



Volume 35 (2005)

Pennsylvania Bulletin
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3-19-2005

March 19, 2005 (Pages 1751-1868)

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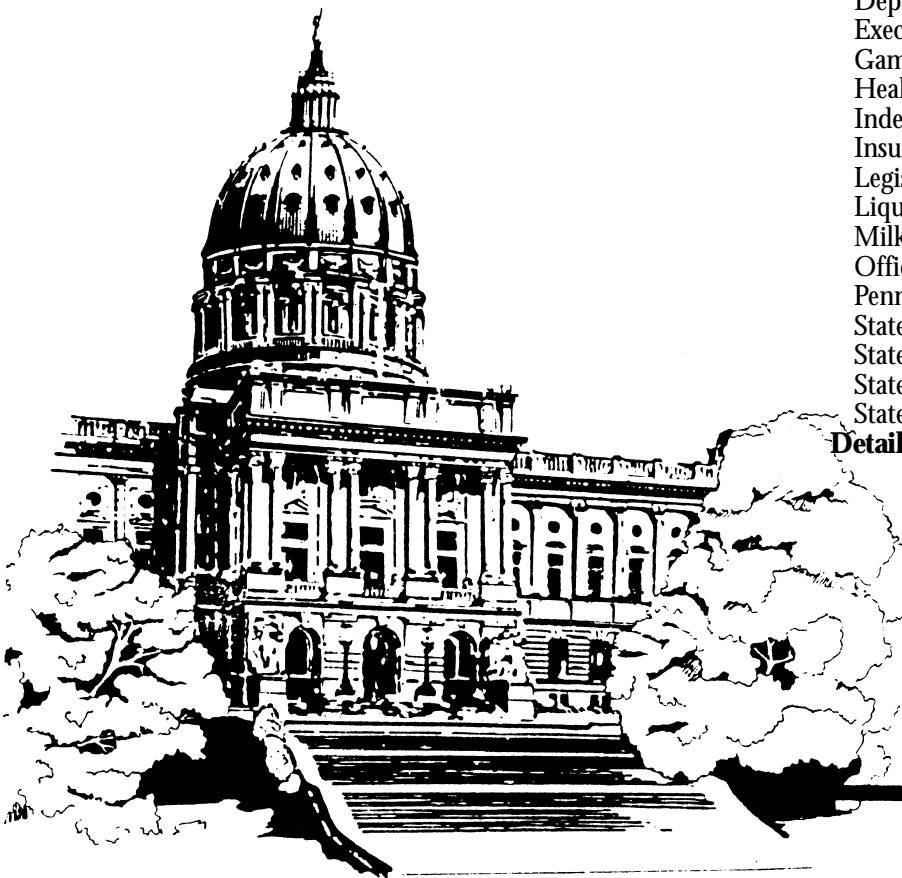
PENNSYLVANIA BULLETIN

Volume 35
Saturday, March 19, 2005 • Harrisburg, Pa.
Number 12
Pages 1751—1868

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

No. 364, March 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Offender Supervision Fees; No. 121 MI 02

Administrative Order 6-2005

And Now, this 3rd day of March, 2005, pursuant to 18 P. S. Section 11.1102(c), it is hereby

Ordered and Decreed that, effective July 1, 2005, the Court hereby *Increases* the Offender Supervision Fee to *Fifty Dollars* (\$50.00) per month for all defendants placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment, unless the court finds that such fee should be reduced, waived, or deferred based on the offender's present inability to pay until the time they are released from the Program.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of this Administrative Order in the Clerk of Court's Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 05-488. Filed for public inspection March 18, 2005, 9:00 a.m.]

SOMERSET COUNTY

Administrative Orders; No. 19 Misc. 2005

Adopting Order

Now, this 1st day of March, 2005, it is hereby *Ordered* that:

1. Administrative Order 1-2005, Retention And Disposition Of Court Reporter Notes, a copy of which follows, is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.
2. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Administrative Order with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Administrative Order, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Administrative Order with the Pennsylvania Civil Procedural Rules Committee.

D. File one (1) certified copy of this Order and the following Administrative Order with the Pennsylvania Criminal Procedural Rules Committee.

E. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

ADMINISTRATIVE ORDER 1-2005

RE: RETENTION AND DISPOSITION OF COURT REPORTER NOTES

DATE: _____

1. Raw notes of testimony are those on paper tapes and/or other media in the original state in which they existed at the time the testimony was taken.

2. Civil Cases (cases filed and docketed in Prothonotary's Office).

A. Once transcribed, raw notes of testimony may be destroyed 180 days after the filing of the transcript.

B. Raw notes of testimony that have not been transcribed may be destroyed 10 years from the date the testimony was taken.

3. Criminal Cases (cases filed and docketed in Office of Clerk of Courts).

A. Once transcribed, raw notes of testimony may be destroyed 180 days after the filing of the transcript.

B. In cases in which the most serious crime charged is a misdemeanor of the first degree or less, raw notes of testimony that have not been transcribed may be destroyed 10 years from the date the testimony was taken.

C. In felony cases, other than homicide, raw notes of testimony that have not been transcribed may be destroyed 40 years after the testimony was taken.

D. In homicide cases, raw notes of testimony that have not been transcribed shall be kept permanently and not destroyed without specific court order.

4. Orphans' Court Cases (cases filed and docketed in Office of the Clerk of Orphans' Court).

A. Once transcribed, raw notes of testimony may be destroyed 180 days after the filing of the transcript.

B. In other than adoption cases, raw notes of testimony that have not been transcribed may be destroyed 7 years from the date the testimony was taken.

C. In adoption cases, all records including raw notes of testimony that have not been transcribed and exhibits shall be retained permanently.

5. Any interested party may petition the court for an order directing retention of particular court reporter notes for a period of time beyond that required by this Administrative Order.

6. Disposal of raw notes shall be accomplished as provided in § 2.3 of the Supreme Court's Record Retention and Disposition Schedule. When completing disposal log forms, the raw notes need not be listed on the records disposal log by caption and case number, but may be listed merely by date of hearing.

[Pa.B. Doc. No. 05-489. Filed for public inspection March 18, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Corrective Amendment to § 16.102

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 16.102 (relating to approved EPA analytical methods and detection limits), as deposited with the Legislative Reference Bureau and the official text published at 35 Pa.B. 1223, 1227 and 1228 (February 12, 2005) and scheduled to be published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 365 (April, 2005)). The text of § 16.102(a)(3) was incorrect.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 16.102. The corrective amendment to 25 Pa. Code § 16.102 is effective as of February 12, 2005, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 16.102 appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart A. PRELIMINARY PROVISIONS

ARTICLE I. ADMINISTRATIVE PROVISIONS

CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY— STATEMENT OF POLICY

Subchapter B. ANALYTICAL METHODS AND DETECTION LIMITS FOR TOXIC SUBSTANCES

GENERAL PROVISION

§ 16.102. Approved EPA Analytical and Detection Limits.

(a) Appendix A, Tables 2A and 2B contain the following data elements and is to be used as follows:

(1) Parameter + (CAS) is the chemical name preceded by an alphanumeric code for the priority pollutants. Other inorganics (metals) listed on the application form have also been included. The Chemical Abstracts Service (CAS) number, a unique chemical identifier, is also listed for completeness of identification. The CAS number should always be verified to ensure proper identification, particularly with chemicals with ambiguous or unfamiliar names, or both.

(2) Methods number + (description) includes the approved EPA procedures by identifying number and an abbreviated description of each. The methods are detailed in one or more of the following sources:

(i) *Methods for Chemical Analysis of Water and Wastes*, EPA 600/4-79-020, Revised March 1984.

(ii) 40 CFR Part 136 (relating to guidelines establishing test procedures). The EPA provides a list of still other

sources for these methods in 40 CFR Part 136. Methods that were not developed by the EPA, that is, have no EPA identifying method number, but are approved by the EPA for use in NPDES related analyses are marked with an asterisk (*) in Appendix A, Tables 2A and 2B.

(iii) *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, APHA-AWWA-WEF, 1998.

(iv) *Hach Handbook of Wastewater Analysis*, Hach Chemical Company, 1979.

(v) *Direct Current Plasma (DCP) Optical Emission Spectrometric Method for Trace Elemental Analysis of Water and Wastes*, Method AES0029. Applied Research Laboratories, Inc., 1986-Revised 1991, Fison Instruments, Inc.

(vi) *ASTM Annual Book of Standards, Section 11, Water*. American Society for Testing and Materials, 1999.

(3) MDL is the method detection limit for each chemical for each method. The MDL is defined as the minimum concentration that can be measured and reported with 99% confidence that the value is above zero—that is, something is really there. The MDL concentrations listed were obtained using reagent water. Similar results were achieved using representative wastewaters. The MDL achieved in a given analysis will vary depending on instrument sensitivity and matrix effects.

(i) When MDLs are not available, detection limits based on other criteria, such as instrument signal to noise ratios, are included in Appendix A. Table 3 Detection limits for metals are generally instrument detection limits.

(ii) For any pollutant with an effluent limitation below the method detection limit, the permittee is expected to generally achieve the detection limit of the most sensitive method that is below detection available.

(iii) If two approved analytical methods for the same parameter have detection limits that differ by less than 1 ug/l or a factor of 2 (whichever is greater), the permit may be written designating either method as acceptable. The permittee also has the option of using an alternate method approved by the Department and the EPA that the permittee selects as long as he achieves the level of detection of the cited method or the numerical water quality-based limit.

