farms**, Ephrata, PA 17522. This existing facility is located in Wells Township, **Bradford County**.

Description of Proposed Action/Activity: Improvements to the leak detection system, concrete vault liners, and storm water management system at the existing facility.

WQM Permit No. 4704402 Sewage 4952, **PPL Montour LLC**, Two North Ninth St., Allentown, PA 18101. This existing facility is located in Derry Township, **Montour County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate an equalization tank for the existing employee sewage plant.

WQM Permit No. 1404407, Sewerage 4952, **John Coppolino and Joyce Marshall**, 1765 E. Mountain Rd., Port Matilda, PA 16870. This proposed facility is located in Taylor Township, **Centre County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system.

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

WQM Permit No. 0291205-A2, Industrial Waste, **United States Steel Corporation, Clairton Works**, 400 State Street, Clairton, PA 15025-1855. This proposed facility is located in the City of Clairton, **Allegheny County**.

Description of Proposed Action/Activity: modify its coal yard treatment facility.

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

WQM Permit No. WQG018359, Sewerage, **John S. Pacella**, 1612 Cloverdell Drive, New Castle, PA 16101. This proposed facility is located in Union Township, **Lawrence County**.

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

WQM Permit No. WQG018357, Sewerage, **William J. Kerola**, 266 Hopper Road, Transfer, PA 16154. This proposed facility is located in Delaware Township, **Mercer County**.

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

WQM Permit No. WQG018340, Sewerage, **D. E. Brooks Community SFTF**, 10023 Route 98, Edinboro, PA 16412. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve three existing single-residence dwellings.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904037	Good Shepherd Rehabilitation Hospital 543 St. John St. Allentown, PA 18103	Lehigh	City of Allentown	Trout Creek, HQ-CWF
PAI024804034	Intermediate Unit 20 6 Danforth Dr. Easton, PA 18045-7899	Northampton	Bushkill Township	Tributary to Bushkill Creek, HQ-CWF
PAS10Q202-R	Alexander G. Tamerler 1628 Barkwood Dr. Orefield, PA 18069	Lehigh	Lower Macungie Township and Alburdis Borough	Little Lehigh Creek, HQ-CWF
PAI023904025	R & T Management, LLC 1173 Troupe Rd. Harbor Creek, PA 16421	Lehigh	Lowhill Township	Jordan Creek, HQ-CWF
PAI023904030	Reen Development Co., LLC 1348 Hamilton St. Allentown, PA 18102	Lehigh	Upper Macungie Township	Breinig Run, HQ-CWF
PAS10Q189-R	Charles J. Danweber 3650 Schoeneck Rd. Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF
PAI023904026	Jeffrey Johnson 5150 Hoffmansville Rd. Orefield, PA 18069	Lehigh	North Whitehall Township	Hassen Creek, HQ-CWF
PAI026404006	RB Honesdale, LLC 810 Seventh Ave. New York, NY 10019	Wayne	Texas Township	Tributary to Lackawaxen River, HQ-CWF, MF
PAS107427	Roger Dirlam and Melvin Plucknett R. R. 5, Box 6825 Honesdale, PA 18431-9655	Wayne	Texas Township	Tributary to Lackawaxen River, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404012	Thomas Kulakowski P. O. Box 726 Lemont, PA 16851	Centre	Benner Township	Buffalo Run and UNT Spring-HQ-CWF
PAI041404012	Opequon Hill Subdiv. Tom Kulakowski P. O. Box 726 Lemont, PA 16851	Centre	Benner Township	Buffalo Run and UNT to Spring Creek HQ-CWF
PAI041404016	Woodward Crossings Marlin and Karen Fultz 178 Jackson Hill Road Aaronsburg, PA 16820	Centre	Haines Township	UNT Pine Creek-HQ-CWF
PAI041404014	State College Borough 243 S. Allen St. State College, PA 16801	Centre	St. College Borough	Walnut Springs/Thompson Run HQ-CWF
PAI041804004	Robert Oakes 411 Allegheny St. Jersey Shore, PA 17740	Clinton	Pine Creek Township	Pine Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044904001	MAIDA Tanner Addition 1 South Arch St. Milton, PA 17847	Northumberland	Milton Borough and West Chillisquaque Townships	UNT Montandon Marsh EV Wetland

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062404004	Nassau Metals Corp. Room 1D-101E 101 Crawfords Corner Road Holmdel, NJ 07733-3030	Elk	Benezette Township	Porcupine Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Whiteland Township Chester County	PAG2001504029	Glenloch II Associates, LP Glen Loch A-E 3000 Centre Square West 1500 Market Street Philadelphia, PA 19102	UNT Valley Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Coatesville Chester County	PAG2001505006	City of Coatesville Bond House Project Codes Department One City Hall Place Coatesville, PA 19320	Sucker Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Thornbury Township Delaware County	PAG2002305005	Sweetwater Associates, Inc. 528 Fayette Street Conshohocken, PA 19428	Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002305002	Marple Newtown School Dist. 40 Media Line Road Newtown Square, PA 19073	Crum Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Radnor Township Delaware County	PAG2002304065	The Wayne Art Center 413 Maplewood Road Wayne, PA 19087	Ithan Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002304060	William Dalusio 1244 West Chester Pike Suite 406 West Chester, PA 19382	Tributary West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Swarthmore Township Delaware County	PAR10-J216-1	Scott Arboretum 500 College Avenue Swarthmore, PA 19081	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004604234	Andorra Woods Development, Inc. Barren Hill Estates 2201 Barren Hill Road Conshohocken, PA 19428	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004604195	Hatfield Township Clemens Road Site 1950 School Road Hatfield, PA 19440	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604057	Pulte Homes Longford Crossing Development 1100 Northbrook Drive, Ste. 200 Trevose, PA 19053	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004604073	Michael Malone Malone Tract 1600 Green Hill Road P. O. Box 564 Worcester, PA 19490	Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104029	School District of Philadelphia Microsoft High School 734 Schuylkill Avenue Philadelphia, PA 19146-2397	UNT Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Allen Township Northampton County	PAG2004804037	David Jaindl Jaindl Land Company 3150 Coffeetown Rd. Orefield, PA 18069	Catasauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Lehigh Township Northampton County	PAG2004804028	Lehigh Township 1069 Municipal Dr. Walnutport, PA 18088	Hokendauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Washington Township Schuylkill County	PAG2005404001	Stan Weaver Destiny Homes 25 S. Hoover Ave. New Holland, PA 17557	Lower Little Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Tioga County Jackson Township	PAG2005904008	Kecks Food Service Brian Keck R. R. 1, Box 70 Millerton, PA 16936	Selley Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, ext. 101
Union County White Deer Township	PAG2006005001	Emanuel Esh 207 Millers Bottom Road Lewisburg, PA 17837	UNT Little Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Beaver County Borough of Ambridge	PAG2000405003	Ambridge Area School District 740 Park Road Ambridge, PA 15003	Ohio River (WWF)	Beaver County CD (724) 378-1701
Cambria County Richland Township	PAG2001105001	Richland School District 220 Highfield Avenue Johnstown, PA 15904	Little Paint Creek (CWF)	Cambria County CD (814) 472-2120

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington County Peters Township	PAG2006305008	Theodore Taylor, III 608 E. McMurray Rd. McMurray, PA 15317	Peters Creek (TSF)	Washington County CD (724) 228-6774
Crawford County Cambridge Springs Borough	PAG2002005002	Ronald Schirato 4301 Dutch Ridge Road Beaver, PA 15009	UNT French Creek WWF	Crawford County Conservation District (814) 724-1793
Erie County City of Erie	PAG2002505001	Peter Jobson Excel Realty Inv. 23549 Shaker Blvd. Shaker Heights, OH 44122	Lake Erie, Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County Waterford Township	PAG2002504041	Rev. Tom Whitman 1390 W. Townhall Rd. Erie, PA 16509	Tributary to LeBoeuf Creek TSF	Erie County Conservation District (814) 825-6403
Erie County City of Erie	PAG2002505002	PA Soldiers & Sailors Home 560 East 3rd Street Erie, PA 16507	Garrison Run WWF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002505003	Mike Peck/Citadel Development Box 8328 Erie, PA 16505	Municipal Separate Storm Sewer CWF; MF	Erie County Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG2002505004	Tim Shafer 211 Preston Avenue Erie, PA 16511	UNT to Six Mile Creek CWF; MF	Erie County Conservation District (814) 825-6403
Mercer County City of Hermitage	PAG2004304005	Cedarwood Development Inc. 1765 Merriman Road Akron, OH 44313	Pine Hollow Run WWF	Mercer County Conservation District (724) 662-2242
Venango County Scrubgrass Township	PAG2006105002	Idamarie Eckstein Camping Assoc. of the Presbyteries of NW PA 114 West Venango Street Mercer, PA 16137	Little Scrubgrass Creek	Venango County Conservation District (814) 676-2832

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Piatt Township Lycoming County	PAR604814	Robert W. Aikey Aikey's Body Shop 1678 Devils Elbow Road Jersey Shore, PA 17740	Seeley Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
City of Dubois, Clearfield County	PAR804830	United Parcel Service Inc. 521 North Center Avenue New Stanton, PA 15672	Storm Drain to Beaver Run WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
State College, Centre County	PAR804832	United Parcel Service Inc. 1821 South Nineteenth Street Harrisburg, PA 17104	UNT to Spring Creek CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Point Township, Northumberland County	PAR804833	United Parcel Service Inc. 1821 South Nineteenth Street Harrisburg, PA 17104	UNT to Lithia Springs Creek CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
City of Williamsport, Lycoming County	PAR804834	United Parcel Services Inc. 1821 South Nineteenth Street Harrisburg, PA 17104	Storm Drain to Dougherty Run WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
College Township Centre County	PAR804876	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	UNT to Spring Creek, CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Neshannock Township, Lawrence County	PAR408302	Pennsylvania American Water Company 2736 Ellwood Road New Castle, PA 16101	UNT to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wheatland Borough, Mercer County	PAR208346	Keystone Rolls, Inc. 40 Council Avenue P. O. Box 368 Wheatland, PA 16161	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sandycreek Township, Venango County	PAR208347	Timken Latrobe Steel 1680 DeBence Drive Franklin, PA 16323	UNT to Morrison Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wampun Borough, Lawrence County	PAR218317	Universal Refractories, Inc. 915 Clyde Street Wampun, PA 16157	Eckles Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Alsace Township	PAG043635	Lee R. Bierly 1879 Fridensburg Road Reading, PA 19606	Antietam Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Taylor Township Centre County	PAG045189 Sewerage	John Coppolino and Joyce Marshall 1765 E. Mountain Rd. Port Matilda, PA 16870	UNT Bell Hollow Run CWF	Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664
Washington County Amwell Township	PAG046198	Mark D. Hatfield 35 Sturge Hollow Road Amity, PA 15311-1540	Tributary to fork of Bane Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Bell Acres	PAG046204	Bradley K. Semonik 1510 Big Sewickley Creek Road Sewickley, PA 15143	Big Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Union Township, Lawrence County	PAG049151	John S. Pacella 1612 Cloverdell Drive New Castle, PA 16101	Mahoning River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township, Lawrence County	PAG048694	Paula A. Kubik 5138 Perry Highway Volant, PA 16156-4420	UNT of Taylor Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Beaver Township, Crawford County	PAG048317	Richard C. Hubbard 22383 Reeds Corner Road Conneautville, PA 16406-4253	UNT to West Branch Conneaut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township, Erie County	PAG048660	Sandra M. and William A. Thornton, Jr. 14200 State Route 226 Albion, PA 16401	UNT to Ashtabula Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township, Mercer County	PAG049149	William J. Kerola 266 Hooper Road Transfer, PA 16154	Shenango River Lake	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Marianna Borough Washington County	PAG056196	Coen Oil Company P. O. Box 34 1100 West Chestnut Street Washington, PA 15301	Ten Mile Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Peters Township Washington County	PAG056202	Sunoco, Inc. (R & M) Ten Penn Center 1801 Market Street Philadelphia, PA 19103	UNT to Little Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lebanon County North Annville and North Lebanon Townships	PAG083503	City of Lebanon Authority 250 Dairy Road P. O. Box 2210 Lebanon, PA 17042	GLRA Farm North Annville and North Lebanon Townships	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Lebanon County North Annville Township	PAG083503	City of Lebanon 250 Dairy Road P. O. Box 2210 Lebanon, PA 17042	Ray Weaver Farm North Annville Township	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Berks County Richmond Township	PAG080002 PAG080005 PAG080011 PAG080013 PAG083522 PAG083551	Jesse Baro, Inc. 4 Quarry Road Douglassville, PA 19518	Heffner Farm 1 Richmond Township Berks County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Franklin County Quincy Township	PAG083591	Quincy Township 7575 Mentzer Gap Road Waynesboro, PA 17268	J. Ray Geesaman Farm Quincy Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9 (SSN)

Facility Location:

Municipality & County *Permit No.*
 Franklin County PAG093550
 St. Thomas Township

Applicant Name & Address

May & Company, Inc.
 197 Pioneer Drive
 St. Thomas, PA 17252

Contact Office & Phone No.

DEP—SCRO
 909 Elmerton Avenue
 Harrisburg, PA 17110-8200
 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to: **Hillside Condominium Association**, 211 Hillside, Dallas, PA 18612 (PWSID 2400142) Dallas Township, **Luzerne County** on February 17, 2005, for the operation of facilities approved under construction permit No. 4097504 issued May 15, 1998.

Operations Permit issued to: **Hazleton City Authority (Water Department)**, 400 East Arthur Parkway, Hazleton, PA 18201-7395 (PWSID 2408001) City of Hazleton, **Luzerne County** on February 22, 2005, for the operation of facilities approved under construction permit No. 4091505.

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

Permit No. 6702501, Public Water Supply.

Applicant	South Eastern School District
Municipality	Fawn Township
County	York
Type of Facility	Time Extension of existing construction permit for installation of nitrate treatment.
Consulting Engineer	1—Not Available
Permit to Construct Issued:	1/27/2005

Permit No. 0604513, Public Water Supply.

Applicant	Borough of Bally
Municipality	Bally Borough
County	Berks
Type of Facility	Provide redundancy to the existing VOC treatment with the addition of a backup air stripper.
Consulting Engineer	Kenneth R Miller, P. E. Civil & Environmental Consultants, Inc. 333 Balwin Road Pittsburgh, PA 15205
Permit to Construct Issued:	2/24/2005

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

Operations Permit issued to: **Kennerdell Community North Water System, Inc.**, P. O. Box 88, Kennerdell, PA 16374, PWSID 6610859, Rockland Township, **Venango County**, on February 22, 2005, for the operation of Well No. 1 as the source of supply; chlorination and pH adjustment feed systems; pressure sand filters; storage, and the existing distribution system, as approved under Construction Permit No. 6103502.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Salem Township	P. O. Box 405 Berwick, PA 18603	Luzerne

Plan Description: The Plan calls for the implementation of Alternative Nos. 1 and 1B as described in the Plan. Gravity and pressurized wastewater collection and conveyance facilities will be constructed to serve approximately 1,172 equivalent dwelling units in Area 1—East Berwick, Area 2—Stone Church Road and Area 3—Beach Haven/State Route 11 Corridor. Wastewater from the proposed wastewater collection/conveyance systems will

be conveyed to a tie-in point in the East Berwick area for connection to the Berwick Area Joint Sewer Authority's (Authority) wastewater conveyance system. Wastewater will then be conveyed through the Authority's conveyance facilities, located in Berwick Borough, to the Authority's wastewater treatment facility for treatment with ultimate discharge to the Susquehanna River. Implementation of the selected wastewater disposal alternative and operation of the existing and proposed facilities will be performed by the Township.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Mahoney Prop., Lansdowne Borough, **Delaware County**. Martin Liebhart, Mulry and Cresswell Env., Inc., 1691 Horseshoe Pike, Ste. 3, Glenmoore, PA 19343 on behalf of John Mahoney, 268 N. Highland Ave., Lansdowne, PA 19050 has submitted a Final Report

concerning remediation of site soil contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

AAA Mid-Atlantic Bldg., City of Philadelphia, **Philadelphia County**. Richard Werner, Env. Consulting, Inc., 500 E. Washington St., Ste. 375, Norristown, PA 19401 on behalf of Bill Fisher, Carriage House Condominiums, LP, 1700 Walnut St., 2nd Floor, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline and leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Morrissey Property (Poplar Valley Road), Stroud Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of their client, Gertrude Morrissey, R. R. 1, Stroudsburg, PA 18360) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release from a home heating oil tank. The report was submitted to document attainment of the residential Statewide health standard.

Palmer Town Center (former Bethlehem Corporation and Young Volkswagen Mazda), Palmer Township, **Northampton County**. Brendan O'Donnell, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted a Final Report (on behalf of his client, Easton Center LLC, 424 Park Lane, Hudson, WI 54016) concerning the characterization and remediation of site groundwater. The report was submitted in order to document attainment of the site-specific standard for groundwater.

UGI Utilities, Inc.—Hazelton Service Center, City of Hazelton, **Luzerne County**. J. C. Rondeau, Division Engineer—Environmental Compliance, UGI Utilities, Inc., 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677 has submitted a Remedial Investigation Report concerning the characterization of soils and groundwater found or suspected to have been contaminated by petroleum products, polycyclic aromatic hydrocarbons, and other potential constituents related to the site's historic use as a manufactured gas plant. The report was submitted in partial fulfillment of the Site-specific standard.

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

South Prince Street Properties, City of Lancaster and Lancaster Township, **Lancaster County**. Environmental Standards, Inc., P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of the Lancaster County Planning Commission, P. O. Box 83480, Lancaster, PA 17608-3480 and the City of Lancaster, P. O. Box 1599, Lancaster, PA 17608-1599, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with petroleum fuel-related VOCs, semivolatiles organic compounds, lead, manganese, cadmium and thallium. The site is being remediated as a Special Industrial Area.

Former Zeigler Gulf Station, Carroll Township, **York County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797 (on behalf of Deborah A. Bortner, 447 Miller Avenue, Mechanicsburg,

PA 17055 and Braam Hattingh, 551 Meggan Lane, Mechanicsburg, PA 17055) has submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PHCs. The combined report is intended to document remediation of the site to the Site-Specific Standard.

Former Stauffer Printing Site, East Lampeter Township, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Ephrata, PA 17522 on behalf of Bible Visuals International, 650 Main Street, Akron, PA 17501, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with inorganics. The combined 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.

I-180, Faxon Parkway Interchange, Loyalsock Township, **Lycoming County**. Marshall Miller & Assoc., Inc., has submitted a Final Report concerning soil contaminated with diesel fuel. This Final Report is intended to demonstrate attainment of the Statewide Health Standard for soil.

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

BP Site No. 07014, Hampton Township, **Allegheny County**. James Schenker, URS Corporation, Foster Plaza 4, 501 Holiday Drive, Pittsburgh, PA 15220 (on behalf of Gail Ferrell, Realty Income Corporation, 220 West Crest Street, Escondido, CA 92025) has submitted a Final Report concerning remediation of site waste oil, diesel fuel and gasoline contaminated with waste oil, diesel fuel and gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Flint Ink, Borough of Sharpsburg, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Norfolk-Southern RR, 425 Holiday Drive, Pittsburgh, PA 15220, and Flint Ink, 4600 Arrowhead Drive, Ann Arbor, MI 48105) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and heavy metals. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

Retail Parcel—Former Auld Lumber, Hampton Township, **Allegheny County**. Robert J. Valli, P. G., Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Northwest Savings Bank, 225 Second Avenue, P. O. Box 128, Warren, PA 16365) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents, BTEX and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Academic Prop., Inc., City of Philadelphia, **Philadelphia County**. John Walker, INTEX Env. Group., Inc., 6205 Easton Rd., Pipersville, PA 18947 on behalf of Alice Beck Dubow, Academic Prop., Inc., 3201 Arch St., Ste. 310, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and paved alleyway contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 18, 2005.

Barry Bridge Park Project, Chester City, **Delaware County**. Gary R. Brown, P. E. and Walter Hungarter, III, RT Env. Svc., Inc., 215 W. Church Rd. on behalf of Delaware River Port Auth., Richard L. Brown, One Port

Ctr., 2 Riverside Dr., Camden, NJ 08101 has submitted a Final Report concerning the remediation of site soil contaminated with PAH. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 22, 2005.

Trent & Torres Properties, West Grove Borough, **Chester County**. David Farrington, P. G., Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19390 on behalf of Isabel Torres, 128 W. Summit Ave., West Grove, PA 19390 and Sherry Trent, 124 W. Summit Ave., West Grove, PA 19390 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 22, 2005.

Boeing Co./Center North Site, Eddystone Borough/Ridley Township, **Delaware County**. Colleen Costello & Brian McGuire, Langan Eng. & Env. Svc., Inc. River Dr., Ctr. 1, Elmwood Park, NJ 07407 on behalf of Daniel Meyer and Dale Davis, The Boeing Co., P. O. Box 16858, MA P29-02, Philadelphia, PA 19142 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, other organics and inorganics. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 10, 2005.

The Edgewater Development, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Assoc., Inc., One Drexel Plaza, 300 Market St., Philadelphia, PA 1904 on behalf of Steve Cupps, NM Edgewater Joint Venture, 1000 Chesterbrook Blvd., Ste. 100, Berwyn, PA 19312 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil contaminated with chlorinated solvents, inorganics, other organics and PAH and groundwater contaminated with inorganics and other organics. The Remedial Investigation and Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 10, 2005.

Allegro MicroSystem, Upper Moreland Township, **Montgomery County**. Richard T. Wroblewski, P. G. ERM, 350 Eagleview Blvd., Ste. 200, Exton, PA 19341 on behalf of Bruce Goodman, Goodman Prop., 636 Old York Rd., Jenkintown, PA 19046 has submitted a Remedial Investigation and Final Report concerning the remediation of site groundwater contaminated with barium. The Remedial Investigation and Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 8, 2005.

27th and Girard Prop., City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Assoc., Inc., One Drexel Plaza, 3801 Market St., Philadelphia, PA 19104-2897 on behalf of Alan Harris, ADC 1105 Ind. Hwy., Southampton, PA 18966 has submitted a Site Assessment and Final Report concerning the remediation of site soil and groundwater contaminated with heavy metals, BTEX, polycyclic aromatic hydrocarbons and solvents. The Site Assessment and Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on February 18, 2005.

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

Leeward Asphalt Plant No. 1, Palmyra Township, **Wayne County**. Thomas Quinlan, Leeward Construction, Inc., 9 Collan Park, Honesdale, PA 18431 submitted

a Final Report (on behalf of the property owner, Bill Goodwin Excavating, Paupack, PA 18451) concerning the remediation of soils found to have been impacted by an accidental release of fuel oil No. 2. The report demonstrated attainment of the residential Statewide health soil standard and was approved on February 15, 2005.

Residential Property Daniels Residence, Penn Forest Township, **Carbon County**. Guy Sheets, Malcolm Pirnie, Inc., 630 Freedom Business Center, 3rd Floor, King of Prussia, PA 19406 submitted a Final Report (on behalf of his client, Bethlehem Authority, 10 E. Church Street, Bethlehem, PA 18018) concerning the remediation of soils found to have been impacted by an accidental release of fuel oil No. 2. The report demonstrated attainment of the residential Statewide health soil standard and was approved on February 10, 2005.

Former Penn Fuel Gas Manufactured Gas Plant—Pen Argyl Site, Plainfield Township and Pen Argyl Borough, **Northampton County**. The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238-1359, submitted a Remedial Investigation Report (on behalf of its client, PPL Gas Utilities, Inc., Two North Ninth St., Allentown, PA 18101) concerning the characterization of soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide health and the Site-Specific Standards, and was approved on February 4, 2005.

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

South Prince Street Properties, City of Lancaster and Lancaster Township, **Lancaster County**. Environmental Standards, Inc., P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of the Lancaster County Planning Commission, P. O. Box 83480, Lancaster, PA 17608-3480 and the City of Lancaster, P. O. Box 1599, Lancaster, PA 17608-1599, submitted a Work Plan concerning remediation of site soils and groundwater contaminated with petroleum fuel-related VOCs, semivolatiles organic compounds, lead, manganese, cadmium and thallium. The site is being remediated as a Special Industrial Area. The Work Plan was approved by the Department on July 20, 2004.

Penn Mar Oil Company, Chambersburg Borough, **Franklin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, submitted a revised Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The final report demonstrated attainment of a combination of the Statewide Health and site-specific standards, and the combined Remedial Investigation and Final Report was approved by the Department on February 16, 2005.

FCI USA, Inc., Hanover, Penn Township, **York County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs. The final report demonstrated attainment of a combination of Statewide Health and site-specific standard, and was approved by the Department on February 17, 2005.

Former Stauffer Printing Site, East Lampeter Township, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Ephrata, PA 17522

on behalf of Bible Visuals International, 650 Main Street, Akron, PA 17501, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with inorganics. The final report demonstrated attainment of a Site-specific standard, and the combined report was approved by the Department on February 28, 2005.

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

Lexington Avenue, City of Pittsburgh, **Allegheny County**. Gary Ballesteros, Esq., Rockwell Automation, Inc., 777 East Wisconsin Avenue, Suite 1400, Milwaukee, WI 53202 (on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, University of Pittsburgh, B-50 Benedum Hall, Pittsburgh, PA 15261, and Blasland, Bouck, & Lee, Inc., 600 Waterfront Drive, Pittsburgh, PA 15222-4741) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, heavy metals, BTEX, PAHs, pesticides and VOCs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 7, 2005.

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

Lawrence County Sportsmen's Assoc. Site/Millennium Park, New Castle, **Lawrence County**. Scott Whipkey, RAR Engineering Group, 1135 Butler Ave., New Castle PA 16101 on behalf of Linda Nitch, Lawrence County Economic Development Corp., 229 S Jefferson St., New Castle, PA 16101 has submitted a Baseline Remedial Investigation Report concerning the remediation of site soil contaminated with lead and other heavy metals. The Baseline Remedial Investigation Report was approved by the Department on December 17, 2004.

Coleville Storage Tank Fac. OLD, Keating Township, **McKean County**. Dayne Crowley, MACTEC, Engineering & Consulting, 700 N Bell Ave., Suite 200, Carnegie, PA 15106 (on behalf of Harry Perrine, Pennzoil-Quaker State d/b/a Shell Oil Products US, 260 Elm St., P. O. Box 99, Oil City PA 16301) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with Arsenic, 2-Methylnaphthalene, Bis(2-ethylhexyl)phthalate, naphthalene and crysene. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Farmers Valley Wax Plant Main, Keating Township, **McKean County**. Dayne M. Crowley, MACTEC, Carnegie Office Park Bldg. 4, 700 N. Bell Ave., Suite 200, Pittsburgh, PA 15106 on behalf of Farmers Valley Wax Plant Former Fly Ash Area, has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with Lead, Heavy Metals, BTEX, PHCs, PAHs and Solvents. The Reports were approved by the Department on November 12, 2005.

AIR QUALITY

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

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

09-0037E: CMS Gilbreth Packaging Systems, Inc. (3001 State Road, Croydon, PA 19021) on February 22, 2005, to operate a manual dip tank in Bristol Township, **Bucks County**.

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

26-00488D: Laurel Aggregates, Inc. (P. O. Box 1209, Morgantown, WV 26507) on February 25, 2005, to install new equipment at their existing Lake Lynn Quarry limestone processing facility in Springhill Township, **Fayette County**.

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

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

23-0030A: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on February 25, 2005, to operate three new boilers in Swarthmore Borough, **Delaware County**.

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

28-03039A: Warrior Roofing Manufacturing of Pennsylvania, LLC (3050 Warrior Road, P. O. Box 40185, Tuscaloosa, AL 35404-0185) on January 30, 2005, to modify an asphalt roofing felt production line at their existing plant in Greene and Letterkenny Townships, **Franklin County**. This plan approval was extended.

67-05092D: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) on February 3, 2005, to construct a batch coffee roaster and associated cooling tray controlled by a catalytic oxidizer and cyclone, respectively, at their York Roasting Plant in East Manchester Township, **York County**. This plan approval was extended.

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

49-303-006: Collier Materials, Inc. (R. R. 2, Box 672, Shamokin, PA 17872) on February 22, 2005, to operate a batch asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis until June 22, 2005, in Ralpho Township, **Northumberland County**. The plan approval has been extended.

53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on February 22, 2005, to operate a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis to June 22, 2005, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval has been extended.

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

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

09-00102: Soil Technology, Inc. (7 Steel Road East, P. O. Box 847, Morrisville, PA 19067) on February 23, 2005, to amend the operation of a Synthetic Minor Operating Permit in Falls Township, **Bucks County**.

09-00159: Colorcon (171 New Britain Boulevard, Chalfont, PA 18914) on February 25, 2005, to operate a Natural Minor Operating Permit in New Britain Township, **Bucks County**.

09-00131: Pyramid Graphics (1021 Washington Avenue, Croydon, PA 19021) on March 1, 2005, to operate a Synthetic Minor Operating Permit in Bristol Township, **Bucks County**.

46-00135: Yerger Wood Products, Inc. (3090 Wentling Schoolhouse Road, East Greenville, PA 18941) on March 1, 2005, to amend the operation of a Natural Minor Operating Permit in Upper Hanover Township, **Montgomery County**.

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

67-03071: Companion Animal Cremation Services (210 Andersontown Road, Mechanicsburg, PA 17055) on February 23, 2005, to operate their animal crematories in Monaghan Township, **York County**.

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

04-00682: Heckett MultiServe (612 North Main Street, Butler, PA 16001) on February 23, 2005, for a state only operating permit renewal at their slag processing Koppel Plant 53 in Koppel Borough, **Beaver County**.

03-00152: Glacial Sand and Gravel Co. (P. O. Box 1022, Kittanning, PA 16201) on February 24, 2005, for their sand and gravel processing plant in East Franklin Township, **Armstrong County**.

03-00193: Glacial Sand and Gravel Co. (P. O. Box 1022, Kittanning, PA 16201) on February 24, 2005, for their coal processing and load out facility in East Franklin Township, **Armstrong County**.

65-00799: Dominion Transmission, Inc. (625 Liberty Ave., Pittsburgh, PA 15222) on February 24, 2005, for the facility's major sources of emissions which include two internal combustion engines for natural gas transmission and fugitive VOC emissions at the Lincoln Heights Compressor Station in Hempfield Township, **Westmoreland County**.

04-00705: Pittsburgh Coatings (8105 Perry Highway, Pittsburgh, PA 15237) on February 25, 2005, to operate a blasé and surface coating plant in Ambridge Borough, **Beaver County**.

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

42-00196: Catalyst Energy, Inc. (SR 59W and SR 219N, Timbuck, PA 16738) on February 4, 2005, issued a Natural Minor operating permit for a natural gas processing plant in Lafayette Township, **McKean County**.

37-00027: IA Construction Corp.—Taylor Township (River Road, West Pittsburgh, PA 16160) on February 17, 2005, issued a Natural Minor Amendment Operating

Permit to operate their Batch Mix Asphalt Plant in Taylor Township, **Lawrence County**.

33-00151: Oak Heritage Furniture—Brockway Borough (11 Industrial Park Drive, Brockway, PA 15824) on February 17, 2005, issued a Natural Minor Operating Permit to operate their Furniture—Three-Spray Booth Plant in Brockway Borough, **Jefferson County**.

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

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

48-00027: IESI Bethlehem Landfill Corp. (2335 Applebutter Road, Bethlehem, PA 18015) on February 23, 2005, issued an amended Title V Permit for the operation of their facility in Lower Saucon Township, **Northampton County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

63020102 and NPDES Permit No. PA0250309. Mullan Mining, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15012). Permit revised to add approximately 3 acres to the permit boundary, add mining area and revise the final contours at an existing bituminous surface mining site located in Smith Township, **Washington County**, affecting 117.1 acres. Receiving streams: UNTs to Raccoon Creek and Little Raccoon Run. Application received: October 8, 2004. Revised permit issued: February 24, 2005.

63-04-02 and NPDES Permit No. PA0250619. Newgate Development Corp. (2201 Quicksilver Road, McDonald, PA 15057). Government Financed Construction Contract issued to remine and reclaim abandoned underground minelands, located in Robinson Township, **Washington County**, affecting 12.5 acres. Receiving streams: Robinson Run and UNT to Robinson Run. Application received: November 22, 2004. Contract issued: February 24, 2005.

03990108 and NPDES Permit No. PA0202665. Thomas J. Smith, Inc. (R. R. 1, Box 260D, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Plumcreek Township, **Armstrong County**, affecting 57.4 acres. Receiving stream: UNT to Plumcreek to Plumcreek to Crooked Creek. Application received: December 10, 2004. Renewal issued: February 25, 2005.

03990102 and NPDES Permit No. PA0202444. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 58 acres. Receiving stream: Fagley Run to Crooked Creek. Application received: January 5, 2005. Renewal issued: February 22, 2005.

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

1642-10010112-E-1. T. C. Mining (252 Lower Hays Run Road, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of UNT No. 11 to the South Branch of Slippery Rock Creek. Receiving stream: UNT to South Branch Slippery Rock Creek. Application received: December 17, 2004. Permit Issued: February 23, 2005.

33793033 and NPDES Permit No. PA0119032. Cloe Mining Company, Inc. (P. O. Box 1, Gramplan, PA 16838). Renewal of an existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County** affecting 94.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Stony Run; UNTs to Bear Run. Application received: December 27, 2004. Permit Issued: February 23, 2005.

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

17040901 and NPDES Permit No. PA 0243761. Blue Mountain Coal Company (753 Richards Road, Irvona, PA 16656). Commencement, operation and restoration of an Incidental Coal Extraction permit in Chest Township, **Clearfield County** affecting 15.6 acres. Receiving streams: Holes Run and Hockenberry Run. Application received: June 24, 2004. Permit issued: February 8, 2005.

17990120 and NPDES Permit No. PA 0242756. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 16830). Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 37.5 acres. Receiving streams: UNT to Bell Run, to Bell Run to the West Branch of the Susquehanna River. Application received: November 17, 2004. Permit issued: February 11, 2005.

Noncoal Permits Actions

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

28042802. Arthur J. Beidel (11468 Creek Road, Fannettsburg, PA 17221), commencement, operation and restoration of a shale quarry in Metal Township, **Franklin County** affecting 3.0 acres. Receiving stream: West Branch of Conococheague Creek. Application received October 8, 2004. Permit issued February 24, 2005.

58040867. Alvin C. Seamans, Jr. (R. R. 1, Box 43, Union Dale, PA 18470), commencement, operation and restoration of a sand and gravel quarry operation in Clifford Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: East Branch of Tunkhannock Creek. Application received November 22, 2004. Permit issued February 24, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

63054001. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690). Blasting activity permit for seismic survey-shot hole, located in Somerset and West Pike Run Townships, **Washington County**, with an expected duration of 10 days. Permit issued: February 23, 2005.

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

59044101. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), for trench for farm sewage system blasting, located in Liberty Township, **Tioga County**. Application received: December 16, 2004. Permit issued: December 20, 2004.

14054003. Ameron Construction (2501 N. Atherton Street, State College, PA 16803), for construction blasting, located in Patton Township, **Centre County**, with an expected duration of 316 days. Permit issued: February 14, 2005.

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

36054110. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Sunset Ridge Development in Manheim Township, **Lancaster County** with an expiration date of February 28, 2006. Permit issued February 22, 2005.

38054104. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Arbor Greene Development in North and South Londonderry Townships, **Lebanon County** with an expiration date of March 30, 2006. Permit issued February 22, 2005.

38054105. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Windsor Crossing in Palmyra Borough and North Londonderry Township, **Lebanon County** with an expiration date of March 30, 2006. Permit issued February 22, 2005.

38054106. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Colebrook Court in North Cornwall Township, **Lebanon County** with an expiration date of March 30, 2006. Permit issued February 22, 2005.

38054107. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Stone Knoll in South Londonderry Township, **Lebanon County** with an expiration date of March 30, 2006. Permit issued February 22, 2005.

38054108. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Dale Hoover Project in South Annville Township, **Lebanon County** with an expiration date of June 30, 2005. Permit issued February 22, 2005.

45054105. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Wyndham

Hills Development in Paradise Township, **Monroe County** with an expiration date of February 22, 2006. Permit issued February 22, 2005.

45054106. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Grandview Terrace Development in East Stroudsburg Borough, **Monroe County** with an expiration date of February 15, 2006. Permit issued February 22, 2005.

09054101. Brubacher Excavating, Inc. (P. O. Box 525, Bowmansville, PA 17507), construction blasting for McElwee Group Sewage Treatment Plant in Warrington Township, **Bucks County** with an expiration date of February 22, 2006. Permit issued February 23, 2005.

21054109. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Hillside Farms in Silver Spring Township, **Cumberland County** with an expiration date of March 30, 2006. Permit issued February 23, 2005.

67054003. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Straffordshire Housing Subdivision in Manchester Township, **York County** with an expiration date of February 15, 2006. Permit issued February 25, 2005.

09054001. Ed Wean Drilling & Blasting (112 Ravine Road, Stewartsville, NJ 08886), construction blasting at Greystone Meadows in Warrington Township, **Bucks County** with an expiration date of March 17, 2006. Permit issued February 25, 2005.

46054004. Blooming Glen Construction (P. O. Box 391, Blooming Glen, PA 18911) and **Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting at Shannondell in Lower Providence Township, **Montgomery County** with an expiration date of March 23, 2006. Permit issued February 25, 2005.

23054102. Brubacher Excavating, Inc. (P. O. Box 525, Bowmansville, PA 17507), blasting for Cauffman Pool in Radnor Township, **Delaware County** with an expiration date of February 22, 2006. Permit issued February 25, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-633. County of Chester, Office of the County Engineer, 117 W. Gay Street, West Chester, PA 19380-2901, London Grove Township, **Chester County**, ACOE Philadelphia District.