(iv) The primary source for detection limits in Appendix A, Tables 2A and 2B is EPA MDL studies. However, when the EPA has not performed an MDL study or reported the detection limit, other sources—particularly, Standard Methods—are consulted. When there is no literature on detection limit, the Department's Bureau of Laboratories may be asked to determine the detection limit based on an MDL study.

(4) Permittees will be required to meet the detection limits listed in Appendix A, Tables 2A and 2B. If the detection limit is not listed, a permittee shall develop a detection limit using an MDL study.

(5) When permittees cannot meet a listed detection limit, they may be granted case-specific MDLs if they submit complete documentation demonstrating a matrix effect in their particular effluent. The permittees shall follow the procedure for determining MDLs published as

Appendix B of 40 CFR Part 136 (relating to guidelines establishing text procedures). The Bureau of Laboratories will evaluate the data and advise the regional office of their decision.

(b) Appendix A, Table 3 gives a more detailed description of the EPA 600-series of analytical procedures for

organic pollutants. Further detail is contained in 40 CFR Part 136.

[Pa.B. Doc. No. 05-490. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 93]

Corrective Amendment to 25 Pa. Code § 93.9f

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9f (relating to Drainage List F) as deposited with the Legislative Reference Bureau and published at 33 Pa.B. 5420, 5422 and 5423 (November 1, 2003) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 350, January 2004), and as currently appearing in the *Pennsylvania Code*. When the amendments made by the Department at 33 Pa.B. 5420, 5422 and 5423 were codified, an entry for West Branch Perkiomen Creek was codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9f. The corrective amendment to 25 Pa. Code § 93.9f is effective as of January 3, 2004, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9f appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania *Schuylkill River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * *	*		
4—West Branch Perkiomen Creek	Basin, Source to SR 1022 Bridge (RM 12.9)	Berks	CWF	None
4—West Branch Perkiomen Creek	Basin, SR 1022 Bridge to SR 2069 Bridge (RM 8.0)	Berks	EV	None
4—West Branch Perkiomen Creek	Basin, SR 2069 Bridge to Mouth	Montgomery	CWF	None
3—Perkiomen Creek	Main Stem, Green Lane Reservoir Dam to Mouth	Montgomery	WWF, MF	None
4—Hosensack Creek	Basin	Montgomery	CWF	None
	* * *	*		

[Pa.B. Doc. No. 05-491. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 93]

Corrective Amendment to 25 Pa. Code § 93.9r

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9r (relating to Drainage List R) as deposited with the Legislative Reference Bureau, and the official text published at 33 Pa.B. 1227, 1228 (March 8, 2003) and codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 342), and as currently appearing in the *Pennsylvania Code*. The entry for Elk Creek in Elk County is not in proper order.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9r. The corrective amendment to 25 Pa. Code § 93.9r is effective as of May 3, 2003, the date the defective text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9r appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9r. Drainage List R.

**Ohio River Basin in Pennsylvania
*Clarion River***

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
4—Riley Run	Basin					Elk	WWF	None
4—Little Mill Creek	Basin					Elk	HQ-CWF	None
4—Mason Creek	Basin					Elk	CWF	None
4—Elk Creek	Basin					Elk	CWF	None
4—Island Run	Basin					Elk	CWF	None
4—Big Mill Creek	Basin					Elk	HQ-CWF	None
4—Connerville Run	Basin					Elk	CWF	None
4—Dog Hollow Run	Basin					Elk	CWF	None
4—Gillis Run	Basin					Elk	CWF	None
4—Little Toby Creek	Main Stem					Elk	CWF	None
		*	*	*	*	*		

[Pa.B. Doc. No. 05-492. Filed for public inspection March 18, 2005, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF AUCTIONEER EXAMINERS

[49 PA. CODE CH. 1]

Exam Fee Deletion

The State Board of Auctioneer Examiners (Board) amends §§ 1.23 and 1.41 (relating to auctioneer licensure examination; and schedule of fees) to read as set forth in Annex A.

A. Effective date

The amendments take effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

This final-form rulemaking is authorized under section 812.1 of The Administrative Code of 1929 (code) (71 P. S. § 279.3a) and sections 5 and 6 of the Auctioneer and Auction Licensing Act (act) (63 P. S. §§ 734.5 and 734.6).

C. Background and Purpose

The amendment to § 1.23 reflects that applicants must apply to the professional testing organization, not the

Board, to take the examination. The professional testing organization determines a candidate's eligibility to take the exam and administers the examination to eligible candidates. Section 812.1 of the code requires that the auctioneer licensing examination be prepared and administered by a professional testing organization. The amendment to § 1.23 clears confusion that may result from the existing regulation which directs candidates to apply to the Board to be tested.

The amendment to § 1.41 deletes the reference to the fee for the examination for auctioneers. This fee is set by the professional testing organization, not by the Board. To avoid the necessity of amending the section whenever the professional testing organization changes the fee, the Board is deleting the reference to the examination fee.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of the proposed rulemaking was published at 33 Pa.B. 4685 (September 20, 2003). Publication was followed by a 30-day public comment period during which the Board received no comments.

The Independent Regulatory Review Commission (IRRC) had no objections, comments or recommendations to offer on this final-form rulemaking. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

E. Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no fiscal impact on the Board or its licensees. This final-form rulemaking will have no fiscal impact on the private sector, the general public or political subdivisions. This final-form rulemaking will avoid preparation of new regulations each time that an examination fee is changed and will not create additional paperwork for the private sector.

This final-form rulemaking should not impose any legal, accounting or reporting requirements on the regulated community.

F. Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Therefore no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 20, 2003, the Board submitted a copy of the notice of proposed rulemaking published at 33 Pa.B. 4685 to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

The Board did not receive any comments from IRRC, the SCP/PLC and the HPLC or the public.

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 9, 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 5.1(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved effective February 9, 2005.

H. Contact Person

Further information may be obtained by contacting Tammy Radel, Administrative Assistant, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

I. Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments has been 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 the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were received.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

J. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 1, are amended by amending §§ 1.23 and 1.41 to read as set forth in Annex A.

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

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

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

KENYON B. BROWN,
Chairperson

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

Fiscal Note: Fiscal Note 16A-647 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS
LICENSURE****§ 1.23. Auctioneer licensure examination.**

(a) The Board will have a professional testing organization conduct the auctioneer licensure examination at least two times each year.

(b) The applicant for auctioneer's license shall apply to the professional testing organization designated by the Board for admission to the licensure examination and pay the fee directly to that organization.

(c) If an applicant fails the examination once, the applicant may take the next scheduled examination or the examination following the next scheduled examination. If an applicant fails the licensure examination twice, the Board, upon notice to the applicant, may require the applicant to complete additional training approved by the Board.

FEES**§ 1.41. Schedule of fees.**

Applicants shall pay the following fees:

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

[Pa.B. Doc. No. 05-493. Filed for public inspection March 18, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 25, 2005, meeting, proposed the following rulemaking:

Add Chapter 143, Subchapter L (relating to special wild turkey licenses) to provide regulations establishing the opportunity for hunters to purchase a special wild turkey license to take a second bird during the spring gobbler season if the Commission sets a two-bird bag limit for the spring gobbler season.

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

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

The proposed rulemaking was made public at the January 25, 2005, meeting of the Commission. Comments should be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 22, 2005.

1. Purpose and Authority

The General Assembly recently amended section 2705 of the code (relating to classes of licenses) to permit the creation of a "special wild turkey license" to be used in conjunction with an adult or junior resident license, adult or junior nonresident license, senior resident lifetime license, senior lifetime combination hunting and furtaking license, or junior resident and nonresident combination hunting and furtaking license. Before the Commission can make this special license available, it must first generate the regulatory framework to implement its use. The Commission promulgated similar language when the General Assembly created an elk hunting license.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 322(c)(3) of the code (relating to powers and duties of the commission) specifically empowers the Commission to "Increase or reduce bag limits or possession limits." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." This proposed rulemaking was made under this authority.

2. Regulatory Requirements

The proposed rulemaking will generate the regulatory framework to implement and make available a special wild turkey license to licensed hunters.

3. Persons Affected

Persons who wish to apply for a special wild turkey license to hunt for and take an additional turkey during the spring gobbler season will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking will result in some additional cost to the Commission in the form of printing and issuing the proposed special wild turkey licenses.

5. Effective Date

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

6. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-201. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter L. SPECIAL WILD TURKEY LICENSES

Sec.

- 143.221. Purpose and scope.
- 143.222. Application.
- 143.223. Validity of license.
- 143.224. Unlawful acts.
- 143.225. Penalties.

§ 143.221. Purpose and scope.

If the Commission establishes a two-bird bag limit for the spring gobbler season, this subchapter establishes methods of applying for special wild turkey licenses.

§ 143.222. Application.

(a) Applications for special wild turkey licenses shall be submitted to the Commission's Harrisburg Headquarters. The Director will set periods for accepting applications.

(b) Applications for special wild turkey licenses shall be made using an electronic application on the Commission's Internet website or a paper form made available by the Commission providing information as may be required by the Director.

§ 143.223. Validity of license.

The license will be valid only during the spring gobbler season for harvesting a spring gobbler.

§ 143.224. Unlawful acts.

It is unlawful for a person to do the following:

- (1) Submit more than one application for a special wild turkey license during any hunting license year.
- (2) Apply for or receive a license contrary to the act or this part.

§ 143.225. Penalties.

A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.

[Pa.B. Doc. No. 05-494. Filed for public inspection March 18, 2005, 9:00 a.m.]