To remove an existing three-span concrete encased steel bridge structure and to construct and maintain a 65-foot single span steel bridge spanning the Middle Branch of White Clay Creek with an underclearance of 5 feet 11 inches. This work also includes the removal of an unvegetated gravel bar located upstream of the bridge and stabilize adjacent stream banks. In addition, this permit will authorize the construction of a temporary road crossing consisting of five 5-foot diameter CMP pipes downstream of the bridge. This site is located on Valley Road approximately 400 feet southwest of its intersection with South Guernsey Road (West Grove, PA-DE, Quadrangle N: 12.35 inches; W: 12.15 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

E09-878. ZJ and T, LLC, 18 Lodi Hill Road, Upper Black Eddy, PA 18972, Bridgeton Township, **Bucks County**, ACOE Philadelphia District.

To maintain an existing boat launch, to remove the existing floating dock and to construct and maintain 992 square feet of new floating dock in and along the Delaware River (WWF, MF). The site is located at 1469 River Road (Frenchtown, NJ-PA N: 11.00 inches; W: 13.75 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

E06-532-1: Rockland Township, 41 Deysher Road, Fleetwood, PA 19522 in Rockland Township, **Berks County**, ACOE Philadelphia.

To amend Permit Number E06-532 to remove the existing structure and then to construct and maintain a 12-foot by 7.5-foot concrete box culvert with a 3-foot depression in lieu of a 20-foot by 4.5-foot arch culvert at the channel of Beiber Creek (EV) and associated improvements in order to improve the alignment and traffic safety conditions of Henry Road (T-445) in Rockland Township, Berks County

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

E60-166. White Deer Watershed Association, P. O. Box 102, White Deer, PA 17887. White Deer Creek Stream Restoration Project, in White Deer Township, **Union County**, ACOE Baltimore District (Milton, PA Quadrangle N: 13.8 inches; W: 16.8 inches).

To construct, operate and maintain a stream stabilization project consisting of four cross vane structures, 700 linear feet of boulder/soil matrix, 550 linear feet of rock toe treatments, two stone stairway stream accesses, 325 linear feet of boulder bank revetment, 75 linear feet of boulder wall treatment, removal of 300 linear feet of abandon waterline and the removal of an in-stream bridge pier. The structures will be constructed out of stone measuring a minimum of 3 feet by 3 feet by 2.5 feet. The work will effect of 1,750 linear feet of White Deer Creek.

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

E02-1454. Grasinger Homes, Inc., 8035 Saltsburg Road, Pittsburgh, PA 15239. A proposed 34 single family residential development in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 21.0 inches; W: 1.2 inches and Latitude: 40° 29' 26"—Longitude: 79° 45' 31"). To place and maintain fill in 0.01 acre of de minimus PEM wetland as part of a proposed 34 single family residential development known as Green Valley Estates Phase 2. This project will also impact approximately 265 feet of an UNT to Plum Creek (WWF); this work qualifies for authorization under the Department waiver 105.12(a)(2). The project is located on the south side of Old Leechburg Road approximately 2,500 feet west of its intersection with New Texas Road.

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

E37-161, Lawrence County, Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. T-485 Stoughton Road Bridge Across Slippery Rock Creek, in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 5.0 inches; W: 4.1 inches).

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having two normal spans of 61.21 feet and a minimum underclearance of 16 feet on a 60° skew across Slippery Rock Creek (CWF) located approximately 70 feet downstream of the existing bridge on a new alignment involving a total of approximately 700 feet of roadway on T-485, Stoughton Road, approximately 0.4 mile south of SR 108.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. (814) 332-6860.

E24-238. Catalyst Energy, Inc., 120 Shangri Lane, Pittsburgh, PA 15237-3384. Warrant 3773 Pipeline Project in Highland Township, **Elk County**, ACOE Pittsburgh District (Russell City, PA Quadrangle N: 20.9 inches; W: 7.2 inches).

The applicant proposes to construct approximately 2,800 feet of 4-inch plastic pipeline to transport natural gas from the southeast corner of their Warrant 3773 development to existing sales facilities in the central portion of the same development. The proposed pipeline will cross Crane Run (EV) and an associated exceptional value wetland by directional drilling. Crane Run, a perennial stream, is approximately 10 feet wide and 8 inches deep at the crossing location, which is approximately 6,200 feet upstream of the confluence with South Branch Tionesta Creek. The associated wetland is approximately 46 feet wide at the crossing location.

ENVIRONMENTAL ASSESSMENTS

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

D02-083EA Nicassio Corporation, 24 South 18th Street, Pittsburgh, PA 15203. Plum Borough, **Allegheny County**, ACOE Pittsburgh District.

Project proposes to breach and remove Johnston Pond Dam across a tributary to Aber's Creek (TSF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is classified as a high hazard dam and is in poor condition due to inadequate maintenance. The dam is located approximately 700 feet South of the intersection of SR 286 and SR 2075 (Murrysville, PA Quadrangle N: 13.8 inches; W: 12.7 inches).

D46-245EA. Campbell, Edwards, and Conroy, 600 Lee Road, Suite 300, Wayne, PA 19087. Upper and Lower Providence Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Goodrich Dam located across Perkiomen Creek (WWF, MF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition to promote unobstructed fish passage. The dam is located approximately 2,200 feet northeast of the intersection of Pawlings Road (SR 4004) and Wetherill Road (T605). The dam is located approximately 1,400 feet upstream from the confluence of Perkiomen Creek and the Schuylkill River in Upper and Lower Providence Townships. (Valley Forge, PA Quadrangle N: 21.7 inches; W: 11.5 inches).

SPECIAL NOTICES

Request for Bond Release

Southcentral Region: Waste Management Program, 909 Elmerton Ave., Harrisburg, PA 17110; Contact: Regional Solid Waste Manager, (717) 705-4706.

Permit No. PAD00307792. Armstrong World Industries Inc.—Lancaster Floor Plant, 2500 Columbia Ave., Lancaster, PA 17604, Lancaster City, **Lancaster County**. On November 5, 2004, Armstrong submitted a request for the release of its bond following the closure of its permitted hazardous waste drum storage area. The Department of Environmental Protection (Department) is reviewing the request and will render a decision on whether or not to release the bond.

The Department is providing this notice of request for bond release under 25 Pa. Code § 264a.167 (relating to public notice and comment). Questions or comments

concerning this notice should be directed to the Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.

Persons wishing to comment on this request for release of bond are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this request. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding this request for release of bond. Notice of this

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

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of February 2005, 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>
Brian Bacchus	251 Fox Meadow Avenue Wexford, PA 15090	Mitigation
Kenneth Berninger	134 Shaffer Street Duboisstown, PA 17702	Testing
Glen Beveridge	409 Sewickley Drive Greensburg, PA 15601	Testing
Barry Bilbo	15 Kevin Court Wyomissing, PA 19610	Testing
Donald Bobincheck	116 Kenney Drive Sewickley, PA 15143	Testing
Jamey Gelina Air Quality Control Agency, Inc.	6539 Westland Way Suite 16 Lansing, MI 48917	Mitigation
Keri Gerontianos	2520 Sandy Lane Palmer, PA 18045	Testing
Paul Hollup	420 Vaughn Road Royersford, PA 1946	Testing
Lisa Johnson	53 North Tremont Avenue Greensburg, PA 15601	Testing
E. Patrick Joseph	561 Vanderbilt Road Connellsville, PA 15425	Testing
Brian Kendrick	551 Easton Road Suite E Warrington, PA 18976	Testing
Christopher Licata	113 Fern Road Dingmans Ferry, PA 18328	Testing
G. Richard Lininger, Jr.	122 Madison Avenue Waynesboro, PA 17260	Testing
Microbac Laboratories, Inc.	1962 Wager Road Erie, PA 16509	Testing and Laboratory
Brian Mishler	212 West Grant Street Latrobe, PA 15650	Testing
James Mulvehill	126 Furnari Avenue Johnstown, PA 15905	Testing
Joseph Nirschel	213 North 14th Street Allentown, PA 18102	Mitigation
Edward Pilz	706 East Street West Easton, PA 18042	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Radon Concepts Group, Inc.	1133 Brookside Drive Greensburg, PA 15601	Testing
Peter Rohrbach	706 East Street West Easton, PA 18042	Testing
Martin Spiegel	P. O. Box 438 Swarthmore, PA 19081	Testing
Janice Struder	P. O. Box 72722 Thorndale, PA 19372	Testing
John Wechter	72 Gristmill Lane Royersford, PA 19468	Testing
Dana Wilson Radon X	2527 EMS Lane Wexford, PA 15090	Mitigation

Categorical Exclusions

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sandy Township Municipal Authority	P. O. Box 267 DuBois, PA 15801	Clearfield

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Sandy Township Municipal Authority proposes to increase the scope of a project to replace deteriorated sanitary sewer pipe from 51,000 linear feet to approximately 61,000 linear feet. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Farrell	500 Roemer Boulevard Farrell, PA 16121	Mercer

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The City of Farrell proposes to upgrade the existing Kiefer pump station and replace existing force main. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

Action on First Application of Nonexceptional Value Sewage Sludge under General Permit PAG-8 or PAG-9

The Department of Environmental Protection (Department) has previously approved coverage under General Permit PAG-8 for the generators of nonexceptional quality sewage sludge. General Permit PAG-08-9901 authorizes the beneficial use of nonexceptional quality sewage sludge

by land application to a reclamation site. The purpose of this notice is to advise the public that the Department has reviewed the Notice for First Land Application of Sewage Sludge for Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849, Munson No. 2 Site (Permit Number 17960101), located in Morris Township, Clearfield County, affecting approximately 149.8 acres, and has determined that the site is suitable for land application of nonexceptional quality sewage sludge effective February 7, 2005.

The actions of the Department may be appealed to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 by an aggrieved person 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). Appeals must be filed within 30 days of the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Environmental Hearing Board's (Board) rules of practices and procedure may be obtained from the Board.

[Pa.B. Doc. No. 05-450. Filed for public inspection March 11, 2005, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

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

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

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

Final Guidance—Substantive Revision

DEP ID: 563-2504-001. Title: Conventional Bonding for Land Reclamation—Coal. Description: This guidance describes the regulatory and statutory requirements for determining bond amounts. It also establishes bond rates and the process for determining the bond for land reclamation. A notice of availability of the draft version of this document was published at 34 Pa.B. 5649 (October 9, 2004). Provision for a 30-day public comment period was provided for the draft document, which concluded on November 8, 2004. The document was revised in response to comments from the public. Contact: William S. Allen, Jr., Bureau of Mining and Reclamation, (717) 787-5103, wallen@state.pa.us. Effective Date: March 12, 2005.

Final Guidance—New Guidance

DEP ID: 580-3000-002. Title: Bureau of Deep Mine Safety's Compliance/Enforcement Procedures. Description: The Bureau of Deep Mine Safety is establishing this new technical guidance document in accordance and consistent with the Department's standards and guidelines for identifying, tracking and resolving violations. A notice of availability of the draft version of this document was published at 34 Pa.B. 4202 (August 7, 2004). Provision for a 30-day public comment period was provided for the draft document, which concluded on September 6, 2004. No comments were received. Contact: John Sbaffoni, Bureau of Deep Mine Safety, (724) 439-7469, jsbaffoni@state.pa.us. Effective Date: March 12, 2005.

Draft Technical Guidance—New Guidance

DEP ID: 563-2504-002. Title: Land Maintenance Financial Guarantees. Description: This document defines how the Department will require coal mining activities to be bonded in an amount that covers the Department's cost to complete the site's reclamation plan. The Department has established the Land Maintenance Financial Guarantee program to provide the financial assurance needed for coal mine sites awaiting Stage 3 bond release. Written Comments: Interested persons may submit written comments on draft technical guidance document #563-2504-002 by April 12, 2005. Comments submitted by facsimile will not be accepted. 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 John E. Meehan, Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, Harrisburg, PA 17105-8461, johmeehan@state.pa.us. Questions regarding the draft technical guidance document should be directed to John E. Meehan, (717) 787-5103, johmeehan@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-451. Filed for public inspection March 11, 2005, 9:00 a.m.]

Certification Program Advisory Committee Meeting

The Certification Program Advisory Committee will hold a regular meeting on March 22, 2005, 10 a.m., in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Persons with questions concerning this meeting should contact Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact Lynn Rice at (717) 787-5236, mlrice@state.pa.us or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-452. Filed for public inspection March 11, 2005, 9:00 a.m.]

Chesapeake Bay Tributary Strategy Public Meetings

The Department of Environmental Protection (Department) will host five public meetings on Pennsylvania's Chesapeake Bay Tributary Strategy (Strategy). The meetings will be held as follows:

- March 17, 2005, at 2 p.m. and 7 p.m. in the Northeast Regional Office, Susquehanna Room, 2 Public Square, Wilkes-Barre
- March 22, 2005, at 7 p.m. in the Lebanon County Conservation District, Penn State Extension Meeting Room, 2120 Cornwall Road, Lebanon
- March 23, 2005, at 7 p.m. in the Adams County Conservation District, Penn State Extension Meeting Room, 670 Old Harrisburg Road, Gettysburg
- March 30, 2005, at 7 p.m. in the Northcentral Regional Office, Goddard Conference Room, 208 West Third Street, Williamsport

At the meetings, Department staff will review the recently published Strategy, answer questions on the development of the Strategy and seek public input on Strategy implementation. The Strategy identifies a suite of nonpoint source Best Management Practices and point source management approaches that would be necessary to meet new Chesapeake Bay water quality goals adopted in 2004. The Strategy calls for reducing nutrient and sediment loads to streams in this Commonwealth and the Chesapeake Bay from a variety of sources such as agriculture, wastewater treatment plants, urban stormwater and septic systems. For the first time, the Strategy is built upon 13 individual strategies for watersheds in the Susquehanna and Potomac basins. The Strategy identifies the full range of activities needed, regardless of their cost, so planning can begin for the new initiatives that will be needed to support Strategy implementation.

With the signing of the Chesapeake 2000 Agreement, the Commonwealth made a commitment to help remove the Chesapeake Bay from the Federal Clean Water Act's list of impaired waters by 2010. This Commonwealth is critical to this effort as 50% of the fresh water to the Chesapeake Bay flows from the Susquehanna River. The formation of watershed restoration partnerships that

benefit local waters in this Commonwealth and the Chesapeake Bay is the foundation upon which the Commonwealth will build support for Strategy implementation. Key partners include conservation districts, agricultural organizations, watershed organizations, engineers, municipalities and industrial and municipal point source facilities.

Copies of Pennsylvania's Chesapeake Bay Nutrient Reduction Strategy may be obtained by contacting Denise Caudill, (717) 787-5267, dcaudill@state.pa.us. Copies may also be obtained by writing the Water Planning Office, Attention: Tributary Strategy, Department of Environmental Protection, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, Harrisburg, PA 17105-8555.

Copies are also available on the Department's website: www.dep.state.pa.us (DEP keyword: Chesapeake Bay).

Questions concerning these meetings should be directed to Patricia A. Buckley, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1675, pbuckley@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-453. Filed for public inspection March 11, 2005, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board, Applicability and Attainment Subcommittee Meeting

The Cleanup Standards Scientific Advisory Board, Applicability and Attainment Subcommittee, will hold a meeting by teleconference on March 16, 2005, to discuss issues related to developing recommendations for guidance on separate phase liquids in soil and groundwater media. The teleconference will begin at 9:30 a.m. in the 15th Floor Conference Room A, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Marilyn Wooding, (717) 783-7816, mwooding@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-7816 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-454. Filed for public inspection March 11, 2005, 9:00 a.m.]

Northeast Regional Stormwater Management Manual Focus Group Meeting Change

The Northeast Regional Stormwater Management Manual Focus Group meeting originally scheduled for

February 28, 2005, at the Department of Environmental Protection, Northeast Regional Office, Wilkes-Barre, PA, was cancelled due to inclement weather. The meeting has been rescheduled and will take place as follows:

March 15, 2005 10 a.m.—4p.m.	Northeast Regional Office Susquehanna Rooms A and B 2 Public Square Wilkes-Barre, PA 18711
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The Department of Environmental Protection (Department) has convened regional focus groups across this Commonwealth to assist the Department and a Statewide oversight committee in reviewing and developing a Pennsylvania Stormwater Best Management Practices Manual (manual). The manual will support the implementation of Federal and State water quality programs, emphasizing innovative best management practices that encourage onsite stormwater management and increased groundwater infiltration as a means to minimize stormwater discharges and limit the amount of surface pollutants entering streams in this Commonwealth. Members of the regional focus groups were asked to review the manual for its applicability, develop comments and provide recommendations to the Department. The input provided by the regional focus groups will ensure that the contents of the manual, including recommended approaches, methodologies and best management practices are regionally sensitive and applicable.

The March 15, 2005, meeting, as well as other scheduled regional focus group meetings (see 35 Pa.B. 1392 (February 19, 2005)) are open to the public. Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5963 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Questions concerning the March 15, 2005, regional focus group meeting should be directed to Dennis Stum, Bureau of Watershed Management, (717) 772-5963, dstum@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-455. Filed for public inspection March 11, 2005, 9:00 a.m.]

NOx Budget Trading Program; NOx Allowance Allocations for 2008—2012

In accordance with 25 Pa. Code § 145.41(b) (relating to timing requirements for NOx allowance allocations), the Department of Environmental Protection (Department) is publishing the NOx allowance allocations for the 2008 through 2012 control periods (May 1 through September 30). The NOx budget for electric generating units (EGUs) is 47,224 allowances, 95% of which are available for allocation to EGUs during each year from 2008 to 2012 for units subject to 25 Pa. Code § 145.4(a)(1) (relating to applicability). The NOx budget for nonelectric generating units (non-EGUs) is 3,619 allowances, 95% of which are available for allocation to non-EGUs during each year from 2008 to 2012 for units subject to 25 Pa. Code § 145.4(a)(2). This final allocation follows the notice published at 25 Pa.B. 599 (January 22, 2005) with a 15-day comment period. As a result of general comments,

discussed later in this document, most prorated NOx allocations for qualifying units were adjusted upward.

Action at the Federal or State level could affect these allocations. For example, the United States Environmental Protection Agency (EPA) could promulgate a new annual NOx Budget Program, leading to revisions of the Commonwealth's NOx Budget Program. Consequently, it is possible that NOx allowances allocated for 2008–2012 would be terminated, limited or otherwise affected. In 25 Pa. Code § 145.2 (relating to definitions), a "NOx allowance" is defined as: "An authorization by the Department under the NOx Budget Trading Program to emit up to one ton of NOx during the control period of the specified year or of any year thereafter, except as provided under § 145.54(f) (relating to compliance). No provision of the NOx Budget Trading Program, any permit, or an exemption under § 145.4(b) or § 145.5 and no provision of law will be construed to limit the authority of the Department or the Administrator to terminate or limit the authorization, which does not constitute a property right. For purposes of all sections of this subchapter except §§ 145.41–145.43 and 145.88, NOx allowance also includes an authorization to emit up to one ton of NOx during the control period of the specified year or of any year thereafter by the Department or the Administrator." For the purposes of the NOx Budget program, the "Administrator" is defined as the Administrator of the EPA or the Administrator's authorized representative.