**[58 PA. CODE CH. 139]
Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 25, 2005, meeting, proposed the following rulemaking:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2005-2006 hunting license year.

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

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

The proposed rulemaking was made public at the January 25, 2005, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 22, 2005.

1. Introduction

The Commission is proposing to amend § 139.4 to provide for updated seasons and bag limits for the upcoming 2005-2006 license year.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. The 2005-2006 seasons and bag limits have been amended to conform to scientific data, harvest reports, field surveys and observations, staff and field input, as well as recommendations received from organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth. Some notable changes for hunters next season will be expanded deer hunting opportunities in WMU's 5C and 5D, expanded deer hunting opportunities through DMAP,

expanded bear hunting opportunities, and expanded elk hunting opportunities. Additionally, the Commission has given preliminary approval to increase the bag limit for spring turkey to allow two birds to be taken by hunters who purchase the special wild turkey license created by the amendment to section 2705 of the code (relating to classes of licenses). The Commission is proposing to amend § 139.4 to set seasons and bag limits for the 2005-2006 license year.

Section 322(c)(1) of the code (relating to powers and duties of the commission) specifically empowers the commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking . . ." The amendment to § 139.4 was proposed under this authority.

3. Regulatory Requirements

The proposed rulemaking would establish when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken.

4. Persons Affected

Persons wishing to hunt and trap in this Commonwealth would be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost either to the Commission or to hunters and furtakers.

6. Effective Date

The effective dates of the proposed rulemaking are July 1, 2005, to June 30, 2006.

7. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-199. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 139. SEASONS AND BAG LIMITS****§ 139.4. Seasons and bag limits for the license year.**

(SEASONS AND BAG LIMITS TABLE)

**2005-2006 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day		Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 14	6	12
Squirrels—(Combined species)	Oct. 15		Nov. 26	6	12
	Dec. 12	and	Dec. 23		
	Dec. 26	and	Feb. 4, 2006		
Ruffed Grouse—(Statewide)	Oct. 15		Nov. 26	2	4
	Dec. 12	and	Dec. 23		
	Dec. 26	and	Jan. 28, 2006		
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"					
Rabbits, Cottontail	Oct. 22		Nov. 26	4	8
	Dec. 12	and	Dec. 23		
	Dec. 26	and	Feb. 4, 2006		
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 14	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B & 4D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 14	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D	Oct. 22		Nov. 26	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B & 4D	Oct. 22		Nov. 26	2	4
	Dec. 12	and	Dec. 23		
	Dec. 26	and	Feb. 4, 2006		

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 22	Nov. 26	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Dec. 31	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
Wildlife Management Units 1A & 1B (Shotgun, Bow & Arrow only)	Oct. 29	Nov. 12		
Wildlife Management Units 2A & 2B (Shotgun, Bow & Arrow only)	Oct. 29	Nov. 19		
Wildlife Management Units 2C, 2E, 4A, 4B & 4D	Oct. 29	Nov. 12		
Wildlife Management Units 2D, 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 29	Nov. 19		
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Units 5C & 5D	Oct. 29	Nov. 4		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 29, 2006	May 27, 2006	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 24, 2006	April 24, 2006	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early season for Canada geese will be held as defined in § 141.25 (relating to early goose hunting season).

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 30	Nov. 27 April 2, 2006		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season			Unlimited

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
FALCONRY				
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2006	6	12
Quail	Sept. 1	Mar. 31, 2006	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2006	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2006	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2006	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2006	2	4

Migratory Game Birds - Seasons and bag limits shall be in accordance with Federal regulations.

DEER				
Species	First Day	Last Day	Season Limit	
Deer, Antlered & Antlerless—(Statewide) ¹	Oct. 1	Nov. 12	One antlered and an antlerless deer with each required antlerless license.	
(Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Dec. 26	Jan. 14, 2006		
Deer, Regular Antlered & Antlerless—(Statewide) ¹	Nov. 28	Dec. 10	One antlered, and an antlerless deer with each required antlerless license.	
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.	
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.	
Deer, Antlered or Antlerless—(Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 26	Jan. 14, 2006	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.	
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 14, 2006	An antlerless deer with each required antlerless license.	
Deer, Antlerless Wildlife Management Units 5C & 5D	Dec. 12 Dec. 26	Dec. 23 Jan. 28, 2006	An antlerless deer with each required antlerless license.	
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.	

PROPOSED RULEMAKING

BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age—(Statewide) ⁴	Nov. 21	Nov. 23	1	1
Bear, any age ⁴ Wildlife Management Units 3B, 3C, 3D, 4C and 4E	Nov. 28	Dec. 3	1	1
Bear, any age ⁴ Rockview Prison	Nov. 28	Dec. 3	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Antlered & Antlerless ⁶ (With each required license)	Nov. 7, 2005	Nov. 12, 2005	1	1
Elk, Antlered & Antlerless ⁶ (With each required license)	Sept. 18, 2006	Sept. 23, 2006	1	1

FURTAKING—TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats—(Statewide)	Nov. 19	Jan. 7, 2006	Unlimited	
Beaver—(Statewide)	Dec. 26	Mar. 31, 2006		
Wildlife Management Units 2F & 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 2E, 4A, 4B, 4C, 4D & 4E (Combined)			10	10
Wildlife Management Units 5A, 5B, 5C & 5D (Combined)			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 16	Feb. 18, 2006	Unlimited	
Bobcat ³ Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 16	Feb. 18, 2006	1	1

FURTAKING—HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)	Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.		Unlimited	
Coyotes—(During any archery deer season)	May be taken while lawfully hunting deer or with a furtaker's license.			
Coyotes—(During the regular firearms deer season and any bear season)	May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360° arc.			
Coyotes—(During the spring gobbler turkey season)	May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.			
Opossums, Skunks, Weasels ⁷ (Statewide)	No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.			

Species	First Day	Last Day	Daily Limit	Season Limit
Raccoons and Foxes—(Statewide) ⁷	Oct. 15	Feb. 18, 2006	Unlimited	
Bobcat ³ Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 15	Feb. 18, 2006	1	1

No open seasons on other wild birds or wild mammals.

¹ Only one antlered deer (buck) may be taken during the hunting license year.

² Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

³ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁴ Only one bear may be taken during the hunting license year.

⁵ Second spring gobbler may only be taken by persons who possess a valid special wild turkey license as provided for in section 2709 (relating to license costs and fees) of the act.

⁶ Only one elk may be taken during the hunting license year.

⁷ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

[Pa.B. Doc. No. 05-495. Filed for public inspection March 18, 2005, 9:00 a.m.]

[58 PA. CODE CHS. 147] Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 25, 2005, meeting, proposed the following rulemaking:

Amend §§ 147.672, 147.674 and 147.676 (relating to definitions; issuance of DMAP harvest permits; and unlawful acts) to allow any defined hunting club to enroll its property in the Deer Management Assistance Program (DMAP), to allow a DMAP applicant to issue up to two coupons to qualified individuals per license year, and to allow the Commission to deny refund of any application fees paid for DMAP harvest permits to persons who fail to complete and submit report and survey information from the prior season.

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

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

The proposed rulemaking was made public at the January 25, 2005, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 22, 2005.

1. Introduction

DMAP has been in effect for almost two full seasons and has already proven to be an asset to both public and private landowners as a tool for the effective management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land management objectives, land uses and other legitimate interests. In response to these successes, the Commission has identified a few changes that could make the program even more successful in the future.

2. Purpose and Authority

Currently, hunting clubs that wish to enroll in DMAP must own 1,000 or more contiguous acres. Due to the success of DMAP thus far, the Commission would like to

make the program more accessible to smaller hunting clubs that desire to enroll in the program. Specifically, the Commission is proposing to redefine "hunting club" in § 147.672 by removing the restrictive and limiting language related to acreage. This proposed rulemaking should make DMAP more accessible to hunting clubs that do not own or do not wish to enroll 1,000 or more contiguous acres.

Currently, the requirements and restrictions of §§ 147.674 and 147.676 limit a DMAP enrollee's ability to issue more than one coupon for each qualified individual per license year. Due to the success of DMAP thus far, the Commission would like to make the program more effective by permitting an additional coupon to be issued.

Recently, the Commission amended § 147.674 to declare that DMAP harvest permits will not be issued to persons who failed to complete and submit harvest report and survey information from the prior season. Accurate harvest data is critically important to making the program work effectively. The Commission believes additional measures are needed to ensure complete compliance with reporting requirements by all DMAP harvest permit holders. Therefore, the Commission is proposing to amend § 147.674 to allow the Commission to deny refund of any application fees paid for DMAP harvest permits to persons who fail to complete and submit harvest report and survey information from the prior season.

Section 2901(b) of the code provides "The commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code provides "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting . . . in this Commonwealth, including regulations relating to the . . . management of game or wildlife . . ." The amendments to §§ 147.672, 147.674 and 147.676 were proposed under this authority.

3. Regulatory Requirements

The proposed rulemaking will remove limitations and expand the eligibility of certain hunting clubs to enroll in DMAP, expands a DMAP applicant's ability to issue two coupons to qualified individuals per license year rather than one, and will allow the Commission the ability to deny refund of any application fees paid for DMAP harvest permits to persons who fail to complete and submit harvest report and survey information from the prior season.

4. Persons Affected

Persons wishing to apply to have their land enrolled in DMAP and persons wishing to submit a DMAP coupon for a DMAP harvest permit will be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-200. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.672. Definitions.