In addition to the normal NOx allocations, one facility was allocated allowances in accordance with the provisions of 25 Pa. Code Chapter 145 (relating to interstate pollution transport reductions), regarding the retirement of budget units and the transfer of emission reduction credits (ERCs) to nonbudget units. Shenango (Oris Code 54532) has filed a request to transfer ERCs from its Boilers 9 and 10 to non-NOx budget units as of April 31, 2004. As per 25 Pa. Code § 145.90(c)(3) (relating to emission reduction credit provisions), allocations for NOx allowance control periods following 2002 to a NOx ERC source may not include allowances equivalent to that portion of the non-NOx budget units' NOx control period allowable emissions provided for by the NOx ERCs. In accordance with the requirements of 25 Pa. Code § 145.40(b) (relating to State Trading Program budget) and 25 Pa. Code 145.90(c), the ERC transfer will permanently retire 45 NOx allowances from the non-EGU budget. The difference between Shenango's 2008 to 2012 NOx adjusted allowance allocations and its ERC transfer is 13 allowances per year. Thus, Boiler 9 will be allocated 13 allowances during each of these control periods. Shenango will also be required to retire 45 allowances for each control period from 2004 to 2007.

One facility was allocated allowances in accordance with the provisions of 25 Pa. Code Chapter 145, in accordance with its Twenty-Five Ton Exemption Status. The Naval Surface Warfare Center's (Oris Code 880009) Unit 99, exempted under the provisions of 25 Pa. Code § 145.4(b), the 25-ton exemption rule, is allocated at a heat input of zero in accordance with 25 Pa. Code § 145.42(a)(2)(ii) (relating to NOx allowance allocations).

Table 1, pertaining to the 2008 through 2012 NOx Budget Allocations, lists the following: the units' average "Heat Input," the "Name" of each facility, the "Oris Code," "Unit Number," "Allocation" and the "Adjusted Allocation" prorated to fit within the Commonwealth's NOx Budget. Slight differences in the adjusted allocation for the same allocation total are a result of heat input differences and rounding errors.

Several comments were received indicating that the allocation of allowances to common stacks and multiple stacks should not occur. The Department agrees. Only "units" may get allocated NOx budget allowances under 25 Pa. Code Chapter 145. The Department made the required corrections for the final allowance allocations and adjusted all allowances for each unit accordingly.

A few comments were made with regard to units that were part of the original OTC Budget Program in 25 Pa. Code Chapter 123 (relating to standards for containment) but were not subject to the 25 Pa. Code Chapter 145 NOx Budget Trading Program. The commentators stated that even though those units had heat input for 2002, they should not get allocations under 25 Pa. Code Chapter 145 requirements. The Department agrees; the Chapter 123 units that were not subject to the 25 Pa. Code Chapter 145 NOx Budget Trading Program were identified and removed from the 2008 to 2012 allocation process.

Reliant Energy commented that three of its retired units had heat inputs for 2002 and 2003 and should be included in the allocation. The Department agrees and Units 12, 14 and 15 were added to the allocation. The units were allocated allowances based upon 2 years of heat input averaged over 3 years.

The remaining comments dealt with typographical errors and minor corrections to heat input data. The Department made corrections as appropriate.

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

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

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

Questions concerning this notice should be directed to Randy Bordner, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3423, ranbordner@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

Table 1—2008 through 2012 NOx Budget Allocations

<i>EGU Calc. Ave. HtInput</i>	<i>Name Conv.</i>	<i>Oris</i>	<i>Unit</i>	<i>Straight Allocation</i>	<i>EGU/NEGU</i>	<i>Prorated Allocation</i>
1566537	AES Beaver Valley Pa	10676	032	117	EGU	128
1525937	AES Beaver Valley Pa	10676	033	114	EGU	125
1393160	AES Beaver Valley Pa	10676	034	104	EGU	114
718572	AES Beaver Valley Pa	10676	035	54	EGU	59
3011440	AES Ironwood	55337	0001	226	EGU	246
3006137	AES Ironwood	55337	0002	225	EGU	246
185122	Allegheny Energy Uni	55196	1	14	EGU	15
185565	Allegheny Energy Uni	55196	2	14	EGU	15
672599	Allegheny Energy Uni	55710	3	50	EGU	55
747287	Allegheny Energy Uni	55710	4	56	EGU	61
153919	Allegheny Energy Uni	55377	8	12	EGU	13
157447	Allegheny Energy Uni	55377	9	12	EGU	13
263783	Chambersburg Units 12 (AE)	55654	12	20	EGU	22
260284	Chambersburg Units 13 (AE)	55654	13	20	EGU	21
430265	Armstrong Energy Ltd	55347	1	32	EGU	35
172295	Armstrong Energy Ltd	55347	2	13	EGU	14
399251	Armstrong Energy Ltd	55347	3	30	EGU	33
442445	Armstrong Energy Ltd	55347	4	33	EGU	36
3936295	Armstrong Power Stat	3178	1	295	EGU	321
3863138	Armstrong Power Stat	3178	2	290	EGU	315
21452852	Bruce Mansfield	6094	1	1609	EGU	1752
24870057	Bruce Mansfield	6094	2	1865	EGU	2031
23784864	Bruce Mansfield	6094	3	1784	EGU	1942
6905462	Brunner Island	3140	1	518	EGU	564
8747271	Brunner Island	3140	2	656	EGU	714
18503151	Brunner Island	3140	3	1388	EGU	1511
365710	Brunot Island Power	3096	2A	27	EGU	30
551016	Brunot Island Power	3096	2B	41	EGU	45
347295	Brunot Island Power	3096	3	26	EGU	28
1941337	Cambria Cogen	10641	1	146	EGU	159
1884270	Cambria Cogen	10641	2	141	EGU	154
12984267	Cheswick (Orion Power)	8226	1	974	EGU	1060
4126507	Colver Power Project	10143	AAB01	309	EGU	337
25778172	Conemaugh	3118	1	1933	EGU	2105
23650515	Conemaugh	3118	2	1774	EGU	1931
4211553	Cromby	3159	1	316	EGU	344
1188544	Cromby	3159	2	89	EGU	97
2906	Croydon Generating S	8012	11	0	EGU	0
47188	Croydon Generating S	8012	12	4	EGU	4
38085	Croydon Generating S	8012	21	3	EGU	3
21553	Croydon Generating S	8012	22	2	EGU	2
46104	Croydon Generating S	8012	31	3	EGU	4
42126	Croydon Generating S	8012	32	3	EGU	3
37909	Croydon Generating S	8012	41	3	EGU	3
24506	Croydon Generating S	8012	42	2	EGU	2
304375	Delaware	3160	71	23	EGU	25
325118	Delaware	3160	81	24	EGU	27
2129452	Ebensburg Power Comp	10603	031	160	EGU	174
8389544	Eddystone	3161	1	629	EGU	685
7801335	Eddystone	3161	2	585	EGU	637
2108597	Eddystone	3161	3	158	EGU	172
1613723	Eddystone	3161	4	121	EGU	132
1654637	Elrama	3098	1	124	EGU	135
2053695	Elrama	3098	2	154	EGU	168
2154442	Elrama	3098	3	162	EGU	176
4890300	Elrama	3098	4	367	EGU	399
2406211	Fairless Energy, LLC	55298	1A	180	EGU	197
2233348	Fairless Energy, LLC	55298	1B	168	EGU	182
2143933	Fairless Energy, LLC	55298	2A	161	EGU	175
2321773	Fairless Energy, LLC	55298	2B	174	EGU	190
653863	Fayette Energy Facil	55516	CTG1	49	EGU	53
662905	Fayette Energy Facil	55516	CTG2	50	EGU	54
1831510	Gilberton Power Comp	10113	031	137	EGU	150
1820622	Gilberton Power Comp	10113	032	137	EGU	149
3602171	Grays Ferry Cogen Pa	54785	2	270	EGU	294
651100	Grays Ferry Cogen Pa	54785	25	49	EGU	53

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<i>EGU Calc. Ave. HtlInput</i>	<i>Name Conv.</i>	<i>Oris</i>	<i>Unit</i>	<i>Straight Allocation</i>	<i>EGU/NEGU</i>	<i>Prorated Allocation</i>
21109	Handsome Lake Energy	55233	EU-1A	2	EGU	2
21258	Handsome Lake Energy	55233	EU-1B	2	EGU	2
20742	Handsome Lake Energy	55233	EU-2A	2	EGU	2
20807	Handsome Lake Energy	55233	EU-2B	2	EGU	2
19500	Handsome Lake Energy	55233	EU-3A	1	EGU	2
19571	Handsome Lake Energy	55233	EU-3B	1	EGU	2
18249	Handsome Lake Energy	55233	EU-4A	1	EGU	1
18133	Handsome Lake Energy	55233	EU-4B	1	EGU	1
17393	Handsome Lake Energy	55233	EU-5A	1	EGU	1
17381	Handsome Lake Energy	55233	EU-5B	1	EGU	1
14266327	Hatfields Ferry Powe	3179	1	1070	EGU	1165
10794677	Hatfields Ferry Powe	3179	2	810	EGU	882
12378151	Hatfields Ferry Powe	3179	3	928	EGU	1011
16755974	Homer City	3122	1	1257	EGU	1368
16274970	Homer City	3122	2	1221	EGU	1329
19541717	Homer City	3122	3	1466	EGU	1596
251002	Hunlock Power Statio	3176	4	19	EGU	21
1310511	Hunlock Power Statio	3176	6	98	EGU	107
474469	Hunterstown	3110	CT101	36	EGU	39
653060	Hunterstown	3110	CT201	49	EGU	53
680476	Hunterstown	3110	CT301	51	EGU	56
26913973	Keystone	3136	1	2019	EGU	2198
24048486	Keystone	3136	2	1804	EGU	1964
2363739	Liberty Electric Pow	55231	0001	177	EGU	193
2423962	Liberty Electric Pow	55231	0002	182	EGU	198
1444095	Lower Mount Bethel E	55667	CT01	108	EGU	118
1559048	Lower Mount Bethel E	55667	CT02	117	EGU	127
2379115	Martins Creek	3148	1	178	EGU	194
2322174	Martins Creek	3148	2	174	EGU	190
5244004	Martins Creek	3148	3	393	EGU	428
3567532	Martins Creek	3148	4	268	EGU	291
50243	Mitchell Power Stati	3181	1	4	EGU	4
62063	Mitchell Power Stati	3181	2	5	EGU	5
14390	Mitchell Power Stati	3181	3	1	EGU	1
5287291	Mitchell Power Stati	3181	33	397	EGU	432
20339544	Montour	3149	1	1525	EGU	1661
20400140	Montour	3149	2	1530	EGU	1666
41812	Montour	3149	AUX1	3	EGU	3
81939	Montour	3149	AUX2	6	EGU	7
42364	Mountain	3111	031	3	EGU	3
40584	Mountain	3111	032	3	EGU	3
2089067	Mt. Carmel Cogenerat	10343	SG-101	178	NEGU	193
2067400	New Castle	3138	3	155	EGU	169
1994744	New Castle	3138	4	150	EGU	163
2633149	New Castle	3138	5	197	EGU	215
86767	North East Cogenerat	54571	001	7	EGU	7
71654	North East Cogenerat	54571	002	5	EGU	6
4133929	Northampton Generati	50888	NGC01	310	EGU	338
2448046	Northeastern Power C	50039	031	184	EGU	200
2050928	Ontelaunee Energy Ce	55193	CT1	154	EGU	167
2110086	Ontelaunee Energy Ce	55193	CT2	158	EGU	172
2039435	Panther Creek Energy	50776	1	153	EGU	167
2075390	Panther Creek Energy	50776	2	156	EGU	169
242869	PEI Power Power Corp	50279	2	18	EGU	20
1320359	Piney Creek Power Pl	54144	031	99	EGU	108
3720066	Portland	3113	1	279	EGU	304
4791124	Portland	3113	2	359	EGU	391
280506	Portland	3113	5	21	EGU	23
35097	Richmond	3168	91	3	EGU	3
36515	Richmond	3168	92	3	EGU	3
427014	Schuylkill	3169	1	32	EGU	35
166559	Seward	3130	12	12	EGU	14
141699	Seward	3130	14	11	EGU	12
1992452	Seward	3130	15	149	EGU	163
1995382	Scrubgrass Generation	50974	1	150	EGU	163
2054121	Scrubgrass Generation	50974	2	154	EGU	168
2290026	Shawville	3131	1	172	EGU	187

<i>EGU Calc. Ave. HtInput</i>	<i>Name Conv.</i>	<i>Oris</i>	<i>Unit</i>	<i>Straight Allocation</i>	<i>EGU/NEGU</i>	<i>Prorated Allocation</i>
2714953	Shawville	3131	2	204	EGU	222
3330525	Shawville	3131	3	250	EGU	272
3739119	Shawville	3131	4	280	EGU	305
3842117	St. Nicholas Cogener	54634	1	288	EGU	314
1200724	Sunbury	3152	1A	90	EGU	98
954311	Sunbury	3152	1B	72	EGU	78
1139601	Sunbury	3152	2A	85	EGU	93
1180635	Sunbury	3152	2B	89	EGU	96
2204552	Sunbury	3152	3	165	EGU	180
2665106	Sunbury	3152	4	200	EGU	218
1871646	Titus	3115	1	140	EGU	153
1703482	Titus	3115	2	128	EGU	139
1821409	Titus	3115	3	137	EGU	149
56384	Tolna	3116	31	4	EGU	5
37977	Tolna	3116	32	3	EGU	3
43011	Trigen Energy - Schu	50607	23	3	EGU	4
58423	Trigen Energy - Schu	50607	24	4	EGU	5
24351	Trigen Energy - Schu	50607	26	2	EGU	2
70434	Trigen Energy Corpor	880006	1	5	EGU	6
72036	Trigen Energy Corpor	880006	2	5	EGU	6
113763	Trigen Energy Corpor	880006	3	9	EGU	9
141306	Trigen Energy Corpor	880006	4	11	EGU	12
152380	Warren	3132	005	11	EGU	12
151400	Warren	3132	1	11	EGU	12
109233	Warren	3132	2	8	EGU	9
109846	Warren	3132	3	8	EGU	9
98595	Warren	3132	4	7	EGU	8
11988	Wayne	3134	31	1	EGU	1
1391571	Westwood	50611	031	104	EGU	114
1946914	Wheelabrator—Frack	50879	GEN1	146	EGU	159
727475	Bethlehem Power Plan	55690	1	55	EGU	59
710767	Bethlehem Power Plan	55690	2	53	EGU	58
663879	Bethlehem Power Plan	55690	3	50	EGU	54
560594	Bethlehem Power Plan	55690	5	42	EGU	46
739825	Bethlehem Power Plan	55690	6	55	EGU	60
756543	Bethlehem Power Plan	55690	7	57	EGU	62
12058	Williams Generation	10870	TURB2	1	EGU	1
14573	Williams Generation	10870	TURB3	1	EGU	1
15051	Williams Generation	10870	TURB4	1	EGU	1
19869	Williams Generation	10870	TURBIN	1	EGU	2
<i>Non-EGU Calc. Ave. HtInput</i>	<i>Name Conv.</i>	<i>Oris</i>	<i>Unit</i>	<i>Straight Allocation</i>	<i>EGU/NEGU</i>	<i>Prorated Allocation</i>
365	Armagh Compressor St	880071	31301	0	NEGU	0
541934	ConocoPhillips Co.	880025	032	46	NEGU	59
565865	ConocoPhillips Co.	880025	033	48	NEGU	62
2607	Entriken Compressor	880072	31601	0	NEGU	0
14722	Fairless Hills Gener	7701	PHBLR3	1	NEGU	2
669278	Fairless Hills Gener	7701	PHBLR4	57	NEGU	73
561926	Fairless Hills Gener	7701	PHBLR5	48	NEGU	61
750217	FPL Energy MH50	50074	001	64	NEGU	82
1413793	G F Weaton	50130	34	120	NEGU	154
1442872	G F Weaton	50130	35	123	NEGU	157
18430	Kimberly-Clark Tissu	50410	034	2	NEGU	2
2640648	Kimberly-Clark Tissu	50410	035	224	NEGU	288
931075	Merck & Company—We	50410	039	79	NEGU	101
1639474	Merck & Company—We	52149	040	139	NEGU	179
1343543	P H Glatfelter Compa	50397	034	114	NEGU	146
1100159	P H Glatfelter Compa	50397	035	94	NEGU	120
1990676	P H Glatfelter Compa	50397	036	169	NEGU	217
702310	Philadelphia Refiner (Sunoco)	52106	150137	60	NEGU	77
839046	Philadelphia Refiner (Sunoco)	52106	150138	71	NEGU	91
808285	Philadelphia Refiner (Sunoco)	52106	150139	69	NEGU	88
1163070	Philadelphia Refiner (Sunoco)	52106	150140	99	NEGU	127
1578607	Procter & Gamble Pap	50463	328001	134	NEGU	172
0	Shermansdale Station	880050	31801	0	NEGU	0
389070	Sunoco (R & M)—Marcu	880020	088	33	NEGU	42

<i>Non-EGU Calc. Ave. HtInput</i>	<i>Name Conv.</i>	<i>Oris</i>	<i>Unit</i>	<i>Straight Allocation</i>	<i>EGU/NEGU</i>	<i>Prorated Allocation</i>
543290	Sunoco (R & M)—Marcu	880020	089	46	NEGU	59
786512	Sunoco Chemicals Fra	880007	052	67	NEGU	86
1512684	US Steel (Clariton C	50729	CLBLR1	129	NEGU	165
1354165	US Steel (Clariton C	50729	CLBLR2	115	NEGU	148
1319370	US Steel (Edgar Thomas)	50732	ETBLR1	112	NEGU	144
1477941	US Steel (Edgar Thomas)	50732	ETBLR2	126	NEGU	161
1336596	US Steel (Edgar Thomas)	50732	ETBLR3	114	NEGU	146
780107	Willamette Industries	54638	040	66	NEGU	85
792922	Willamette Industries	54638	041	67	NEGU	86
316069	Shenango	54532	9	27	NEGU	13
220032	Shenango	54532	10	19	NEGU	0
384	Naval Surface Warfare	880009	99	0	NEGU	0
0	Bernville Station	880049	32001	0	NEGU	0

[Pa.B. Doc. No. 05-456. Filed for public inspection March 11, 2005, 9:00 a.m.]

NOx Budget Trading Program; New Source Set-Aside 2005 Allocations

In accordance with 25 Pa. Code § 145.41(d) (relating to timing requirements for NOx allowance allocations), the Department of Environmental Protection (Department) is publishing the allowance allocations from the new source set-aside allowance allocations for the 2005 control period (May 1, 2005, through September 30, 2005). The new source set-aside contains 2,542 allowances, 1,945 of which are available for new sources after allocation corrections. For each NOx budget unit, the following table lists: 1) the allowances applied for under the “request” column; 2) the maximum potential number of allowances authorized by the regulation under the “maximum” column; and 3) the final, pro rata allocation under the “allocation” column.

New source operators are advised that this allocation is for one control period only. To receive allocations from the new source set-aside for future control periods, source operators must submit new requests to the Department by January 1 each year.

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

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

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

Questions concerning this notice should be directed to Randy Bordner, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3423, ranbordner@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

Table 1—2005 New Source Set-Aside Allocations

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	31
AES Ironwood, LLC	55337	2	92	92	31
PEI power (Archbald)	50279	2	84	84	29
Allegheny Energy 1	55196	1	42	42	14
Allegheny Energy 2	55196	2	42	42	14
Allegheny Energy 3	55710	1	38	38	13
Allegheny Energy 4	55710	2	38	38	13
Allegheny Energy 8	55377	8	52	52	18
Allegheny Energy 9	55377	9	52	52	18
Allegheny Energy 12	55654	12	51	51	17
Allegheny Energy 13	55654	13	51	51	17
UGI Hunlock	31760	4	38	38	13

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Connectiv Bethlehem	55690	1	26	26	9
Connectiv Bethlehem	55690	2	26	26	9
Connectiv Bethlehem	55690	3	26	26	9
Connectiv Bethlehem	55690	5	26	26	9
Connectiv Bethlehem	55690	6	26	26	9
Connectiv Bethlehem	55690	7	26	26	9
Grays Ferry	54785	2	311	311	107
Grays Ferry	54785	25	205	205	70
Williams Hazelton	10870	2	39	39	13
Williams Hazelton	10870	3	39	39	13
Williams Hazelton	10870	4	39	39	13
Armstrong Energy LLC	55347	1	278	278	95
Armstrong Energy LLC	55347	2	278	278	95
Armstrong Energy LLC	55347	3	278	278	95
Armstrong Energy LLC	55347	4	278	278	95
Fairless Energy, LLC	555298	1A	39	39	13
Fairless Energy, LLC	555298	1B	39	39	13
Fairless Energy, LLC	555298	2A	39	39	13
Fairless Energy, LLC	555298	2B	39	39	13
PPL Mt Bethel	55667	1	49	49	17
PPL Mt Bethel	55667	2	49	49	17
Merck Turbine #3	52149	40	36	36	12
Liberty Elec. Pwr (reliant)	55231	1	76	76	26
Liberty Elec. Pwr (reliant)	55231	2	76	76	26
Reliant (Seward)	313	CFB1	697	697	238
Reliant (Seward)	313	CFB2	697	697	238
Hunterstown LLC (reliant)	31100	CT101	52	52	18
Hunterstown LLC (reliant)	31100	CT201	52	52	18
Hunterstown LLC (reliant)	31100	CT301	52	52	18
Duke Energy Armaugh	880071	31301	52	52	18
Duke Entriken compressor	880072	31601	53	53	18
Duke Fayette Energy	55516	U1	43	43	15
Duke Fayette Energy	55516	U2	43	43	15
Ontelaunee Energy Center (calpine Eastern corp)	55193	CT1	27	27	9
	55193	CT2	27	27	9
FPL	55801	CT1	54	54	18
FPL	55801	CT2	54	54	18
FPL	55801	CT3	54	54	18
FPL	55801	AB1	43	43	15
FPL	55801	AB2	43	43	15
FPL	55801	AB3	43	43	15
FPL	55801	AB4	43	43	15
Handsome Lake Energy	55233	EUZ1A	55	55	19
Handsome Lake Energy	55233	EUZ1B	55	55	19
Handsome Lake Energy	55233	EUZ2A	55	55	19
Handsome Lake Energy	55233	EUZ2B	55	55	19
Handsome Lake Energy	55233	EUZ3A	55	55	19
Handsome Lake Energy	55233	EUZ3B	55	55	19
Handsome Lake Energy	55233	EUZ4A	55	55	19
Handsome Lake Energy	55233	EUZ4B	55	55	19
Handsome Lake Energy	55233	EUZ5A	55	55	19
Handsome Lake Energy	55233	EUZ5B	55	55	19
		Totals	5,694	5,694	1,945

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-457. Filed for public inspection March 11, 2005, 9:00 a.m.]

State Board for Certification of Water and Wastewater Systems Operators Meeting Change

The State Board for Certification of Water and Wastewater Systems Operators (Board) has made the following change to its 2005 meeting schedule.

The Board has added a meeting on March 15, 2005, at 9:30 a.m. in the 10th Floor Conference Room, Rachel

Carson State Office Building, 400 Market Street, Harrisburg, PA.

Persons with questions concerning this meeting should contact Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact Lynn Rice at (717) 787-5236, mlrice@state.pa.us or through the Pennsylvania

AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-458. Filed for public inspection March 11, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, 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 public meetings on Wednesday and Thursday, March 16 and 17, 2005, from 9 a.m. to 4 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 or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572, for speech and/or hearing impaired persons, V/TT (717) 783-6514 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. 05-459. Filed for public inspection March 11, 2005, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Mega Money '05 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mega Money '05.

2. *Price:* The price of a Pennsylvania Mega Money '05 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Mega Money '05 instant lottery game ticket will contain one play area featuring a "MEGA NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "MEGA NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20

(TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Coin Symbol (COIN).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTEN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIVHUN), \$5,000 (FIVTHO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$500, \$5,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Mega Money '05 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$5,000 (FIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$500 (FIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$500 (FIVHUN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$100 (ONE HUN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol

(COIN), and a prize symbol of \$50\$ (FIFTY) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$25\$ (TWY FIV) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTEEN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$15\$ (FIFTEEN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol

(COIN), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$6⁰⁰ (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$6⁰⁰ (SIX DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MEGA NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	\$5	20	300,000
\$5 w/Coin	\$5	10	600,000
\$6	\$6	120	50,000
\$6 w/Coin	\$6	120	50,000
\$2 x 5	\$10	120	50,000
\$5 x 2	\$10	600	10,000
\$10	\$10	600	10,000
\$10 w/Coin	\$10	120	50,000
\$5 x 3	\$15	600	10,000
\$10 + \$5	\$15	300	20,000
\$15	\$15	600	10,000
\$15 w/Coin	\$15	150	40,000
\$5 x 5	\$25	75	80,000
\$25	\$25	200	30,000
\$25 w/Coin	\$25	66.67	90,000
\$25 x 2	\$50	300	20,000
\$15 x 3 + \$5	\$50	300	20,000
\$5 x 10	\$50	300	20,000
\$10 x 5	\$50	300	20,000
\$50	\$50	600	10,000
\$50 w/Coin	\$50	600	10,000
\$10 x 10	\$100	4,800	1,250
\$50 x 2	\$100	4,800	1,250
\$100	\$100	4,800	1,250
\$100 w/Coin	\$100	4,800	1,250
\$50 x 10	\$500	8,000	750
\$100 x 5	\$500	8,000	750

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$500	\$500	8,000	750
\$500 w/Coin	\$500	8,000	750
\$500 × 10	\$5,000	120,000	50
\$5,000	\$5,000	120,000	50
\$100,000	\$100,000	600,000	10

Coin = Automatically win prize shown.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mega Money '05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mega Money '05, prize money from winning Pennsylvania Mega Money '05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Mega Money '05 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mega Money '05 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-460. Filed for public inspection March 11, 2005, 9:00 a.m.]

Pennsylvania Mother's Day Gift '05 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mother's Day Gift '05.

2. *Price:* The price of a Pennsylvania Mother's Day Gift '05 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Mother's Day Gift '05 instant lottery game ticket will contain four play areas known as Game 1, Game 2, Game 3 and Fast Cash Bonus. Each game is played separately.

(b) The prize play symbols and their captions located in the play area for Game 1 are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for Game 2 are: X Symbol (XXX) and Heart Symbol (HEART).

(d) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" areas for Game 3 are: Money Symbol (MONEY), House Symbol (HOUSE), Necklace Symbol (NCKLACE), Ring Symbol (RING), Candy Symbol (CANDY), Emerald Symbol (EMERALD), Diamond Symbol (DIAMOND), Gift Symbol (GIFT), Mink Coat Symbol (MINK), Car Symbol (CAR), Balloon Symbol (BALLOON) and Rose Symbol (ROSE).

(e) The prize play and play symbols and their captions located in the "BONUS" area for "Fast Cash Bonus" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 2 and Game 3 are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in Game 1, Game 2 and Game 3 are: \$5, \$10, \$15, \$25, \$50, \$100, \$500 and \$50,000. The prizes that can be won in Fast Cash Bonus are: \$5, \$10, \$15, \$25, \$50 and \$100. A player can win up to 6 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Mother's Day Gift '05 instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching prize play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with three matching prize play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets with three matching prize play symbols of \$10^{.00} (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching prize play symbols of \$5^{.00} (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$50,000 (FTY THO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$500 (FIV HUN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$100 (ONE HUN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$50\$ (FIFTY) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$25\$ (TWY FIV) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$10^{.00} (TEN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$5^{.00} (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$500 (FIV

HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Fast Cash Bonus are:

(1) Holders of tickets with a \$100 (ONE HUN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(2) Holders of tickets with a \$50\$ (FIFTY) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(3) Holders of tickets with a \$25\$ (TWY FIV) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$25.

(4) Holders of tickets with a \$15\$ (FIFTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(5) Holders of tickets with a \$10^{.00} (TEN DOL) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets with a \$5^{.00} (FIV DOL) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
\$5				\$5	30	84,000
	\$5			\$5	30	84,000
		\$5		\$5	30	84,000
			\$5	\$5	60	42,000
\$10				\$10	120	21,000
	\$10			\$10	120	21,000
		\$10		\$10	120	21,000
			\$10	\$10	120	21,000
\$5	\$5			\$10	120	21,000
\$5		\$5		\$10	120	21,000
\$5			\$5	\$10	120	21,000
			\$5 × 2	\$10	120	21,000
\$15				\$15	200	12,600
	\$15			\$15	300	8,400
		\$15		\$15	600	4,200
			\$15	\$15	300	8,400
\$5	\$5	\$5		\$15	200	12,600
\$5		\$5		\$15	200	12,600
\$10	\$5		\$5	\$15	300	8,400
\$10		\$5		\$15	300	8,400
\$10			\$5	\$15	300	8,400
\$25				\$25	200	12,600
	\$25			\$25	200	12,600
		\$25		\$25	200	12,600
			\$25	\$25	300	8,400
\$5	\$5	\$5	\$5 × 2	\$25	200	12,600
\$5	\$10	\$5	\$5	\$25	200	12,600
			\$5 × 5	\$25	200	12,600
\$50				\$50	300	8,400
	\$50			\$50	600	4,200
		\$50		\$50	600	4,200
			\$50	\$50	600	4,200
\$25			\$5 × 5	\$50	600	4,200
\$15	\$15		\$10 × 2	\$50	600	4,200
\$10	\$10	\$10	\$10 × 2	\$50	600	4,200
			\$10 × 5	\$50	300	8,400
\$100				\$100	25,200	100
	\$100			\$100	25,200	100
		\$100		\$100	25,200	100
			\$100	\$100	25,200	100
	\$500			\$500	180,000	14
		\$500		\$500	180,000	14
			\$500	\$500	180,000	14
	\$50,000			\$50,000	2,520,000	1
		\$50,000		\$50,000	2,520,000	1
			\$50,000	\$50,000	2,520,000	1

Game 1—Get 3 like amounts, win that prize.

Game 2—Get Three “HEART” symbols in a row, column or diagonal, win prize shown.

Game 3—When any of “YOUR SYMBOLS” match the “LUCKY SYMBOL,” win the prize shown under the matching symbol.

Fast Cash Bonus—Reveal prize amount between \$5 and \$100 and win that prize.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother’s Day Gift ’05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mother’s Day Gift ’05, prize money from winning Pennsylvania Mother’s

Day Gift ’05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Mother’s Day Gift ’05 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mother's Day Gift '05 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-461. Filed for public inspection March 11, 2005, 9:00 a.m.]

nia Bulletin, written comments, suggestions and/or objections regarding the approval of this application to Andrew Warren, P. E. District Executive, Engineering District 6-0, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Ray DeMasi, R/W.

Questions regarding this application or the proposed use should be directed to Ray DeMasi, R/W, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-463. Filed for public inspection March 11, 2005, 9:00 a.m.]

Realty Transfer Tax Revised 2003 Common Level Ratio; Real Estate Valuation Factor

The following real estate valuation factor is based on sales data compiled by the State Tax Equalization Board in 2003. This factor is the mathematical reciprocal of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, this factor is applicable for documents accepted from July 1, 2004, to June 30, 2005, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Jefferson	1.60

* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2005.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-462. Filed for public inspection March 11, 2005, 9:00 a.m.]

Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The parcel consists of 0.3814 acre, trapezoid in shape, located north of East Second Street and south of Norfolk Southern rail bed in Bethlehem, Northampton County. The parcel is located beneath the Fahy Street Bridge SR 3011. The purchaser will be required to concurrently grant an aerial easement to the Commonwealth for the subject area. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

For further information, contact Ken Kutchinsky, District Property Manager, Department of Transportation, 1713 Lehigh Street, Allentown, PA 18103, (610) 798-4271.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-464. Filed for public inspection March 11, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under section 2002(e) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Robert Sekola, VP, Liberty Property Ltd. Partnership, 65 Valley Stream Pkwy, Malvern, PA 19355, seeking to lease highway right-of-way located at Devon Park Road, Ramp F, SR 0202, 200 yards west of Warner Rd., Upper Merion Township, Montgomery County, 0.776 acre + adjacent to SR 0202, Ramp F for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania*

ENVIRONMENTAL HEARING BOARD

Dominion Transmission, Inc. v. DEP; EHB Doc. No. 2005-037-L

Dominion Transmission, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in South Bend Township, Armstrong County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone

the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-465. Filed for public inspection March 11, 2005, 9:00 a.m.]

**Pennsylvania Waste Industries Association v. DEP;
EHB Doc. Nos. 2003-95-C and 2004-179-C—
Notice of Settlement and Time Period for Public
Comment**

Appellee County of Dauphin (Dauphin) has entered into a written Stipulation of Settlement with Appellants Pennsylvania Waste Industries Association, Republic Services of Pennsylvania, LLC and Penn Waste, Inc. (collectively, Appellants) in two appeals regarding to revisions Dauphin made to its Act 101 Municipal Waste Management Plan (Plan). The first appeal (2003-95-C) challenges the Department of Environmental Protection's (Department) March 6, 2003, approval of a revision Dauphin made to the Plan in 2002 (2002 Revision). The second appeal (2004-179-C) concerns a subsequent revision Dauphin made to the Plan in 2004 (2004 Revision), which was deemed approved by operation of law on July 17, 2004.

The major provisions of the Stipulation of Settlement include: (1) a commitment by Dauphin that its proposed plan revision regarding capacity assurance for construction and demolition waste (2005 Revision) will be a substantial plan revision and, if approved by the Department, the 2005 Revision will be implemented in a manner in which municipalities and haulers will select one or more construction and demolition disposal facilities from a menu of facilities designated by Dauphin; and (2) a commitment by Appellants that they will not challenge the 2005 Revision. The Stipulation of Settlement does not alter the Department's March 6, 2003, approval of the 2002 Revision or the deemed approval of the 2004 Revision. The Department acknowledges this Stipulation of Settlement and concurs with the request that the referenced appeals be marked settled.

The Appellants and Dauphin requested that the Environmental Hearing Board (Board) include the Stipulation of Settlement in the record of the case and publish notice of the Settlement. Copies of the full Stipulation of Settlement can be obtained by contacting James F. Bohan, Esquire, Office of Chief Counsel, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 787-8790; David J. Brooman, Esquire, Drinker Biddle & Reath LLP, 1000 Westlakes Drive, Berwyn, PA 1932-2409, (610) 993-2200; or Andrew J. Giorgione, Esquire, Obermayer Rebmann Maxwell & Hippel, 200 Locust Street, Suite 400, Harrisburg, PA 17101, (717) 234-9730. Copies of the Stipulation of Settlement are also available at the office of the Board and may be reviewed by interested parties on request during normal business hours. Interested members of the public

may comment to the Board on the Stipulation of Settlement for a period of 30 days from the date of this notice.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-466. Filed for public inspection March 11, 2005, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Representative Nicholas A. Micozzie, Chairperson of the House Insurance Committee, to review House Bill 350, Printer's Number 371 (Grucela). House Bill 350 would require health insurance policies to provide coverage for hearing aids sold in accordance with section 403 of the Hearing Aid Sales Registration Law (35 P. S. § 6700-403).

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of the documentation to the Council by 5 p.m. on May 12, 2005. The documentation should be mailed to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with the following information categories described in section 9 of Act 14:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of this Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists or if no coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of this Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the results of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) The results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 05-467. Filed for public inspection March 11, 2005, 9:00 a.m.]

Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to Act 89 as amended by Act 14, is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2004. Questions should be addressed to Joe Martin, Director of Communications and Education, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jmartin@phc4.org.

MARC P. VOLAVKA,
Executive Director

<i>Applicant</i>	<i>Project Description</i>
Agency for Healthcare Research & Quality	A custom 2002 inpatient discharge and revenue code detail data set to be used for the Healthcare Cost and Utilization Project.
Agency for Healthcare Research & Quality	A custom 2003 inpatient discharge and revenue code detail data set to be used for the Healthcare Cost and Utilization Project.
Bear, Stearns & Company, Inc.	A custom 2001 through 2003 inpatient discharge and financial data set to be used to survey market share and for credit trends in Eastern Pennsylvania.
Bradford Regional Medical Center	A custom 4th quarter 2000 through 3rd quarter 2003 inpatient discharge data set to be used to complete a market analysis for Bradford Regional Medical Center.
Brownsville General Hospital	A custom 2002 through 3rd quarter 2003 inpatient discharge data set to be used for analysis associated with psychiatric bed reconfiguration in Fayette and Washington Counties.
Butler Health System	A custom 2001 through and 2003 ambulatory procedure report to be used for market assessment for cardiovascular services.
Central Montgomery Medical Center	A custom 2003 inpatient discharge data set to be used for market share analysis and in support of the Center's 2005 business plan.
Central Montgomery Medical Center	A custom 2002 inpatient discharge data set to be used for market share analysis and in support of the Center's 2005 business plan.
Children's Hospital of Philadelphia	A custom 2001 and 2002 inpatient discharge data set to be used to identify ways to improve palliative, end-of-life and bereavement (P-EOL-B) services for dying children and their families. The objective is to create a prediction rule that will provide sufficient prognostic sensitivity and specificity to enable the timely and cost-effective allocation of pediatric P-EOL-B.
Children's Hospital of Pittsburgh	A custom 1999 through 2000 inpatient discharge data set to be used to research the incidence of Malignant Hyperthermia Nationally.
City of Philadelphia, Department of Public Health	A custom 1998 through 2002 inpatient discharge and ambulatory procedure data set to study substance abuse in Philadelphia County.
Community Health Systems	Standard Statewide 2003 inpatient discharge and ambulatory procedure data sets to be used in strategic and facilities planning for the following six hospitals: Berwick Hospital, Brandywine Hospital, Easton Hospital, Jennersville Regional Hospital, Pottstown Memorial Hospital and Lock Haven Hospital.
Cooper Hospital/UMC	A standard 2003 inpatient discharge data set for regions 8 and 9 to be used for market share research and strategic planning.
DataBay Resources	Standard Statewide 2003 inpatient discharge and ambulatory procedure data sets to be used in a commercial software product.