The following words and terms, when used in this section and §§ 147.671 and 147.673—147.676, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Hunting club—A corporation or legal cooperative which owns **[1,000 or more contiguous]** its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

* * * * *

§ 147.674. Issuance of DMAP harvest permits.

* * * * *

(b) **[One coupon] Two coupons** for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

* * * * *

(e) Permits **and refunds** will not be issued to persons who failed to complete and submit harvest report and survey information from the prior season.

§ 147.676. Unlawful acts.

It is unlawful to:

(1) Use, possess or attempt to use or possess more than **[one] two** DMAP harvest **[permit] permits** for a specific DMAP area in any license year.

* * * * *

(4) Issue more than **[one coupon] two coupons** to any person for a specific DMAP area in any license year.

* * * * *

[Pa.B. Doc. No. 05-496. Filed for public inspection March 18, 2005, 9:00 a.m.]

MILK MARKETING BOARD

[7 PA. CODE CH. 145]

Transactions Between Dealers and Customers; Dealer Inducements

The Milk Marketing Board (Board) proposes to amend §§ 145.11, 145.21, 145.25 and 145.26 to read as set forth in Annex A.

Purpose of Proposed Rulemaking

The principal purpose of the proposed rulemaking is to prohibit loans made by Board-licensed milk dealers to their customers. Section 807 of the Milk Marketing Law (law) (31 P. S. § 700j-807) provides that "[n]o method or device shall be lawful whereby milk is bought or received . . . , or sold . . . or delivered . . . , or offered to be bought or received . . . , or sold . . . or delivered . . . , at a price less than the minimum price applicable to the particular transaction. . . ." Milk dealers, in the course of acquiring new customers, sometimes make loans to those customers. Examining those loans to determine if they have the effect of bringing any particular transaction below the minimum price applicable for that transaction raises a myriad of valuation and enforcement issues. Widespread use of loans also has the potential to cause market disruption in some areas of this Commonwealth. In addition, the Board believes that the majority of milk dealers do not want to provide loans to customers, but in many cases the dealers feel that they must make a loan to retain or acquire a customer. The Board believes that prohibiting loans will tend to reduce the potential for market disruption and will lead to improved compliance with the law's minimum pricing provisions.

Summary of Proposed Rulemaking

The Board currently enforces regulations regarding transactions between milk dealers and their customers and regulations regarding dealer inducements to customers and potential customers.

Section 145.11 (relating to financing) currently prohibits dealers from providing financial accommodations to wholesale customers by, in general, guaranteeing the payment of any obligation of the customer. The proposed rulemaking would also prohibit milk dealers from providing financial accommodations to customers by lending the customers money or by paying any obligation of the customer.

Section 145.21 (relating to giveaways) currently prohibits milk dealers from giving money, among other items, to a customer or prospective customer as an inducement for soliciting or securing the business of that customer or prospective customer. The proposed rulemaking would also prohibit milk dealers from lending money to a customer or prospective customer as an inducement to solicit or secure the business.

Section 145.25 (relating to loans and credit; wholesale customers) currently provides that loans will be deemed an extension of credit as that term is used in section 807 of the law. The proposed rulemaking would rescind this section. As noted, examining loans to determine if they result in sales below the minimum price applicable to a particular transaction raises issues regarding the value and legitimacy of the loan. In addition, the Board is becoming increasingly concerned that widespread use of loans by milk dealers has the potential to cause market disruption in some areas of this Commonwealth. Rescinding this section is also necessary for consistency with the other amendments, as they would prohibit loans; if loans are prohibited, there is no reason to deem them extensions of credit.

Section 145.26 (relating to extension of credit to whole sale customers) prohibits extensions of credit to most wholesale customers beyond 30 days from the date of invoice. This section also provides that after 30 days, dealers must place the customers on a cash basis. At a public meeting dealing with the loan issue, some dealers expressed concern over not being able to secure payment from these cash customers if loans were prohibited. To clarify that dealers may make arrangements to secure those payments, the proposed rulemaking provides that dealers with customers on a cash payment schedule under the terms of § 145.26 may secure those payments with a promissory note, a lien or by some other method.

During preliminary discussions and the public meeting regarding this proposed rulemaking, the Pennsylvania Food Merchants' Association raised the issue of grocery wholesalers. The Board does license some grocery wholesalers as milk dealers. Some of the grocery wholesalers, in conjunction with supplying customers with the complete line of groceries including milk, do make loans to those customers, whether they be wholly-owned subsidiaries, franchisees, affiliates or nonaffiliated customers. Language was added to §§ 145.11, 145.21 and 145.26 to clarify that loans made by grocery wholesalers, to the extent the loans are not inducements related to acquiring or retaining the milk business of any customers, are not prohibited.

Dean Foods Company also expressed some concern during the preliminary discussions that the prohibition on dealer loans could cause competitive issues outside this Commonwealth if the Board enforced the prohibition on transactions that take place outside this Commonwealth. The Board recognizes that it may not enforce the law or regulations on transactions that take place outside this Commonwealth and has no intention or desire to enforce its regulations on transactions that take outside this Commonwealth.

Statutory Authority

Section 307 of the law (31 P. S. § 700j-307) provides the Board with the authority to adopt and enforce regulations necessary or appropriate to carry out the law.

Public Hearing

On December 15, 2004, the Board, after due notice, conducted a public hearing to receive comments on the

proposed rulemaking. Among the attendees were representatives of the Pennsylvania Association of Milk Dealers, Pennsylvania Food Merchants' Association, Pennsylvania Farm Bureau, Dean Foods Company, Dairy Marketing Services, Lehigh Valley Dairies, Schneider's Dairy, Pennsylvania Department of Agriculture, United Dairy Company and Land O' Lakes. The Pennsylvania Food Merchants' Association raised the issue of grocery wholesalers making loans to customers in conjunction with the full line of grocery sales to those customers. The proposed rulemaking addresses that issue by clarifying that loans made by grocery wholesalers in conjunction with transactions that may include milk sales are not prohibited if the loans are only incidentally related to the milk sales and are not made as an inducement to secure or retain the milk business of the customer.

The Board also held a public meeting on June 29, 2004, to generally discuss the issues surrounding loans made by dealers to customers. Among the attendees were the Pennsylvania Association of Milk Dealers, Pennsylvania Food Merchants' Association, Pennsylvania Farm Bureau, Dean Foods Company, Lehigh Valley Dairies, Rutter's Dairy, Pocono Mountain Dairy, Ritchey's Dairy, Galliker's Dairy, Vale Wood Farms, Crowley Foods, Upstate Farms Cooperative and Land O' Lakes. The first draft of the proposed rulemaking was written as a result of the discussion and comments at that public meeting.

Fiscal Impact

The Board believes that adoption of this proposed rulemaking will eliminate the potential for market disruption, and hence the potential for negative fiscal impact on at least some dealers and their customers.

The proposed rulemaking should also have a positive fiscal impact on the Board in that resources spent examining and valuing loans made by dealers to customers will be spent on other enforcement priorities.

Paperwork Requirements

There are no paperwork requirements.

Effective Date; Sunset Date

The amendments will become effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking. There is no sunset date.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), a copy of this proposal was submitted on March 4, 2005, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Board, the General Assembly and the Governor of objections raised before final-form publication of the amendments.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed rulemaking to Chief Counsel, Milk Marketing Board,

2301 North Cameron Street, Harrisburg, PA 17110, within 30 days following publication in the *Pennsylvania Bulletin*.

BOYD E. WOLFE,
Chairperson

Fiscal Note: 47-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART IV. MILK MARKETING BOARD

CHAPTER 145. TRANSACTIONS BETWEEN DEALERS AND CUSTOMERS

REFRIGERATION EQUIPMENT

§ 145.11. Financing.

[Dealers shall] Milk dealers and their affiliates, subsidiaries, or representatives thereof may not provide financial accommodations for a wholesale customer by **lending money to the customer, or by paying or** guaranteeing the payment of any obligation of the customer, or by acting as a cosigner on a promissory note or other obligation of **[said]** the customer, or by depositing money or collateral with a third party, person or organization which will lend money or extend credit to **[a wholesale]** the customer. **This section does not apply to transactions between grocery wholesalers and their subsidiaries, affiliates, franchisees or wholesale customers to the extent the transactions occur in the normal course of the grocery wholesaler's business and are only incidentally related to acquisition or retention of the fluid milk business of the subsidiary, affiliate, franchisee or wholesale customer.**

DEALER INDUCEMENTS

§ 145.21. Giveaways.

[(a)] Milk dealers **[shall]** and their affiliates, subsidiaries or representatives thereof may not give or lend any milk, milk products, money, article, prize, award[,] or any other item to a customer or a prospective customer, as an inducement for the purpose of soliciting or securing business **[or making collections for said dealer, unless such person is a regular employee of the dealer]**. This section does not apply to transactions between grocery wholesalers and their subsidiaries, affiliates, franchisees or wholesale customers to the extent the transactions

occur in the normal course of the grocery wholesaler's business and are only incidentally related to acquisition or retention of the fluid milk business of the subsidiary, affiliate, franchisee or wholesale customer.

[(b)] Subsection (a) shall not apply to persons employed by "Welcome Wagon Service," any similar organization, any accredited collection agency, or attorneys retained for collection purposes.]

§ 145.25. [Loans and credit; wholesale customers] (Reserved).

[Loans by a dealer, or an affiliate, subsidiary, or representative thereof to wholesale customers of fluid milk shall be deemed an extension of credit as that term is used under section 807 of the act (31 P. S. § 700j-807), and are prohibited insofar as an extension of credit is prohibited under such section.]