<i>Applicant</i>	<i>Project Description</i>
DataBay Resources	Standard Statewide 1st quarter 2004 inpatient discharge and ambulatory procedure data sets to be used in a commercial software product.
Deborah Heart and Lung Center	A custom 2003 inpatient discharge data set to be used for market share analysis regarding patients from New Jersey, New York and Delaware who are admitted to hospitals in this Commonwealth.
Duke Clinical Research Institute	Standard Statewide 2000 inpatient discharge and ambulatory procedure data sets to be used to study factors influencing the use of various treatment options for patients with benign prostatic hypertrophy.
Forest Health Services	Standard 2002 inpatient discharge and revenue code detail data sets to be used to compare the quality of medical outcomes among individual hospitals to Statewide averages.
Frederick Memorial Hospital	A custom 3rd quarter 2002 through 2nd quarter 2003 inpatient discharge report to be used to identify diseases incurred by the population, which may indicate a need for additional preventive, primary or secondary care services.
Gnaden Huetten Memorial Hospital	A custom 2003 inpatient discharge and ambulatory data set of all discharges of patients from hospitals in Carbon, Monroe, Schuylkill, Lehigh and Northampton Counties to be used for market share analysis.
Good Shepard Rehabilitation Hospital	A standard 2003 inpatient discharge data set for regions 6—9 to be used for internal research.
Hanover Hospital	A custom 1994 through 1st quarter 2003 inpatient discharge data set to be used to conduct a market share research study.
Health Promotion Council	A custom 2001 through 2003 inpatient discharge data set to be used to report hospitalization rates for asthma in the Philadelphia Allies Against Asthma intervention target area.
HealthAmerica	A custom 2001 through 2003 inpatient discharge and ambulatory procedure report to be used to evaluate chargemaster changes at specific facilities in an effort to understand exposure verses communicated increases.
Healthshare Technology, Inc.	Standard 3rd and 4th quarters 2002 inpatient discharge and revenue code detail data sets to be used in a commercial software product.
Healthshare Technology, Inc.	Standard Statewide 2003 inpatient discharge and revenue code detail data sets to be used in a commercial software product.
Hillmont G. I., P. C.	A custom 2002 and 2003 ambulatory procedure report to be used for evaluation of gaps in service areas, analysis of improvements in service to patients and expansion considerations.
Holy Redeemer Health System	A custom 2002 through 1st quarter 2003 ambulatory procedure data set to be used to determine market share for outpatient facilities and ambulatory surgical centers.
Holy Spirit Hospital	Custom inpatient discharge reports for the time periods of 4/1/2002—3/31/2003, 7/1/2002—6/30/2003 and 10/1/2002—9/30/2003 to be used to analyze Holy Spirit Hospital's mortality and readmission rates and lengths of stay.
Hospital & Healthsystem Association of Pennsylvania	A standard 2003 financial data set and the 2002 restated financial data set to be used to supplement financial and utilization data that the client currently collects on a voluntary basis from member hospitals.
Hospital Executive Council	A custom 2002 through 2nd quarter 2003 inpatient discharge data set to be used for planning and analysis by Syracuse hospitals, including analyses of residents of the region who are treated in other states.
Innovative Health Solutions, LLC	A custom 2002 inpatient discharge data set to be used to research the migration of New Jersey residents to hospitals in this Commonwealth for 11 specified counties.

Applicant

Innovative Health Solutions, LLC

Innovative Health Solutions, LLC

Johns Hopkins University

Khubchandani-Stasik-Rosen, P. C.

Lancaster NeuroScience & Spine Associates

Lehigh Valley Business Conference on Healthcare

Lehigh Valley Hospital

Lehigh Valley Hospital

Lower Bucks Hospital

Mamsi Health Plan

Marian Community Hospital

MediQual Systems, Inc.

Mercy Health System

Milliman USA

Milliman USA

Moses Taylor Hospital

Moses Taylor Hospital

National Institutes of Health

Navigant Consulting

Project Description

A custom 2003 inpatient discharge data set to be used to research the migration of New Jersey residents to hospitals in this Commonwealth.

A standard 2001 inpatient discharge data set for five facilities in this Commonwealth to be used to trend patients migrating from New Jersey to hospitals in this Commonwealth.

A standard Statewide 1995 through 2003 inpatient discharge data set to be used with other National data to examine the impact of Federal policy changes and health care market forces on the organizational and management strategies, financial viability and clinical performance of United States rural hospitals.

A custom 2002 and 2003 inpatient discharge report by specific ICD-9-CM codes to be used for a research project on colorectal cancer mortality.

A custom 2001 through 2003 inpatient discharge report to be used to compare the performance of its surgeons to Highmark Blue Shield's Provider Panel in the areas of length of stay, complications, mortality and morbidity on a specific range of procedures.

A custom 2002 and 2003 inpatient discharge report regarding, utilization, outcomes and hospital charges.

Standard Statewide 2003 inpatient discharge and ambulatory procedure data sets to be used for administrative and strategic planning purposes, internal epidemiologic studies, competitive analysis, program planning, community needs assessments, site selections studies, practice expansion studies, manpower requirement analyses and the development of local and regional incidence reports over years for specific disease states or clinical procedures.

A standard 2003 financial data set to be used for internal research and for performance comparison.

A custom 1st and 2nd quarters 2003 inpatient discharge data set to be used for internal analysis.

A standard 1st quarter 2003 inpatient discharge data set for regions 5, 7, 8 and 9 to be used internally to provide statistics on hospitals in this Commonwealth.

A standard 3rd quarter 2002 through 2nd quarter 2003 inpatient discharge data set for region 6 to be used for marketing research.

A standard Statewide 2003 inpatient discharge data set to be used in a commercial software product.

A custom 2002 inpatient discharge report for regions 8 and 9 to be used to look at ways to improve mortality and readmissions results for Mercy Health System.

A standard Statewide 2002 inpatient discharge data set to be used to analyze hospital utilization and costs for inpatient treatment in support of consulting activities in the health care field.

A standard Statewide 2003 inpatient discharge data set to be used to analyze hospital utilization and costs for inpatient treatment in support of consulting activities in the health care field.

A custom 2002 inpatient discharge report to be used for market share analysis of the Mid-Valley area.

A custom 2003 inpatient discharge data set to be used for market share analysis of obstetrics and open heart procedures in the hospital's primary and secondary markets.

A custom 2001 and 2002 inpatient discharge data set to be used for analyses of outcomes of inpatient hospitalization in patients with systemic lupus erythematosus.

A standard 2002 through 2nd quarter 2003 inpatient discharge data set for Chester County Hospital to be used for general analysis and to examine inpatient costs.

<i>Applicant</i>	<i>Project Description</i>
New Solutions, Inc.	A custom 2003 inpatient discharge data set to be used for research purposes.
New York Academy of Medicine	A custom 2001 inpatient discharge report to be used for policy analysis of the Ryan White Care Act.
Northwestern University	Standard 1997 and 2002 inpatient discharge and ambulatory data sets for regions 1 and 3 to be used to conduct research on the effects of vertical integration of hospitals.
Penn State College of Medicine	A custom 1999 through 1st quarter 2003 inpatient discharge report to be used for various provocative maneuvers to diagnose thoracic outlet syndrome.
Penn State Harrisburg	A custom 1994 through 2003 inpatient discharge data set and report to be used to examine incidences involving gunshot wounds over a 10-year period in 33 counties in this Commonwealth.
Department of Health	A custom 2003 inpatient discharge data set to be used for the following studies: The Crash Outcome Data Evaluation Study Evaluation of Trauma Triage Protocols, Evaluation of Pediatric Treatment Protocols and Evaluation of the Trauma Systems Plan.
Department of Health	A custom Statewide 2nd quarter 2003 inpatient discharge and ambulatory procedure data set to be used to develop baseline levels for public health surveillance and to estimate the numbers of cases and disease outbreaks.
Department of Health	Custom 2003 inpatient discharge and ambulatory procedure data sets for children less than 24 months of age with a diagnosis of birth defects to assist in creating a birth defects registry.
Department of Health	A custom sampling by hospital of 2003 inpatient discharge and ambulatory procedure data to be used during hospital audits conducted by the Department of Health's Licensing and Quality Assurance surveyors.
Department of Health	A custom 3rd quarter 2002 through 2nd quarter 2003 inpatient discharge and ambulatory procedure report to be used to determine the geographical service area of Mid-Valley Hospital and the percentage of the hospital's patients that reside in rural areas.
Department of Health	A custom 2002 and 2003 inpatient discharge data set for use with the Department of Health Injury Prevention Program. The data will be used to improve the ability of health officials and injury prevention practitioners to use injury morbidity data for planning and evaluation of programs and policies.
Department of Health	A custom 2002 and 2003 inpatient discharge data set to be used for a series of web pages on the Department's website containing State and local data (including trend data) that correspond to the Healthy People 2010 objectives as developed by the Centers for Disease Control and Prevention.
Department of Health	Standard Statewide 1st quarter 2004 inpatient discharge and ambulatory procedure data sets to be used to profile discharge patterns to develop and evaluate algorithms for sampling discharges, which will be used by the Division of Acute and Ambulatory Care to carry out its quality assurance and licensing functions.
Department of Health	A custom sampling by hospital of 1st quarter 2004 inpatient discharge and ambulatory procedure data to be used to be used during hospital audits conducted by the Department of Health's Licensing and Quality Assurance surveyors.
Department of Public Welfare	A custom 2003 inpatient discharge report to be used to study individuals 60 years of age and older who have had a hospital discharge with a diagnosis in either of the following utilization of body systems categories: Mental Diseases and Disorders of Alcohol and Drug Use and Induced Organic Mental Disorders.
Department of Public Welfare	A custom 2003 inpatient discharge report to be used in the Department of Public Welfare's efforts to establish a hospital quality outcomes program for the Medical Assistance Fee-for-Service program.

<i>Applicant</i>	<i>Project Description</i>
Department of Public Welfare	A custom Fiscal Year 2001-2002 financial data set for net patient revenue by payer and uncompensated care broken down by bad debt expense and charity care costs to be used to compute payments to hospitals for the Tobacco Settlement Act of 2002.
Pennsylvania Medical Society	A standard Statewide 1999 through 2003 inpatient discharge data set to be used to evaluate changes in manpower and its effects on the delivery and quality of health care services in this Commonwealth.
Office of the Auditor General	A custom financial data set for Fiscal Year 2002 to be used to audit hospitals that received June 2004 Tobacco Settlement moneys related to uncompensated care.
Pennsylvania State Data Center	A custom 2002 financial report to be used in the 2004 Pennsylvania Abstract, which is published annually by the Pennsylvania State Data Center.
Pennsylvania State Data Center	A custom 2003 inpatient discharge and financial report to be used in the publication of the 2005 edition of the Pennsylvania County Data Book series.
<i>Philadelphia Inquirer</i>	A standard 1st and 2nd quarters 2003 inpatient discharge data set to be used for newspaper articles.
<i>Philadelphia Inquirer</i>	A standard 1998 through 2nd quarter 2003 ambulatory procedure data set for the Medical College of Pennsylvania Hospital to be used for a newspaper article.
<i>Philadelphia Inquirer</i>	A custom 1990 through 3rd quarter 2003 inpatient discharge and ambulatory data set to be used for a newspaper story on changing hospital capacity and the impact on care.
Solucient	Standard Statewide 2003 inpatient discharge and ambulatory procedure data sets to be used in a commercial software product.
Solucient	Standard Statewide 1st quarter 2004 inpatient discharge and ambulatory procedure data sets to be used in a commercial software product.
Somerset Medical Center	A custom 2003 inpatient discharge data set to be used to provide Somerset Medical Center with information regarding the migration of patients from the Center's service area to hospitals in this Commonwealth.
Temple University Hospital	A custom 1990 and 1991 inpatient discharge report to be used to evaluate and establish management guidelines for subsequent pregnancy performance in women with prior obstetric third or fourth degree lacerations with regard to mode of delivery, recurrence of lacerations and reoccurrence of previously identified risk factors.
Temple University Pulmonary & Critical Care	A custom 1999 through 2nd quarter 2003 inpatient discharge report and data set to be used in an analysis of birth certificate data quality in this Commonwealth. This study is being conducted to assess the impact of the National Center for Health Statistics' 2003 revision to the United States Standard Certificate of Live Birth.
The MEDSTAT Group/Inforum, Inc.	Standard Statewide 2003 inpatient discharge and ambulatory procedure data sets to be used in a commercial software product.
The MEDSTAT Group/Inforum, Inc.	Standard Statewide 1st quarter 2004 inpatient discharge and ambulatory procedure data sets to be used in a commercial software product.
<i>The Morning Call</i>	A custom 1996 through 2002 inpatient discharge report to be used for a story about the number of deaths due to burns at the Lehigh Valley Hospital.
Uniontown Hospital	A custom 2000 through 2003 ambulatory procedure data set for Fayette County to be used for market assessment of surgical services.

<i>Applicant</i>	<i>Project Description</i>
United Network for Organ Sharing (UNOS)	A custom 1996 through 2002 ambulatory procedure data set to be used to study the role of organ transplantation in decreasing patient morbidity and burden of disease for patients with end-stage organ failure using inpatient and outpatient hospitalizations as outcome measures.
University of Alabama at Birmingham	A custom 1990 through 2001 inpatient discharge report to be used as part of a multi-state study to test whether cardiac Certificate of Need regulations affect the total number of procedures for revascularization (CABG and PTCA) in a state.
University of Minnesota	A standard Statewide 1998 through 2002 ambulatory procedure data set to be used to study consumer decision making with respect to choice of surgery provider.
University of Pennsylvania	A custom 1990 through 1995 inpatient discharge data set to be used to evaluate the impact of quality information (CABG report cards) on patient outcomes and treatment patterns by hospitals.
University of Pennsylvania	A custom 1990 through 2002 inpatient discharge data set to be used to evaluate the impact of quality information (CABG report cards) on patient outcomes and treatment patterns by hospitals.
University of Pennsylvania	A custom 2003 inpatient discharge data set to be used for completion of an urban studies research project that examines the relationship between neighborhood-based factors such as housing stock type or crime level with hip fracture rates.
University of Pennsylvania—School of Medicine	A custom 2nd quarter 2003 through 1st quarter 2004 inpatient discharge data set to be used for a research study on reducing medication errors among the elderly.
University of Pittsburgh Department of Surgery	A custom 1999 through 2002 inpatient discharge data set to be used to study factors that are important in managing the treatment for blunt spleen injuries.
University of Pittsburgh School of Medicine	A custom 1997 through 2002 inpatient discharge data set to be used to further study thrombosis in hospitalized patients in this Commonwealth.
University of Pittsburgh School of Medicine	Permission to utilize a previously received 1999 custom inpatient discharge data set. The data will be used to study the feasibility of learning instance-specific models in risk classification of heart failure patients.
University of Pittsburgh/Pittsburgh VA Healthcare Systems	A custom 2000 and 2001 inpatient discharge data set by ICD-9-CM codes to be used for a research project to develop a clinical prediction rule for prognosis to identify low risk patients with pulmonary embolism who could be candidates for outpatient treatment or a short observation in the hospitals.
University of Washington	A custom 2001 inpatient discharge data set to be used to perform two studies to determine whether states with inclusive trauma systems perform better than exclusive trauma systems.
Urban Health Institute	A custom 2003 inpatient discharge data set to be used to identify the number of New York residents who go to hospitals in this Commonwealth for PTCA.
Verispan	Standard Statewide 2003 inpatient discharge and ambulatory procedure data sets to be used to estimate diagnoses and procedures at the hospital and national level.
Wyoming Valley Health Care System	Standard 2003 inpatient discharge and ambulatory procedure data sets for region 6 to be used to generate internal reports for quality improvement, benchmarking and market analysis.
Wyoming Valley Health Care System	Standard Statewide 1st quarter 2004 inpatient discharge and ambulatory procedure data sets for region 6 to be used to generate internal reports for quality improvement, benchmarking and market analysis.

[Pa.B. Doc. No. 05-468. Filed for public inspection March 11, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, February 24, 2005, and announced the following:

Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective February 23, 2005

Pennsylvania Securities Commission #50-119: Investment Advisors; Exchange Transactions (amends 64 Pa. Code Chapters 203, 303, 304 and 404)

Regulation Approved:

Department of Public Welfare #14-475: Personal Care Homes (amends 55 Pa. Code by replacing Chapter 2620 with Chapter 2600)

Approval Order

Public Meeting held
February 24, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by proxy; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Public Welfare—Personal Care Homes;
Regulation No. 14-475*

On September 23, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code by replacing Chapter 2620 with Chapter 2600. The proposed regulation was published in the October 5, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 4, 2004. The Commission received a request from the Department on February 3, 2005, to toll consideration of this final-form regulation to make revisions based on requests from the House Health and Human Services and Senate Public Health and Welfare Committees, and this Commission. On February 11, 2005, the Department submitted its revisions to the final-form regulation to the Commission.

This regulation is a comprehensive revision and update of the requirements and standards governing the licensing and inspection of personal care homes in the Commonwealth. The regulation includes new provisions covering residents' rights, staff qualifications and training, fire safety, medication administration and resident evaluations. The Department indicates that there are approximately 1,700 personal care homes in the Commonwealth and these facilities serve approximately 54,000 people.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 211, 901—922 and 1001—1087) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-469. Filed for public inspection March 11, 2005, 9:00 a.m.]

Notice of Filing of Final Rulemakings

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

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-223	Pennsylvania Public Utility Commission Filing Requirements Relating to Water and Wastewater Public Utilities	3/2/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-470. Filed for public inspection March 11, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Bankers Fidelity Life Insurance Company; Application for Approval of Revised Rates for Standardized Medicare Supplement Policy Forms B9200 A PA, B9200 B PA and B9200 C PA; Rate Filing

Bankers Fidelity Life Insurance Company has filed for approval increased rates for Standardized Medicare Supplement policy forms B9200 A PA, B9200 B PA and B9200 C PA, providing benefits corresponding to standardized supplemental benefit plans A, B and C, respectively.

The filing requests an aggregate increase of 10.9%, varying by plan and underwriting classification. The actual rate increases requested are as follows:

	<i>Standard Underwriting Class</i>	<i>Disabled Underwriting Class</i>	<i>Preferred Underwriting Class</i>
Plan A	0%	0%	0%
Plan B	25%	25%	10%
Plan C	20%	25%	0%

All issues under open enrollment are included in the preferred underwriting class.

These rate adjustments will affect approximately 6,277 insureds and will generate approximately \$1.16 million in additional premium annually. The company wishes the revised rates to take effect as soon as administratively possible following the Insurance Department's (Department) approval.

Unless formal administrative action is taken prior to May 25, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-471. Filed for public inspection March 11, 2005, 9:00 a.m.]

Nationwide Mutual Fire Insurance Company; Non-standard Automobile Rate Revision; Rate Filing

On February 24, 2005, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.9% increase amounting to \$702,000 annually, to be effective July 10, 2005, for new business and renewal business.

Unless formal administrative action is taken prior to April 25, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to 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. 05-472. Filed for public inspection March 11, 2005, 9:00 a.m.]