§ 145.26. Extension of credit to wholesale customers.

* * * * *

(b) For the purpose of this section, cash payment basis may, at the option of the dealer, be interpreted to mean weekly payments for the delivery of the past weeks plus **[not less than]** at least 4% of the past due account to be received by the dealer, on a regular and continuing weekly basis until the customer has reduced the past due balance below the maximum 30-day credit limitation. A dealer who has placed a customer on a cash payment basis under this section may, with approval of the Board, require the customer to execute a promissory note in favor of the dealer, or to grant the dealer a lien on assets of the customer, or to otherwise secure payment of the past due balance to the dealer. The dealer shall immediately notify the Board of the full details of an action taken to secure the payment of a past due balance under this section.

(c) This section does not apply to transactions between grocery wholesalers and their subsidiaries, affiliates, franchisees or wholesale customers to the extent the transactions occur in the normal course of the grocery wholesaler's business and are only incidentally related to acquisition or retention of the fluid milk business of the subsidiary, affiliate, franchisee or wholesale customer.

[Pa.B. Doc. No. 05-497. Filed for public inspection March 18, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Fish and Boat Commission

The Executive Board approved a reorganization of the Fish and Boat Commission effective March 1, 2005.

The organization chart at 35 Pa.B. 1776 (March 19, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 05-498. Filed for public inspection March 18, 2005, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Civil Service Commission

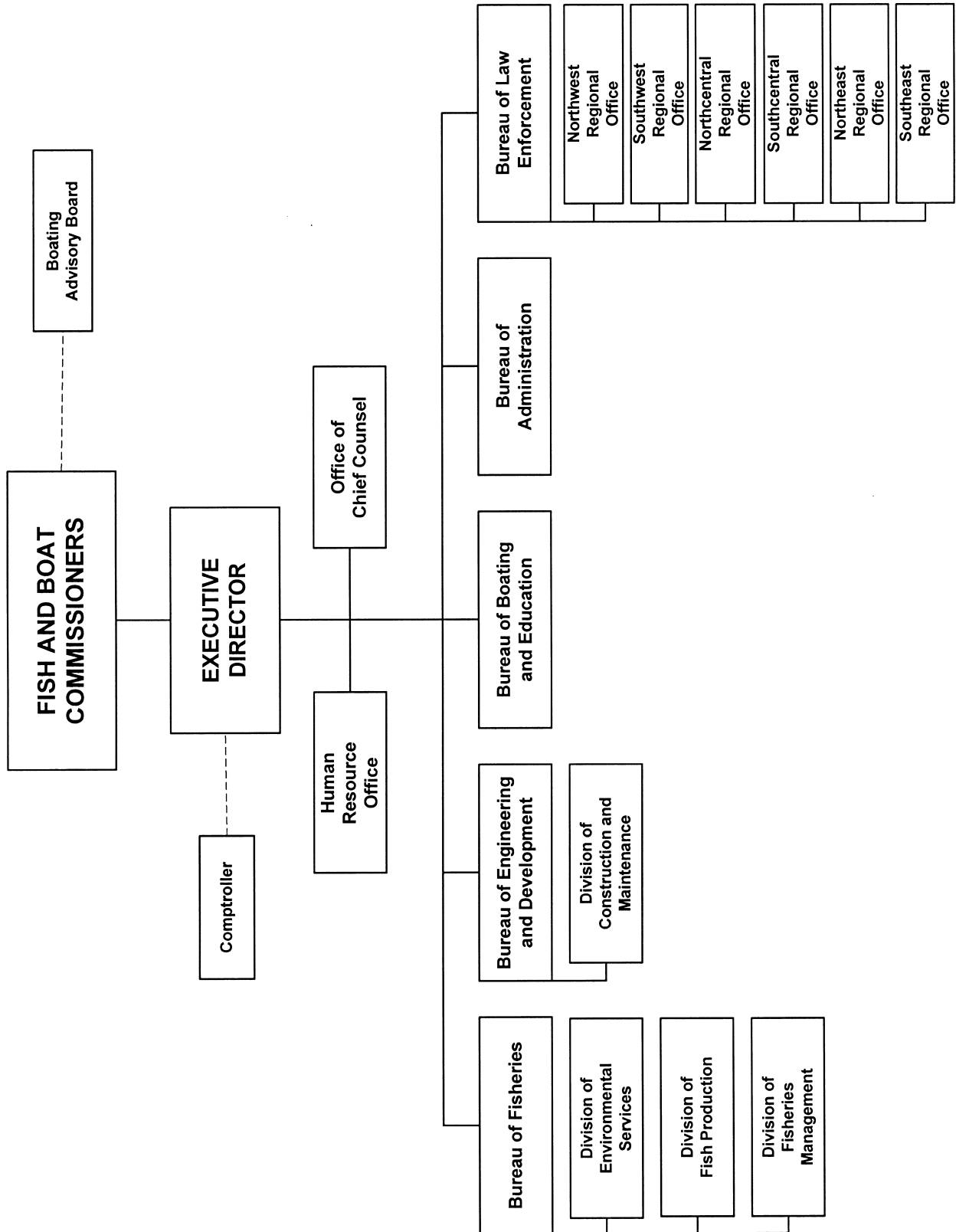
The Executive Board approved a reorganization of the State Civil Service Commission effective March 1, 2005.

The organization chart at 35 Pa.B. 1777 (March 19, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

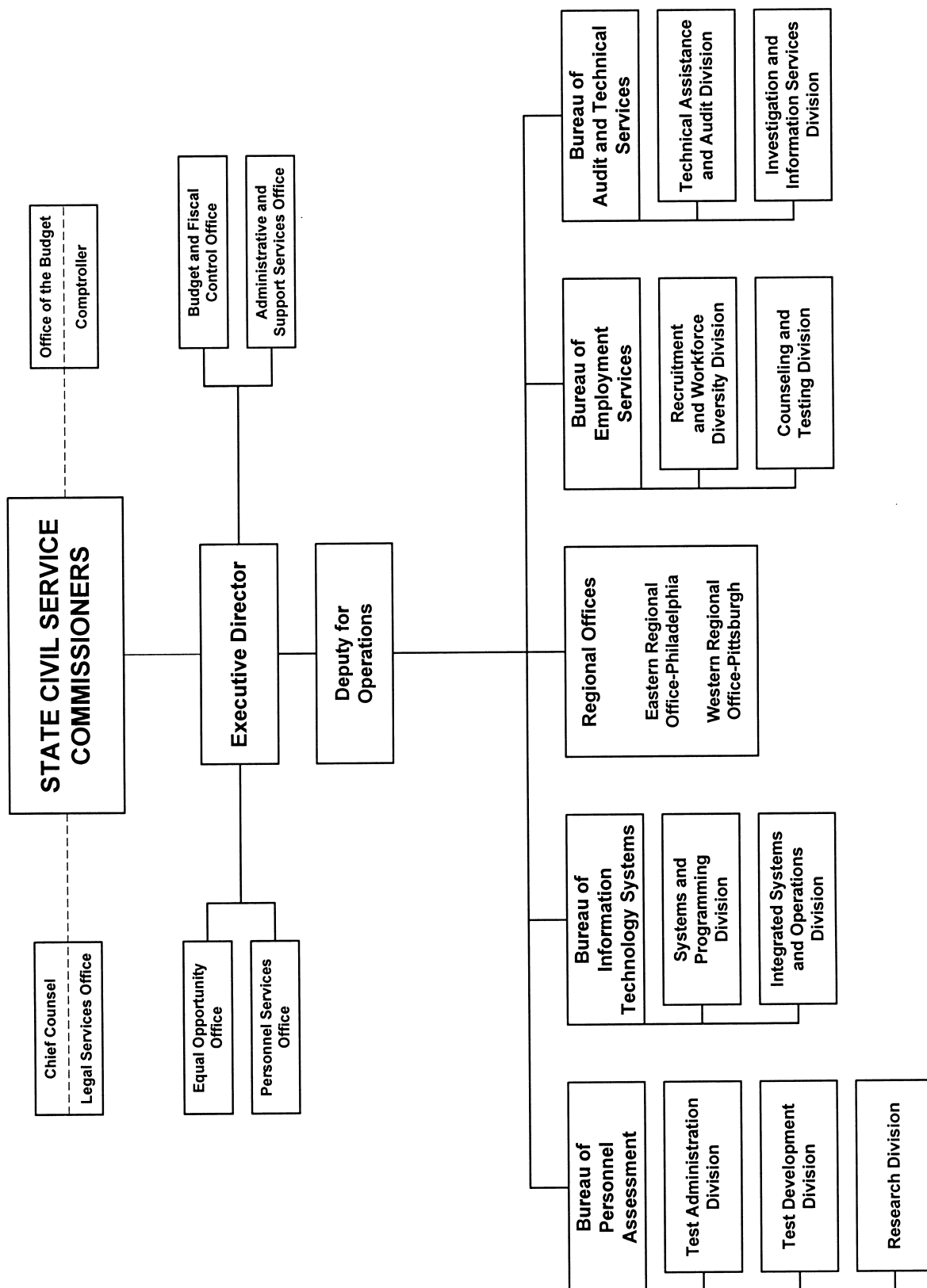
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 05-499. Filed for public inspection March 18, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION



STATE CIVIL SERVICE COMMISSION



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 8, 2005.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-4-05	Vartan National Bank Harrisburg Dauphin County <i>To:</i> Vartan Bank Harrisburg Dauphin County Represents conversion from a National banking association to a State-chartered bank.	Harrisburg	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-23-05	PeoplesBank, A Cordorus Valley Company York York County	1477 Carlisle Road York West Manchester Township York County	Opened
2-23-05	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	801 South 25th Street Palmer Township Northampton County	Opened
2-28-05	Royal Bank America Narberth Montgomery County	1550 Lemoine Avenue Fort Lee Bergen County, NJ	Opened
3-2-05	Community Banks Millersburg Dauphin County	1196 Walnut Bottom Road Carlisle South Middleton Township Cumberland County	Filed
3-4-05	Citizens & Northern Bank Wellsboro Tioga County	230-232 Railroad Street Jersey Shore Lycoming County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-05	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> 2170 West Union Boulevard Bethlehem Lehigh County <i>From:</i> 1201 Airport Road Allentown Lehigh County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-28-05	Orrstown Bank Shippensburg Cumberland County	WalMart 1730 Lincoln Way East Chambersburg Franklin County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-500. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; 2004 Annual Performance Report Availability

The Department of Community and Economic Development (Department) makes available for public review the 2004 Annual Performance Report (APR) for the Commonwealth's Consolidated Plan. The 2004 APR reports on activities that were outlined in the Consolidated Plan for Federal Fiscal Year (FFY) 2000 through 2004 as well as the Action Plan for 2004. The APR describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in FFY 2004. This APR will be submitted to the United States Department of Housing and Urban Development (HUD) by March 31, 2005.

Copies of the draft APR will be available for public comment from March 19, 2005, through March 30, 2005, at the locations listed as follows. The final APR will be made available again at the same locations, following approval by HUD.

County Commissioners—A copy will be sent to the chairperson of each County Board of Commissioners.

The Tri-County Branch of the Pennsylvania Association of the Blind (on audio cassette):

Patricia Summers, Coordinator
Harrisburg Area Radio Reading Service
1800 N. Second Street
Harrisburg, PA 17102
(717) 238-2531

Department of Community and Economic Development Regional Offices:

Southwest Regional Office
413 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northeast Regional Office
201 Samters Building
101 Penn Avenue
Scranton, PA 18503
(717) 963-4571

Northwest Regional Office
Third Floor, Rothrock Building
121 West 10th Street
Erie, PA 16501
(814) 871-4241

Southeast Regional Office
908 State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2256

Northcentral and Southcentral Regional Offices
576 Forum Building
Harrisburg, PA 17120
(717) 787-2412

27 District Libraries:

B. F. Jones Memorial Library, Aliquippa
Allentown Public Library, Allentown
Altoona Area Public Library, Altoona
Centre County Library, Bellefonte
Bethlehem Area Public Library, Bethlehem
Clarion Free Library, Clarion
Conococheague District Library, Chambersburg
Bucks County Free Library, Doylestown
Easton Area Public Library, Easton
Erie County Library, Erie
Dauphin County Library, Harrisburg
Cambria County Library, Johnstown
Lancaster County Library, Lancaster
Delaware County Library, Brookhaven
Monessen Public Library, Monessen
New Castle Public Library, New Castle
Montgomery County-Norristown Public Library, Norristown
Free Library of Philadelphia, Philadelphia
Carnegie Library of Pittsburgh, Pittsburgh
Pottsville Free Public Library, Pottsville
Reading Public Library, Reading
Scranton Public Library, Scranton
Warren Public Library, Warren
Citizens Library, Washington
Chester County Library, Exton
Osterhout Free Library, Wilkes-Barre
James V. Brown Library, Williamsport

Submit written comments concerning the APR to Gary R. Thomas, Compliance Manager, Office of Community Development and Housing, Center for Community Building, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, fax (717) 214-5416. Written comments must be received by March 30, 2003.

Persons with a hearing disability who wish to review the APR should notify the Department and accommodations will be made. Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 05-501. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Central Penn, Inc. dba Central Pennsylvania College for Approval of Its Amended and Restated Articles of Incorporation

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Central Penn, Inc. dba Central Pennsylvania College for a Certificate of Authority approving its amended and restated Articles of Incorporation to reflect its change into a 4-year academic degree granting institution.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice

of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department may best accommodate their needs.

FRANCIS V. BARNES, Ph.D.,
Secretary

[Pa.B. Doc. No. 05-502. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the

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

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

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

I. NPDES Renewal Applications

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

<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>
PA-0064025	KBM Regional Authority P. O. Box 55 McAdoo, PA 18237	Kline Township, Schuylkill County	Catawissa Creek 5E	Y
PA0012149	Dixon Ticonderoga Company Route 61 Deer Lake, PA 17961	West Brunswick Township, Schuylkill County	Pine Creek—Watershed 3A—CWF	Y
PA-0063321 Sewage	Ararat Township Supervisors R. R. 1, Box 23E Thompson, PA 18465	Susquehanna Herrick Township	Fiddle Lake Creek (5A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0083909 (Sewage)	Conestoga Wood Specialties Corporation P. O. Box 158 245 Reading Road East Earl, PA 17519-0158	Lancaster County East Earl Township	Conestoga River/7J	Y
PA0081868 (Sewage)	Fairview Township Authority 599 Lewisberry Road New Cumberland, PA 17070-2399	York County Fairview Township	Susquehanna River/7E	Y
PA0081388 (Sewage)	Windy Brae Manor MHP Robert Barclay 14871 Mount Olivet Road Stewartstown, PA 17363	York County North Hopewell Township	UNT East Branch Codorus Creek/7-H	Y
PA0032506 (Sewage)	Department of Conservation and Natural Resources—Reeds Gap State Park 1405 New Lancaster Valley Road Milroy, PA 17063	Mifflin County Armagh Township	Honey Creek/12-A	Y
PA0026735 (Sewage)	Swatara Township Authority 8675 Paxton Street Hummelstown, PA 17036-8673	Dauphin County Swatara Township	Swatara Creek/7-D	Y
PA0022250 (Sewage)	Biglerville Borough Authority 33 Musselman Avenue P. O. Box 631 Biglerville, PA 17307	Adams County Butler Township	Bowers Run/7-F	Y
PA0009458 (Industrial Waste)	PPG Industries, Inc. (27 Tipton) One PPG Place Pittsburg, PA 15272	Blair County Antis Township	Little Juniata River/11-A	Y
PAR100157	Anthony DeRosa Orchard Springs Fellowship of the Assemblies of God, Inc. P. O. Box 208 Gardners, PA 17324	Adams County Menallen Township	Opossum Creek/TSF	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (WatershedNo.)</i>	<i>EPA Waived Y/N ?</i>
PA0082368 (Sewage)	Abbottstown-Paradise Joint Sewer Authority P. O. Box 505 Abbottstown, PA 17301	Adams County Hamilton Township	Beaver Creek/7F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (WatershedNo.)</i>	<i>EPA Waived Y/N ?</i>
PA0093157	Moraine Camplands Association 281 Staff Road Slippery Rock, PA 16057	Brady Township Butler County	UNT to Big Run 20-C	Y
PA0103608	Country Acres Mobile Home Park 17258 Silvering Road Saegertown, PA 16433	East Mead Township Crawford County	UNT to Little Sugar Creek	Y

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

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

Application No. PA 0032093, Sewage, **Department of Conservation and Natural Resources (Shawnee State Park)**, 132 State Park Road, Schellsburg, PA 15559-7300. This facility is located in Napier Township, **Bedford County**.

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

The receiving stream, Shawnee Branch, is in Watershed 11-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Bedford Water Authority is located on the Raystown Branch Juniata River, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	12	24
(11-1 to 4-30)	Monitor and Report	Monitor and Report
Total Residual Chlorine	1.0	2.0
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	20,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA0026336, Sewage, **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from Wickham Village STP in Hopewell Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Boggs Run, which are classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Nova Chemicals, Beaver Valley Plant, on the Ohio River.

Outfall 010: existing discharge, design flow of 0.12 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.0	4.5		6.0
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric mean		
(10-1 to 4-30)		2,000/100 ml as a geometric mean		
Dissolved Oxygen		Not less than 5.0 mg/l		
PH		Not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0218545, Sewage, **Quecreek Mining Inc.**, 1576 Stoystown Road, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Quecreek No.1 Mine Portal STP in Lincoln Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.0035 mgd.

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

The EPA waiver is in effect.

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

PA0002372, Industrial Waste. **Honeywell Specialty Wax & Additives, Inc., Farmers Valley Plant**, 45 Route 446, Smethport, PA 16749. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Activity: discharge of treated industrial waste, noncontact cooling water and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is PA/NY State line and the Allegheny River located approximately 12 miles below point of discharge.

The receiving stream, Potato Creek, is in watershed 16-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 101 based on a design flow of 0.777 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
BOD ₅	XX	XX	25.5	48	65
COD	XX	XX	128	248	250
Total Suspended Solids	XX	XX	21	33	52.5
Oil and Grease	XX	XX	8	15	20
NH ₃ -N	XX	XX	10.5	23	26.5
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 based on a design flow of 3.096 mgd.

Parameters	Loadings		Concentrations		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly (lb/day)	Daily (lb/day)	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Flow	XX				
Temperature (January 1—December 31)	Maximum Allowable (Daily Average) Discharge Temperature (°F)				
pH	110 6.0 to 9.0 standard units at all times				

The proposed effluent limits for Outfall 002 based on a design flow of 0.399 mgd.