Notice to Workers' Compensation Insurance Carriers

Insurance companies that write Workers' Compensation are required to report workers' compensation premium, loss and claim count information using 2004 Special Schedule "W." Authority for this call is in section 655 of The Insurance Company Law of 1921 (40 P. S. § 815).

Information to be reported by April 15, 2005, includes the following:

For calendar year 2004:

- Premiums—written, unearned and earned.
- Losses—indemnity vs. medical for paid, reserves (case vs. bulk and IBNR), incurred.
- Amounts added to premium to yield standard earned premium at designated statistical reporting level.
- Deductible adjustments to yield first dollar premiums and losses.

For evaluations as of December 31, 2003, and December 31, 2004, policy year information for large deductible (that is, deductible greater than \$100,000) policies vs. all other policies including small deductible policies on a first dollar basis:

- Premiums—earned.
- Losses—indemnity vs. medical for paid, reserves (case vs. bulk and IBNR), incurred.
- Claim counts—indemnity vs. medical for incurred, closed with and without payments.

Information regarding the submission of 2004 Special Schedule "W" has been sent to carriers and has also been posted at the Insurance Department's website at www.ins.state.pa.us.

Persons who have not received this information or have questions concerning information contained in this notice should contact Brenna Murphy, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2114, brmurphy@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-473. Filed for public inspection March 11, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of John and Lisa Rethage; file no. 05-182-00255; Lititz Mutual Insurance Company; doc. no. P05-02-009; April 2, 2005, 2 p.m.

Appeal of Daryl Hoover; file no. 04-182-12916; The Travelers Insurance Company; doc. no. P05-02-007; April 12, 2005, 1 p.m.

Appeal of Kathy L. Kirk; file no. 05-182-00579; Progressive Direct Insurance Company; doc. no. P05-02-016; April 19, 2005, 1 p.m.

Appeal of Timothy Lunsford; file no. 05-181-00391; Safeco Insurance Company; doc. no. P05-02-019; April 21, 2005, 1 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Michael J. and Deborah R. Veneditti; file no. 05-183-00006; Erie Insurance Exchange; doc. no. P05-02-008; April 6, 2005, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-474. Filed for public inspection March 11, 2005, 9:00 a.m.]

Women's Health Center of Lebanon, Ltd.; Prehearing

Appeal of Women's Health Center of Lebanon, Ltd. Under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-02-010

On or before March 17, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing conference shall occur on March 31, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 18, 2005, with the

Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 25, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-475. Filed for public inspection March 11, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Westmoreland County, Wine & Spirits Shoppe #6504, 114 S. Fifth Street, Jeannette, PA 15644.

Lease Expiration Date: February 28, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in the Jeannette Central Business District. The location must have loading facilities for tractor-trailer deliveries.

Proposals due: April 1, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-476. Filed for public inspection March 11, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-125100F0002. Valley Energy, Inc. Application of Valley Energy, Inc. for approval to begin to offer, render, furnish or supply natural gas service to the public in additional territory in portions of Monroe Township and Monroe Borough, Bradford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 28, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Valley Energy, Inc.

Through and By Counsel: David M. Kleppinger, Esquire, Pamela C. Polacek, Esquire, Vasiliki Karandrikas, Esquire, McNeese, Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-477. Filed for public inspection March 11, 2005, 9:00 a.m.]

Order

Public Meeting held
February 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas, Recusing; Kim Pizzingrilli

Jurisdictional Agreement Pursuant to Act 94 of 2004;
Doc. No. M-00051868

Order

By the Commission:

Pursuant to Act 94 of 2004, the Commission and the Philadelphia Parking Authority are empowered to resolve, by mutual agreement, any jurisdictional issues associated with the transfer of regulatory oversight of various types of passenger carriers operating in Philadelphia. In keeping with this charge, the Commission and the Philadelphia Parking Authority have identified various jurisdictional issues requiring resolution. The following Jurisdictional Agreement addresses and resolves these issues.

Upon review of the Jurisdictional Agreement, we hereby approve same and authorize the Commission's Secretary to execute the Agreement on behalf of the Commission. *Therefore,*

It Is Ordered That:

The following Jurisdictional Agreement that follows is hereby approved.

JAMES J. MCNULTY,
Secretary

JURISDICTIONAL AGREEMENT
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
and
Philadelphia Parking Authority

This Agreement between the Pennsylvania Public Utility Commission ("Commission") and the Philadelphia Parking Authority ("PPA"), covers jurisdictional issues associated with the transfer of regulatory oversight of various types of passenger carriers, operating in Philadelphia, from the Commission to the PPA pursuant to Act 94 of 2004. Section 22 of Act 94 provides that the Commission and the PPA are empowered to resolve by mutual agreement any jurisdictional issues associated with the transfer. Following meeting and discussions by the Commission and the PPA, several jurisdictional issues have been identified. The Commission and the PPA have entered into this Agreement to resolve those issues.

1. Medallion Taxicabs

Various Medallion taxicabs currently hold authority from the Commission, in addition to their Medallion authority, to serve areas outside of Philadelphia. The Commission and the PPA agree that service provided to/from Philadelphia to/from all points outside Philadelphia, regardless of whether those points outside Philadelphia are within the carrier's extra-Philadelphia operating authority, will be regulated by the PPA.

2. Partial Authority Taxicabs

Currently, there are carriers authorized to provide taxicab service to designated areas within Philadelphia on a non-city wide basis. Section 11 of Act 94 provides that the PPA has jurisdiction over these carrier's operations within Philadelphia. These carriers also hold authority from the Commission to serve designated areas outside Philadelphia. The Commission and the PPA agree that service provided under dual authority to/from points within the PPA authorized area (in Philadelphia) to/from points within the Commission authorized area (outside Philadelphia), will be regulated by the PPA.

3. Limousines

Limousine carriers that will hold dual authority from the Commission and the PPA would fall under both entities' jurisdiction for trips to/from Philadelphia, with the exception of trips from an airport, railroad station, or hotel located, in whole or part, in Philadelphia.¹ The Commission and the PPA agree that this service will be regulated by the PPA.

4. Approval

Following execution, this Agreement shall be reported to the Appropriations Committees of the Senate and the House of Representatives. This Agreement will be effective unless either the Senate or House of Representatives rejects this Agreement, by resolution, within ten legislative days of submission.

5. Publication

Upon becoming effective, this Agreement shall be published in the *Pennsylvania Bulletin*.

IN WITNESS WHEREOF, the Commission and the PPA have duly executed this Agreement.

[Pa.B. Doc. No. 05-478. Filed for public inspection March 11, 2005, 9:00 a.m.]

Ratification and Adoption of Amendment to 49 CFR Parts 192 and 193

Public Meeting held
February 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice-Chairperson; Glen R. Thomas; Kim Pizzingrilli

Ratification and Adoption of Amendment to Part 192 and Part 193 of Title 49 of the Code of Federal Regulations;
Docket No. M-00051867

Order

By the Commission:

At 52 Pa. Code § 59.33(b) the Commission has adopted, except as otherwise indicated, the federal safety stan-

¹ In this case, the PPA would have sole jurisdiction. Act 94, Section 15.

dards for natural gas transmission and distribution facilities. The federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C. §§ 60101, et seq., and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the *Code of Federal Regulations*. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in Pennsylvania upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional natural gas companies or, alternatively, upon the date of such order's publication in the *Pennsylvania Bulletin*.

A. On April 23, 2004, at *Federal Register*, Vol. 69, No. 79, page 21975, Amendment 192-91 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. In this final rule, the Research and Special Programs Administration (RSPA) corrected the amendment number cited in the caption of the final rule published in the *Federal Register* on August 6, 2002 (67 FR 50824). The amendment number cited in the caption of this final rule was "Amendment 192-77." The correct amendment number is "Amendment 192-91." This correction does not affect the substance or content of the rule.

B. On June 14, 2004 at *Federal Register*, Vol. 69, No. 113, pages 32886—32898, Amendment 191-16, 192-94, and 199-20 were adopted and codified by the Federal Department of Transportation at 49 CFR §§ 191, 192, 199. The final rule is part of an effort by RSPA to periodically update the pipeline safety regulations. This rule incorporates the most recent editions of the voluntary consensus standards and specifications referenced in the Federal pipeline safety regulations to enable pipeline operators to utilize the most current technology, materials, and industry practices in the design, construction, and operation of their pipelines. This rule also increases the design pressure limitation for new thermoplastic pipe, allows the use of plastic pipe for certain bridge applications, increases the time period for revision location, clarifies welding requirements, and makes various other editorial clarifications and corrections. This final rule does not require pipeline operators to undertake any significant new pipeline safety initiatives.

C. On September 9, 2004, at *Federal Register*, Vol. 69, No. 174, pages 54591—54593, Amendment 192-94 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. RSPA is correcting a final rule published in the *Federal Register* on June 14, 2004 (69 FR 32886). That final rule amended and updated various sections of the pipeline safety regulations and incorporated the most recent editions of the voluntary consensus standards publications referenced in 49 CFR parts 192 and 195. That document made an inadvertent error in the definition of "Transmission line" in Section 192.3, failed to properly amend Appendix B to part 192, inadvertently reversed a recent amendment to a welder qualification requirement in Section 195.222, and contained several typographical errors. This document corrects the final rule by revising the relevant sections.

D. On April 6, 2004, at *Federal Register*, Vol. 69, No. 66, pages 18227—18242, Amendment 192-95 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. This document corrects a final rule published in the *Federal Register* on December 15, 2003 (68 FR 69778). That rule requires operators to develop integrity management programs for gas transmission pipelines located where a leak or rupture could do the most harm, i.e., could impact high consequence areas (HCAs). The rule requires gas transmission pipeline operators to perform ongoing assessments of pipeline

integrity, to improve data collection, integration, and analysis, to remediate the pipeline as necessary, and to implement additional preventive and mitigative actions. The document makes minor editorial corrections and clarifies the intent of several provisions in the rule. This document also addresses a petition for reconsiderations filed by the Interstate Natural Gas Association of America (INGAA).

E. On May 17, 2004, at *Federal Register*, Volume 69, No. 95, pages 27861—27863, Amendment 192-96 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. RSPA published in the *Federal Register* on September 15, 2003, a final rule concerning the operation and capacity of existing pressure limiting and regulating stations on gas pipelines. The rule inadvertently established a pressure limit that could require a reduction in the operating pressure of some pipelines and be impracticable for others to meet. The direct final rule establishes an appropriate pressure limit to avoid these unintended results.

F. On September 8, 2004, at *Federal Register*, Vol. 69, No. 173, pages 54248—54249, Amendment 192-96 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. The document confirms the effective date of the direct final rule adopted on May 17, 2004, at *Federal Register*, Volume 69, No. 95, pages 27861—27863. Amendment 192-96 will go into effect on October 8, 2004.

G. On June 28, 2004, at *Federal Register*, Vol. 69, No. 123, pages 36024—36029, Amendment 192-97 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. RSPA published a regulation requiring that new gas transmission lines and sections of existing transmission lines in which pipe or components are replaced be designed and constructed to accommodate the passage of instrumented internal inspection devices. Responding to petitions for reconsideration, RSPA stayed enforcement on some facilities and invited comments on proposed changes to the regulation. The present action concludes RSPA's consideration of the petitions and comments. For existing onshore transmission lines, this action restricts the regulation to replacements of pipe or components. For offshore transmission lines, the regulation is restricted to certain new lines that run between platforms or from platforms to shore. The action aligns the regulation with the supporting congressional directive and related Marine Board recommendation.

H. On August 10, 2004, at *Federal Register*, Vol. 69, No. 153, pages 48400—48407, Amendment 192-98 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192. The rule amends the pipeline safety regulations to require operators of gas and hazardous liquid pipelines to prepare and follow procedures for periodic inspections of pipeline facilities located in the Gulf of Mexico and its inlets in waters less than 15 feet deep. These inspections will inform the operator if the pipeline is exposed or a hazard to navigation.

I. On March 10, 2004, at *Federal Register*, Vol. 69, No. 47, pages 11330—11337, Amendment 193-18 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 193. This final rule clarifies that the operation, maintenance, and fire protection requirements of the RSPA's Office of Pipeline Safety's (OPS) regulations for liquefied natural gas (LNG) facilities apply to LNG facilities in existence or under construction as of March 31, 2000. An earlier final rule made the applicability of these requirements unclear. Additional changes to the

regulations remove incorrect cross-references, clarify fire drill requirements, and require reviews of plans and procedures. Lastly, the final rule changes the regulations so that cross-references to the National Fire Protection Association standard, NFPA 59A, refer to the 2001 edition of that standard rather than the 1996 edition. These clarifications and changes will improve the clarity and effectiveness of the regulations.

Copies of the aforementioned *Federal Register* publications are attached to this order.

Keeping in mind the safety of the public, we have reviewed the previously-referenced amendments in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find that each Department of Transportation amendment to be in the public interest and adopt them as our own. The effective date of our adoption of the aforementioned amendments shall be the date upon which this order is entered. *Therefore,*

It Is Ordered That:

1. The following amendments adopted by the U.S. Department of Transportation are hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b):

(a) *Federal Register*, Vol. 69, No. 79, page 21975, Amendment 192-91 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(b) *Federal Register*, Vol. 69, No. 113, pages 32886—32898, Amendment 191-16, 192-94, and 199-20 were adopted and codified by the Federal Department of Transportation at 49 CFR §§ 191, 192, 199;

(c) *Federal Register*, Vol. 69, No. 174, pages 54591—54593, Amendment 192-94 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(d) *Federal Register*, Vol. 69, No. 66, pages 18227—18242, Amendment 192-95 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(e) *Federal Register*, Volume 69, No. 95, pages 27861—27863, Amendment 192-96 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(f) *Federal Register*, Vol. 69, No. 173, pages 54248—54249, Amendment 192-96 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(g) *Federal Register*, Vol. 69, No. 123, pages 36024—36029, Amendment 192-97 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(h) *Federal Register*, Vol. 69, No. 153, pages 48400—48407, Amendment 192-98 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 192;

(i) *Federal Register*, Vol. 69, No. 47, pages 11330—11337, Amendment 193-18 was adopted and codified by the Federal Department of Transportation at 49 CFR §§ 193.

2. The Secretary shall serve copies of this order upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry date of this order. Concurrently,

the Secretary shall cause this order, without attachments, to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-479. Filed for public inspection March 11, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 4, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00121518. Tam Development, LLC t/d/b/a City Limo (6300 Lowell Drive, Pittsburgh, Allegheny County, PA 15147), a limited liability company of the Commonwealth—persons in limousine service, between points in the Counties of Allegheny, Beaver and Washington, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

A-00121517. Equal Transportation, Inc. (4642 Naples Street, City and County of Philadelphia, PA 19124), a corporation of the Commonwealth—persons in paratransit service, between points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Delaware and Chester. *Attorney:* William E. Scott, 312 Oxford Valley Road, Fairless Hills, PA 19030.

A-00121515. Gregory A. Wall t/d/b/a G. A. Wall Enterprises (161 Partridge Drive, Ephrata, Lancaster County, PA 17522)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00121506. Lasting Impressions DeeJay and Limousine Service, Inc. (1895 Old Taneytown Road, Westminster, MD 21158), a corporation of the State of Maryland—persons, in limousine service, between points in the Counties of York, Adams and Franklin, and from points in said counties, to points in Pennsylvania, and return.

A-00121511. Classic Coach Limousine Service, LLC (838 Solarlight Drive, York, York County, PA 17402), a limited liability company of the Commonwealth—persons, in limousine service, between points in the Counties of Adams, Cumberland, Dauphin, Lancaster and York, and from points in said counties, to points in Pennsylvania, and return.

A-00121499. Raymond S. and M. Joanne Peachey, Tenants by Entirety (6671 SR 655, Belleville, Mifflin County, PA 17004)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Mifflin, Snyder, Juniata and Centre, and from points in said counties, to points in Pennsylvania, and return.

A-00121497. Global Medical Transportation Services, Inc. (P. O. Box 4119, Bethlehem, Northampton and Lehigh Counties, PA 18018), a corporation of the Commonwealth—persons in paratransit service, between points in the Counties of Northampton, Lehigh, Carbon and Monroe, and from points in said counties, to points in Pennsylvania, and return.

A-00121500. Ameer Malik t/d/b/a Malik Coach (152 Sproul Road, Malvern, Chester County, PA 19355)—persons upon call or demand in the Boroughs of Phoenixville and Malvern and the Townships of Willistown, Tredeyffrin, East Whiteland, West Whiteland, Uwchlan, Upper Uwchlan, Schuylkill and Charlestown, all located in Chester County.

A-00121501. Dan Reitz, Inc. t/d/b/a Silver Bullet Cab (358 South 14th Street, Reynoldsville, Jefferson County, PA 15851), a corporation of the Commonwealth—persons, upon call or demand, in the City of DuBois, Jefferson County and points within an airline distance of 25 statute miles of the limits of said borough. *Attorney:* Dwight L. Koerber, Jr., 110 N. Second Street, P. O. Box 1320, Clearfield, PA 16830.

A-00121525. Sherman Howard (P. O. Box 21771, City and County of Philadelphia, PA 19142)—persons in paratransit service, from points in the City and County of Philadelphia, to all State and Federal correctional institutions, located in Pennsylvania, and return.

A-00121524. Ken Martin's Transportation, LLC (231 Spring Garden Road, Kinzers, Lancaster County, PA 17535), a limited liability company of the Commonwealth—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00121519. Robin Akers (5459 Spring Street, City and County of Philadelphia, PA 19133)—persons in paratransit service, from points in the City and County of Philadelphia, to all State and Federal correctional institutions, located in Pennsylvania, and return.

A-00121530. Leonard E. Bishop (1654 Honey Creek Road, Reedsville, Mifflin County, PA 17084)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania within an airline distance of 100 statute miles, and return.

A-00121528. Michael and Kellie L. Kaye, Tenants by Entirety, t/d/b/a Liberty Taxi & Car Service (P. O. Box 156, McConnellsburg, Fulton County, PA 17233-0156)—persons, upon call or demand, in the Borough of Chambersburg, Franklin County.

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-00121507. Mirza Corporation One, Inc. (551 General Muhlenberg Road, King of Prussia, Montgomery County, PA 19406), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00119214 to Friendly Express Limousine, Inc., subject to the same limitations and conditions. *Attorney:* Michael Wolinsky, The Jefferson Building, 1015 Chestnut Street, Suite 702, Philadelphia, PA 19107.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00115804. Folder 3. U. S. A. Limousine Ultra, Inc. (4425 Rising Sun Avenue, City and County of Philadelphia, PA 19140-2721)—inter alia, a corporation of the Commonwealth for the additional right to begin to transport, as a common carrier by motor vehicle, persons in limousine service, between points in the City and County of Philadelphia and the Counties of Bucks, Delaware, Chester and Montgomery, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, John J. Gallagher, P. C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

Application of the following for certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer as described under the application.