Parameters	Loadings		Concentrations		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly (lb/day)	Daily (lb/day)	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Flow	XX				
TOC	5				
Temperature (January 1—December 31)	Maximum Allowable (Daily Average) Discharge Temperature (°F)				
pH	110 6.0 to 9.0 standard units at all times				

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

Parameters	Loadings		Concentrations		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly (lb/day)	Daily (lb/day)	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)

This outfall shall be composed entirely of nonpolluting stormwater runoff in accordance with Special Condition No. 2.

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0239542, Industrial Waste. **Impact PA, Inc.**, 5960 Susquehanna Trail, Turbotville, PA 17772. This proposed facility is located in Warren City, **Warren County**.

Description of Proposed Activity: discharge of noncontact cooling water. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Emlenton Water Company and the Allegheny River located at Emlenton, 99.5 miles below point of discharge.

The receiving stream, the Allegheny River, is in watershed 16-B and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.936 mgd.

Parameters	Loadings		Concentrations		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly (lb/day)	Daily (lb/day)	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Flow	XX				
pH	6.0 to 9.0 standard units at all times				

The proposed effluent limits for Outfall 002 based on a design flow of 1.93 mgd.

Parameters	Loadings		Concentrations		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly (lb/day)	Daily (lb/day)	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Flow	XX				
pH	6.0 to 9.0 standard units at all times				

XX—Monitor and review on monthly DMRs.

The EPA waiver is in effect.

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

PAS#602203, Industrial, **Einfalt Recycling & Salvage, Inc.**, 221 Bushkill Street, P. O. Box 100, Stockertown, PA 18083-0100. This proposed facility is located in the Borough of Stockertown, **Northampton County**.

Description of Proposed Activity: This application is for a new NPDES permit to discharge stormwater associated with industrial activity.

The receiving stream, a UNT to Bushkill Creek, is in the State Water Plan watershed No. 1E and it is classified as a HQ-CWF. The nearest downstream public water supply intake for the City of Easton is located on the Delaware River approximately 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 is:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD ₅				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
TKN				Report
Total Phosphorus				Report
Dissolved Iron				Report

PA#0035637, Sewage, **Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105-3060. This proposed facility is located in Greenfield Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, UNT to South Branch Tunkhannock Creek, is in the State Water Plan watershed No. 4F and is classified for: CWF. The nearest downstream public water supply intake for Danville Water Authority.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0098 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25.0		50.0
Total Suspended Solids	30.0		60.0
NH ₃ -N			
(5-1 to 10-31)	5.0		10.0
(11-1 to 4-30)	15.0		30.0
Phosphorus as "P"			
(3-1-05 to 2-28-08)	Monitor and Report		Monitor and Report
(3-1-08 to 2-28-10)	2.0		4.0
Dissolved Oxygen	A minimum of 4.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.4		1.0

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. 1505406, Sewerage, **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station, force main and gravity mains.

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

WQM Permit No. WQM1805201, CAFO Operation, **Schrack Farms Partnership**, 860 West Valley Road, Loganton, PA 17747. The proposed facility is located in Greene Township, **Clinton County**.

Description of Proposed Action/Activity: An application has been received for the construction of an anaerobic digester manure processing system in which solids will be digested while producing energy.

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

WQM Permit No. 3905402, **Upper Saucon Township Municipal Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. This proposed facility is located in Upper Saucon Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project involves an increase in capacity of the existing country club pumping station.

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

WQM Permit No. 5604404, Sewerage, **Elk Lick Township**, P. O. Box 55, West Salisbury, PA 15565. This proposed facility is located in Elk Lick Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of two pump stations and a sanitary sewer system to serve the Elk Lick Township.

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.

NPDES Permit

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505013	Ruby Tuesday, Inc. Ruby Tuesday Development 350 Sentry Parkway Building 620, Suite 110 Blue Bell, PA 19422	Chester	East Whiteland Township	Little Valley Creek (EV)

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

Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, (570) 278-4600.

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025805001	Robert T. Doble P. O. Box 111 Scranton, PA 18501-0111	Susquehanna	Herrick Township	East Branch of Lackawanna River, HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505003	First National Community Bank 102 E. Drinker Street Dunmore, PA 18512	Monroe	Middle Smithfield Township	Marshall's Creek HQ-CWF

Wayne County Conservation District: Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404009	Tom Pascoello Great Valley Nature Center Route 29 and Hollow Road P. O. Box 82 Devault, PA 18432	Wayne	Dreher Township	Wallenpaupack Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033605001	Black Creek Greenhouse 211 East Black Creek Road East Earl, PA 17519	Lancaster	Brecknock Township	Black Creek HQ/WWF4
PAI0307030021	Paul and DeAnne 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.

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

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051105002	Vern Green 254 Langhorne Street Johnstown, PA 15905	Cambria	Upper Yoder Township	Mill Creek (HQ-CWF)

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

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAS103713(1)	Lawrence Conservation District	Lawrence	New Beaver Borough	North Fork Little Veaver 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No.1505503, Public Water Supply

Applicant	Aqua Pennsylvania, Inc.
Township	Schuylkill
County	Chester County
Responsible Official	Karl Kyriss
Type of Facility	Water Treatment Plant
Consulting Engineer	CET Engineering Services

Application Received Date	March 1, 2005
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Description of Action	Modifications to the Pickering West and Pickering East Water Treatment Plants. The Modifications at the West Plant will include installation of plate settlers and residuals removal equipment in the plant's existing clari-flow tanks. Modifications at the East Plant will include upgrades to the process controls and chlorination equipment. Also, proposing install an automatic cleaning system at the Schuylkill Intake.
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Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 4505501, Public Water Supply

Applicant	The Village at Camelback R. R. 1, Box 298 Tannersville, PA 18372
Township or Borough	Jackson Township
County	Monroe County
Responsible Official	Kathleen Simonick
Type of Facility	PWS: Townhouse Community
Consulting Engineer	HGR 102 Route 611, Suite 3 Bartonsville, PA 18321

Application Received Date	February 23, 2005
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Description of Action	The addition of treatment for corrosion control and the sequestering of iron and manganese.
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Permit No. 3905501, Public Water Supply

Applicant	South Whitehall Township Authority (Huckleberry Booster Pump Station)
Township or Borough	South Whitehall Township
County	Lehigh County
Responsible Official	Gerald J. Gasda, Authority Manager South Whitehall Township Public Works Department 4444 Walbert Avenue Allentown, PA 18104-1699

Type of Facility	Community Water System
Consulting Engineer	Steven R. Henning, P. E. The Pidcock Company 2451 Parkwood Drive Allentown, PA 18103-9608 (610) 791-2252
Application Received Date	March 3, 2005
Description of Action	Application for construction of a new booster pump station to replace the existing Huckleberry Road Booster Pump Station.

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

Permit No. 2605501, Public Water Supply.

Applicant	Indian Creek Valley Water Authority P. O. Box 486 Indian Head, PA 15446
Township or Borough	Saltlick Township
Responsible Official	Kerry Witt, Manager Indian Creek Valley Water Authority P. O. Box 486 Indian Head, PA 15446
Type of Facility	Water treatment plant
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.

Permit No. 1105501, Public Water Supply.

Applicant	Blacklick Valley Municipal Authority P. O. Box 272 Twin Rocks, PA 15960
Township or Borough	Blacklick Township
Responsible Official	Michael S. Pisarcik, Chairman Blacklick Valley Municipal Authority P. O. Box 272 Twin Rocks, PA 15960
Type of Facility	Water treatment plant
Consulting Engineer	Hegemann and Wray 429 Park Avenue Cresson, PA 16630
Application Received Date	January 10, 2005
Description of Action	Strongstown water system extension project in Pine Township, Indiana County and Blacklick Township, Cambria County.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, **York County**. URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034 and SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53208, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, PAHs, PCBs, chlorinated solvents and metals. The applicant seeks to remediate the site to a combination of the Statewide Health and Site-Specific Standards. Future use at this site will continue to be motorcycle assembly operations.

Yorgey's Cleaners, formerly Sunoco Service Station, Elizabethtown Borough, **Lancaster County**. Resource Control Corporation, 1274 North Church Street, Moorestown, NJ 08057, on behalf of Sunoco, Inc., P. O. Box 1135, Marcus Hook, PA 19061, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum compounds. The applicant seeks to remediate the site to a Site-Specific Standard. Future use at this site will continue to be commercial.

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

Nu-Brite Chemical Company, Haysville Borough, **Allegheny County**. Steve McGuire, Veolia Water/NA Water Systems, 250 Airside Drive, Moon Township, PA 15108 on behalf of Andrzej Bernat, Nu-Brite Chemical Company, 2505 Rue de la Metropole, Longueuil, Quebec J4G 1E5 has submitted a Notice of Intent to Remediate. Site soils and groundwater contaminated with organic solvents, lead and arsenic. Soils contaminated with lead and arsenic were excavated and removed from the site. Organic resins in the soils and BTEX in the groundwater will be remediated using the Site-Specific Standard. Planned future use of the property is commercial.

Montour Railroad Shops, Borough of Coraopolis, Robinson and Moon Townships, **Allegheny County**. Mark L. Orzechowski, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of James Wilham, Alliance Realty Management, 2425 Sidney Street, Pittsburgh, PA 15203 has submitted a Notice of Intent to Remediate. Site soils and groundwater contaminated with diesel fuel and inorganics includes beryllium, cadmium and nickel to a Site-Specific Standard. Future planned use of the property is commercial.