A-00121505. Canterbury International Incorporated (5415 Clairton Boulevard, Pittsburgh, Allegheny County, PA 15236), a corporation of the Commonwealth—household goods in use, between points in the County of Allegheny; which is to be a transfer of all the right authorized under the certificate issued at A-00110323 to John Finnegan t/d/b/a A-1 Moving, subject to the same limitations and conditions.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-00121508. Jeffrey Joseph Zick t/d/b/a Down Home Moving Company (P. O. Box 224, Hop Bottom, Susquehanna County, PA 18824)—household goods in use, between points in the County of Susquehanna, points in Wyoming County lying on and north of US Highway Route 6 and points in Lackawanna County lying on and north of SR 107 and SR 6 where they intersect in Lackawanna, and from points in said territory, to points in Pennsylvania, and vice versa.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Hughey Trucking, Inc.; Doc. No. A-00107111C

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Hughey Trucking, Inc., respondent, maintains its principal place of business at P. O. Box 796, Tunkhannock, PA 18657.
2. That respondent was issued a certificate of public convenience by this Commission on May 1, 1987, at Docket No. A-00107111.
3. That, on August 11, 2004 respondent was sent an initial assessment of \$492.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$492.00.
4. That respondent has an outstanding assessment of \$492.00.
5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).
6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services & Enforcement Division
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint.

Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-619.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-480. Filed for public inspection March 11, 2005, 9:00 a.m.]

Telecommunications

A-310752F0002AMA; A-310752F0002AMB; A-310752F0002AMC; A-310752F0002AMD; A-310752F0002AME. MCImetro Access Transmission Services, LLC. Application of MCImetro Access Transmission Services, LLC for approval to offer, render, furnish or supply telecommunications services as a competitive local exchange carrier to the public in the service territories of Alltel Pennsylvania, Inc., United Telephone Company of Pennsylvania, TDS Telecom/Sugar Valley Telecom, Citizens Telephone Company of Kecksburg, Pymatuning Independent Telephone Company and North Pittsburgh Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 28, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: MCImetro Access Transmission Services, LLC

Through and By Counsel: Kathleen Misturak-Gingrich, Esquire, Daley, Zucker & Gingrich, LLC, 1029 Scenery Drive, Harrisburg, PA 17109

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-481. Filed for public inspection March 11, 2005, 9:00 a.m.]

Water Service

A-210104F0059. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Richard and Kristen Angelicola located within Greenbriar Estates in Lehman and Dallas Townships, Luzerne County; and 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish and supply water service to Greenbriar Estates, Lehman and Dallas Townships, Luzerne County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 28, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and By Counsel: Frances P. Orth, Esquire, Assistant General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-482. Filed for public inspection March 11, 2005, 9:00 a.m.]

Water Service

A-212285F0120. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Franklin Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 28, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-483. Filed for public inspection March 11, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #05-019.P, 2005 Dump Truck, until 2 p.m. on Thursday, March 24, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 15, 2005. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-484. Filed for public inspection March 11, 2005, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Michele K. Childs; Doc. No. 0191-45-04

On February 28, 2005, Michele K. Childs, license no. CO-220309-L, of Wallingford, Delaware County, was suspended for violating a lawful order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 05-485. Filed for public inspection March 11, 2005, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Robert Cylc; Doc. No. 1101-45-01**

On December 8, 2004, Robert Cylc, license no. CO-107041-L, of Chester, Delaware County, was revoked and assessed a civil penalty in the amount of \$1,000 for maintaining an unlicensed shop.

Individuals may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by

the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 05-486. Filed for public inspection March 11, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	⑥ Duration

⑦ (For Commodities: Contact: Vendor Services Section
717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

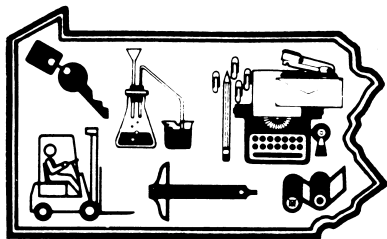
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer



Commodities

#2004-04 Thaddeus Stevens College, Lancaster, PA is soliciting proposals to purchase a rapid prototyping machine for use in the Mechanical Engineering Technology Department at the college.

Department: State
Location: 750 E. King Street, Lancaster, PA 17602
Contact: Nancy Froeschle, (717) 299-7787

#2004-02 The Thaddeus Stevens College of Technology is soliciting proposals to purchase, configure, and implement a fund accounting software package on or before July 1, 2005. The successful contract will provide software and interface that will integrate with its existing payroll software application.

Department: State
Location: 750 E. King Street, Lancaster, PA 17602
Contact: Nancy Froeschle, (717) 299-7787

SU-04-20 Shippensburg University is seeking vendors interested in submitting Bids to provide a variety of Computer anti-theft locks for Shippensburg University. Locks are for desk tops, laptops and computer monitors. Requests for the Bid package for Computer Anti-theft Locks should be emailed to Pamela King at or faxed to 717-477-1350. All requests must be in writing. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: April 15, 2005
Contact: Pamela A. King, 717-477-1386, ext. 3143

#2004-01 The Thaddeus Stevens College of Technology is soliciting proposals to purchase locksets and door hardware for its Branch Campus, once a local hospital. Heavy duty, Grade 1, locks will be installed on dormitory rooms. The College will also purchase exit devices, exit alarms, and cylinders. The prospective contractor shall remove existing hardware, place existing hardware in storage, and install new hardware according to the College's direction.

Department: State
Location: 1100 East Orange Street, Lancaster, PA
Contact: Nancy Froeschle, (717) 299-7787

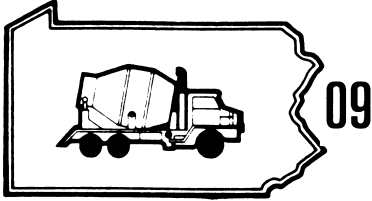
SSHE 401-BL-751 Work under this project consists of re-roofing Elwell Residence Hall at Bloomsburg University of PA. Primary items of work include removal of existing single-ply roofing system and insulation down to roof deck, and providing new single-ply EPDM roof system with tapered insulation. Roof area is approximately 119,450 square feet. This is a single prime contract. To obtain a copy of the bid documents submit a \$50.00 non-refundable deposit to Burkavage Design Associates, 200 Abington Executive Park, Clarks Summit, PA 18411-2260, phone #570-586-0719. The pre-bid conference will be held on March 15, 2005 at 9:30 am at Bloomsburg University, Waller Administration Building, Room 38A, Bloomsburg, PA 17815. The bid will be due on March 31, 2005 at 1:00 p.m.

Department: State System of Higher Education
Location: Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815
Duration: 60 calendar days from date of Notice to Proceed.
Contact: Diann Shamburg, (570) 389-4312

#10062265 Work under this project consists of painting of 104 student rooms, hallways, common area walls and ceilings, all bathrooms and shower rooms, door frames, steel doors and painted trim and all currently painted stairwell floors and common area window guards in Northumberland Residence Hall at Bloomsburg University. To obtain a copy of the bid specification submit a letter to Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815, ATTN: Diann Shamburg or send fax to 570-389-2017. The pre-bid conference will be held at 10:00 am, March 15, 2005 at Bloomsburg University, Waller Administration Building, Room 38A, Bloomsburg, PA. The bids will be due March 30, 2005 at 1:00 p.m.

Department: State System of Higher Education
Location: Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815
Duration: 39 calendar days
Contact: Diann Shamburg, (570) 389-4312

SERVICES



Construction & Construction Maintenance

MI-869 Hull Hall and Hobbs Hall - student housing renovations - phased work, i.e.: summer 2005, winter break 2005, and summer 2006. Replace roofs with EPDM system, upgrade bathrooms, two new hot water heaters, new AC heat pumps in each room, replace electric system from major switch gear, replace all panels throughout the buildings, all new lights throughout the buildings, replace ceilings, and replace all dorm room wire with a new race way system. Bid packets will be ready for distribution on March 07, 2005. Bid packet requests will be taken at that time. The request MUST be made on-line at http://muweb.millersville.edu/~purchase/current_bid_opportunities.html.

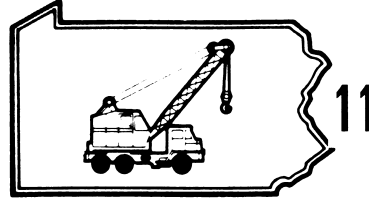
Department: State System of Higher Education
Location: <http://marauder.millersville.edu/~circlek/directions.html>
Duration: 99 calendar days over summer 2005, 19 calendar days during winter break, and 99 calendar days over summer 2006
Contact: Bernadette Wendler, (717) 872-3570

62-0108 West Chester University of the State System of Higher Education is soliciting sealed bids in the Construction Procurement office, 201 Carter Drive, Suite 200, Room 211, West Chester University, West Chester, PA 19383 for Project 62-0108 - Schmidt Hall Shower Renovations. The work involves the removal of plaster shower ceiling, lights, diffuser, CMU, shower tile and base and shower partitions. The installation of shower membrane, floor tile, CMU partition infill, cement board ceiling, electrical lights, shower drain, piping and shower controls. 62-0108.1 - General Construction (estimate \$170,000.), 62-0108.3 - Plumbing Construction (estimate \$169,000), 62-0108.4 - Electrical Construction (estimate \$25,000.). A site visit will be conducted at 1:00 p.m. on Wednesday, March 16, 2005 meeting in the lobby of Schmidt Hall, 225 West Rosedale Ave., West Chester, PA 19383. A Bid Bond in the amount of 10% is required and must be provided on the system furnished bid bond form. Contract bonds for 100% Performance, 100% Payment and 10% Maintenance will be required as well. The project is subject to Pennsylvania Prevailing Wage Act. The bids are due and will be publicly opened at 11:00 a.m. on April 1, 2005. Plans and specifications are available at no charge from West Chester University. Send written request via fax to 610-436-2720 or e-mail to bcooper2@wcupa.edu. Please provide your full company name, address, phone, fax, e-mail (if available) and contact person's name. Please call Barb Cooper at 610-436-2706 to confirm availability if you wish to pick them up.

Department: State System of Higher Education
Location: Campus of West Chester University, Schmidt Hall, 225 W. Rosedale Ave., Borough of West Chester, PA 19383.
Duration: The work shall be accomplished by separate prime contractors over two (2) summertime periods during the summers of 2005 and 2006. The East Wing to be completed by August 5, 2005 and the West Wing to be completed August 6, 2006
Contact: Barb Cooper, (610) 436-2706

IN-873 University Utility Piping Replacement Work under this project is for Utility Piping Replacement - consisting of demolition of existing steam systems, including manholes and asbestos abatement and installation of new steam systems, chilled water systems, conduit, trenches, manholes, walkways, miscellaneous landscaping, excavation and backfill. Work includes furnishing of all labor, superintendence, materials, tools, and equipment and performing all work necessary to complete the project at the satisfaction of, and subject to approval by IUP Engineering and Construction Group Office. See website for complete Notice to Contractors at www.iup.edu/engconstruction/list.shtm.

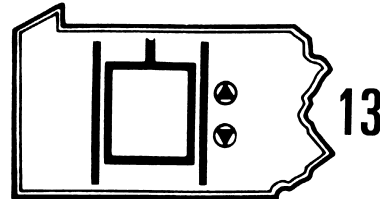
Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Main Campus, Indiana, PA 15705
Duration: Bids due 3/22/05 at 2:00 p.m., Anticipate Notice to Proceed to be issued by May 1, 2005. Completion date is August 19, 2005.
Contact: Ruth Sucheralli, (724) 357-2289



Demolition—Structural Only

0065-A11 The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both commercial and residential dwellings located along State Route 65 (also known as Ohio River Boulevard) in the Borough of Avalon, Allegheny County. Contractors will be required to demolish or remove all structures, outbuildings, and site improvements. The contractor will also be required to comply with all Local, State, and FHWA regulations. For bid information, specifications, and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 429-4830.

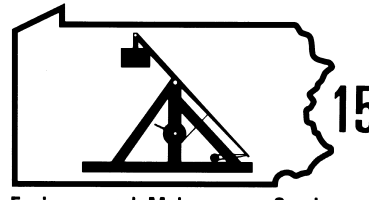
Department: Transportation
Location: Borough of Avalon
Duration: 30 days from Notice to Proceed
Contact: Michael Sudar, (412) 429-4830



Elevator Maintenance

02084 On-call maintenance and repair of elevators located at the PA Soldiers & Sailors Home.

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd St., Erie, PA 16507
Duration: 7/01/05 through 6/30/08
Contact: Jenny Nowacinski, 814-878-4930



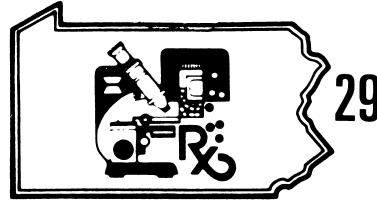
Environmental Maintenance Service

OSM 40(2239,3035)101.1 Abandoned Mine Reclamation Project, New Boston Road 2 North, Old Boston. The principal items of work and approximate quantities include 184,720 cubic yards of Grading, 800 cubic yards of Ditch Excavation, 1,100 Square Yards of Rock Lining and 38.1 acres of Seeding. This project issues on March 11, 2005 and bids will be opened on April 5, 2005 at 2:00 p.m. The bid document package costs \$10.00 per set and will not be mailed until payment has been received. Federal funds have been made available for this project from the \$26,051,154.00 for Pennsylvania's 2004 AML Grant.

Department: Environmental Protection
Location: Jenkins Township, Luzerne County
Duration: 150 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820

D45-292-101.1 Replacement Project Brady's Lake Dam. The principal items of work and approximate quantities include the Removal of The Existing Structures, 25,085 cubic yards of Excavation, 11,463 cubic yards of Rebuild Dam with Roller Compacted Concrete, 28,880 square feet of Steel Sheet Piling, 33,800 square yards of Improving Access Road to Dam, and Installing an Access Bridge used for Crossing the Spillway. This project issues on March 11, 2005 and bids will be opened on April 7, 2005 at 2:00 p.m. Bid documents cost \$15.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid conference date and time.

Department: Environmental Protection
Location: Coolbaugh Township, Monroe County
Duration: 245 calendar days after the official starting date
Contact: Construction Contracts Section, (717) 787-7820



Medical Services

02088 Provide alternate pharmacist services at the PA Soldiers and Sailors Home
Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08 with two (2) one year renewal options
Contact: Jenny Nowacinski, (814) 878-4930

02092 Provide psychological services to the residents of the PA Soldiers and Sailors Home.
Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08 with two (2) one year renewal options
Contact: Jenny Nowacinski, (814) 878-4930

02091 Provide podiatry service to the residents of the PA Soldiers and Sailors Home.
Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08 with two (2) one year renewal options
Contact: Jenny Nowacinsk, (814) 878-4930

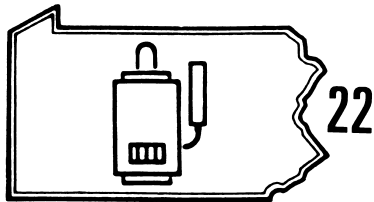
02090 Provide speech and swallow services to the residents of the PA Soldiers and Sailors Home.
Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08 with two (2) one year renewal options
Contact: Jenny Nowacinski, (814) 878-4930



Extermination Services

02087 Provide extermination/vector control services at the PA Soldiers and Sailors Home.

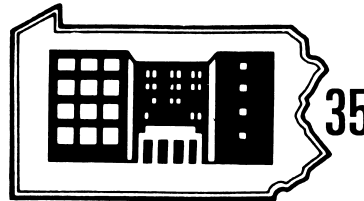
Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/05 with two (2) one year renewal options
Contact: Jenny Nowacinski, (814) 878-4930



HVAC Services

Hull and Hobbs Renovations MI-869 Hull Hall and Hobbs Hall - student housing renovations - phased work, i.e.; summer 2005, winter break 2005, and summer 2006. Replace roofs with EPDM system, upgrade bathrooms, two new hot water heaters, new AC heat pumps in each room, replace electric system from major switch gear, replace all panels throughout the buildings, all new lights throughout the buildings, replace ceilings, and replace all dorm room wire with a new race way system. Bid packets will be ready for distribution on March 07, 2005. Bid packet requests will be taken at that time. The request MUST be made on-line at http://muweb.millersville.edu/purchase/current_bid_opportunities.html.

Department: State System of Higher Education
Location: <http://marauder.millersville.edu/~circlek/directions.html>
Duration: 99 calendar days over summer 2005, 19 calendar days during winter break, and 99 calendar days over summer 2006
Contact: Bernadette Wendler, (717) 872-3570



Real Estate Services

098463 Notice is hereby given that pursuant to Title 67 PA Code 495.4(d), an application to lease highway right-of-way has been submitted to the Department by the City of Johnstown, of 401 Main Street, Johnstown, PA 15901, seeking to lease highway right-of-way located at: A1) 518-525 Somerset Street; A2) 510-518 Franklin Street; A3) 500-512 Napoleon Street; A4) 404-414 Haynes Street; West side of Somerset at Menoher Boulevard, City of Johnstown, Cambria County, containing 112,096 square feet, adjacent to SR 0056, Section(s) 012, for purposes of parking. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the Pennsylvania Bulletin, written comments, suggestions and/or objections regarding the approval of this application to Thomas A. Pestash, P.E., Acting District Engineer, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

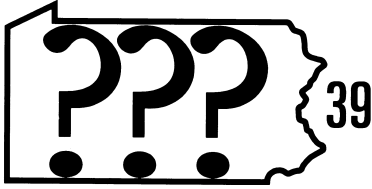
Department: Transportation
Location: Kernville Viaduct, Johnstown, PA
Duration: 25 years
Contact: Barry Clancy, (814) 696-7211



Laundry/Dry Cleaning & Linen/Uniform Rental

02085 Provide linen services to the residents of the PA Soldiers and Sailors Home.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, Erie, PA 16507
Duration: 7/01/05 through 6/30/08 with two (2) one year renewal options
Contact: Jenny Nowacinski, (814) 878-4930



Miscellaneous

CN00013568 The Department of Environmental Protection, Bureau of Water Supply and Wastewater Management requires a consulting firm experienced in drinking water treatment plant tracer studies to assess chlorine contact times.

Department: Environmental Protection
Location: Throughout the Commonwealth of Pennsylvania.
Duration: 7/1/05 through 6/30/06, with option to renew.
Contact: Sherry Morrow, (717) 772-1216

CN00013485 Furnish x-ray film badges as required by the Polk Center. Film responses must be sensitive to a wide range of ionizing radiation including hard beta, gamma, and x-rays from 25 kev. to 5 mev. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing or calling the Procurement Agent below. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) Federal Tax ID Number and SAP Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Public Welfare
Location: Polk Center, P O Box 94, Polk, PA 16342
Duration: July 1, 2005 through June 30, 2008
Contact: Amy Taterek, (814) 432-0229

CN00013592 Transportation of asbestos for burian at an approved DEP asbestos disposal site. Vendor will have and maintain a valid Residual Waste Transporter License. Vendor will provide and locate a 20 cubic yard non compacted roll off container at Facility. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing the Procurement Agent. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Public Welfare
Location: Polk Center, P O Box 94, Polk, PA 16342
Duration: July 1, 2005 - June 30, 2010
Contact: Amy Taterek, (814) 432-0229

[Pa.B. Doc. No. 05-487. Filed for public inspection March 11, 2005, 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