Molycorp Washington Site, Canton Township, **Washington County**. Alan Shuckrow, Malcolm Pirnie Inc., 1603 Carmody Court, Sewickley, PA 15143 on behalf of Ray Chermiske, Molycorp, Inc., P. O. Box 469, Questa, NM 87556 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with VOC and semivolatile organics, metals and cyanide to meet a combination of Statewide Health and Site Specific Standards. Future planned use of the site includes residential and commercial use while some portion in the flood plane can not be redeveloped.

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 regu-

lated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

PLAN APPROVALS

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

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

40-303-020B: Reading Materials, Inc.—Pikes Creek Asphalt (P. O. Box 1467, Skippack, PA 19474) to modify a batch asphalt plant to utilize alternate fuels including waste derived liquid fuel at their plant in Lehman Township, **Luzerne County**.

45-303-009: Haines and Kibblehouse, Inc.—Locust Ridge Quarry (P. O. Box 196, Skippack, PA 19474) to modify a batch asphalt plant to utilize alternate fuels including waste derived liquid fuel at their plant in Tobyhanna Township, **Monroe County**.

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

36-05140A: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519) to expand their existing facility, including a rendering operation and odor control equipment, in East Earl Township, **Lancaster County**.

38-05003D: Carmeuse Lime, Inc. (3 Clear Spring Road, Annville, PA 17003) for increasing the petroleum coke feed to the No. 5 kiln and adding petroleum coke to the approved fuels for the Nos. 1—4 kilns at the Millard lime plant in North Londonderry Township, **Lebanon County**.

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

08-00003B: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) for modification (throughput increase) of their trim surface coating operation in Wysox Township, **Bradford County**.

55-00010A: National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842) for construction of 14 conveyors at their Paxtonville Quarry in Franklin Township, **Snyder County**. The air contaminant emissions from the conveyors will be controlled by a water spray dust suppression system.

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

62-017L: United Refining Co. (15 Bradley Street Warren, PA 16365) for construction of a micro turbine fueled by a portion of the loading rack waste gas vapors that normally are controlled by the vapor combustion unit at the Warren Refinery in **Warren County**. The facility is a Title V Facility.

24-131I: SGL Carbon LLC (900 Theresia Street, St. Marys, PA 15857) to modify Title V OP conditions with regards to scrubber monitoring for Sources 7000—7002 and with regards to modifying condition requiring replacement cartridges to be on hand for Source 110 in City of St. Marys, **Elk County**. This is a Title V facility.

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

AMS 05002: Navy Inactive Ships—Maintenance Office (4701 South 16th Street, Building 545, Philadelphia, PA 19112) for installation of 33 small internal combustion engines in Philadelphia, **Philadelphia County**.

AMS 05028: Kinder Morgan Liquid Terminals (3300 North Delaware Avenue, Philadelphia, PA 19134) for installation of floating roofs in six VOC storage tanks in Philadelphia, **Philadelphia County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0067D: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham PA 19362) for modification of Potato Chip Line No. 4, to add four new batch kettle fryers, at their facility in West Nottingham Township, **Chester County**. The facility is a synthetic minor facility. Mist eliminator

pads located in the hoods associated with the batch kettle fryers shall control emissions of oil particulate from the fryers. At a minimum, the mist eliminator pads will reduce particulate emissions by 65% and emissions of particulate from the fryers will be less than 4 tons per 12-month rolling sum. Emissions of VOCs from the fryers will be less than 1 ton per 12-month rolling sum. The combustion sources that heat the fryer oil in the fryers will result in emissions not to exceed 5.5 tons for NOx, 4.6 tons for CO and 1 ton for VOCs, SOx and PM, all determined on a 12-month rolling sum. The Plan Approval and Operating Permit will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within all applicable air quality requirements.

09-0157A: Barrett Asphalt Inc. (Steel Road North, Morrisville, PA 19060) for modification of their Hot Mix Asphalt plant, to add No. 2 fuel oil as a fuel for the rotary dryer, located in Falls Township, **Bucks County**. This facility is a non-Title V facility. The following is a summary of potential annual emissions from the proposed facility, with No. 2 fuel oil as an alternative fuel:

VOCs < 11 tons	PM < 6 tons	SOx < 3 tons
CO < 30 tons	NOx < 13 tons	HAPs < 3 tons

The only pollutants that increased were NOx, SOx and HAPs. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

48-309-118B: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) for modification of their cement manufacturing operations at plant I—III in Lower Nazareth Township, **Northampton County**.

Under 25 Pa. Code § 127.44 and 40 CFR 52.21, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for ESSROC Cement Corp. (Permittee), 3251 Bath Pike, Nazareth, PA 18064, Lower Nazareth Township, Northampton County for the proposed modification of cement manufacturing operations at plants I—III as described in the Permittee's Plan Approval Application and subsequent supplemental submissions.

The PSD regulations require specific sources of air pollution, such as the proposed modification of cement manufacturing operations at the plant I—III, to satisfy four conditions before approval to modify an operation may be granted by the Department. First, all pollutants that are subject to this regulation must be controlled by best available control technology (BACT). Second, particulate and sulfur dioxide (SO₂) air pollutant emissions must not cause violations of the allowable annual, 24-hour, or 3-hour air quality class increments applicable in the area where the source is to be located; nor any class increments applicable in any other areas which would be impacted by the source. Third, the maximum allowable increase in concentrations of all pollutants must not cause a violation of either the national primary or secondary ambient air quality standards. Finally, the pollutant emissions from the proposed source must not adversely impact upon soils, vegetation and visibility in the vicinity of the proposed plant site.

A preliminary review of the information submitted by the ESSROC Cement Corp indicates that the modification and operation of the plants I—III will meet all applicable

air quality requirements including the four stated. Based upon these findings, the Department plans to approve the application and issue a permit for the modifications of plants I—III.

The following table summarizes the potential emissions from maximum operation of the facility according to the application submitted and the Department's own analysis:

<i>Pollutant</i>	<i>Emission limit Tons/year</i>
PM10	1,315.0
TSP	2,570.0
SO ₂	3,923.8
NO _x	3,402.0
CO	3,648.14
VOC	82.3
Fluoride	0.9
Lead	0.7

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards. NO_x, SO₂ and PM emissions from the proposed modification will not increase at a significant rate as these emissions are netted out by the emissions decrease from the proposed shut down of four cement Kilns and associated clinker coolers operations at Nazareth III. A decreasing of NO_x emissions from the shut down of existing Kilns and associated clinker coolers at Nazareth III will offset NO_x emission increase from the proposed modification. No net increase will occur in total particulate and sulfur dioxide emissions from this project, therefore, the particulate and SO_x emissions do not affect the allowable annual, 24-hour or 3-hour air quality class increments applicable in the area. The modeling performed has demonstrated that the proposed net emissions increase in CO will not have a significant impact.

According to 40 CFR 52.21(l)(2), an alternative to the air quality models specified in 40 CFR Part 51, Appendix W (relating Guideline on Air Quality Models) may be used to model air quality if the United Environmental Protection Agency (EPA) approves the substitute model. Use of the substituted model must also be subject to notice and an opportunity for public comment.

As an alternative to EPA Guideline Models, ISC-PRIME model was used in the air quality analysis for the proposed ESSROC facility. Specific approval for the use of ISC-PRIME in this analysis was granted by the EPA Region III Administrator and was consistent with the recommendations under section 3.2 of Appendix W to 40 CFR Part 51. The Department is requesting written comments on ISC-PRIME, the EPA-approved substitute model used for the ESSROC modification. Under 25 Pa. Code §§ 127.44 and 127.83 and 40 CFR 52.21(l)(2) and (q), notice is hereby given that the Department is soliciting written comments on the use of the nonguideline model, ISC-PRIME, approved by the EPA.

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

I. General Plan Approval Requirements

1. The air-cleaning devices are to be installed in accordance with the plans submitted with the application (as approved).

2. Nothing in this permit shall be construed to supersede, amend or authorize violation of the provisions of any valid and applicable local law, ordinance or regula-

tion, provided that said local law, ordinance or regulation is not preempted by the Air Pollution Control Act (act) (35 P. S. §§ 4001—4015).

3. The permittee shall comply with the act and 25 Pa. Code Part I, Subpart C, Article III, Air Resources promulgated thereunder.

4. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

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

(b) Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

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

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

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

5. This Plan Approval authorizes following;

A. Modification of Kiln 1 and associated cement manufacturing operations at Plant I—III as stated in the PSD plan approval application.

B. Shutdown of Kiln Nos. II—V and associated operations at Plant III to generate emission reduction credits (ERCs).

C. Modification of existing raw mill duct works, conditioning tower, conveyors and general conditions.

D. Upgrade of existing preheater and upgrade of existing clinker cooler to accommodate the desired production levels at Plant I.

E. Modification of new clinker conveyors to accommodate the new production levels at Plant I.

F. The following stack configuration is approved for the exhaust gases from the air pollution control equipment.

i. Kiln gases from existing kiln stack.

ii. Gases from the new air heater will be vented through a dedicated stack.

G. Construction of new air heater on grinding circuits at the Plant III and construction of new finish mill at Plant I.

6. If the construction, modification or installation is not commenced within 18 months of the issuance of the plan approval or if there is more than an 18-month laps in construction, modification or installation, a new plan approval application that meets the requirements of Chapter 127 and Subchapters D and E shall be submitted.

7. If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for Departmental action, a request for the extension must be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension shall include the following:

(a) A justification for the extension.

(b) A schedule for the completion of the construction.

1. When required by the Department, a reanalysis of Best Available Technology (BAT) as required by 25 Pa. Code § 127.12(a)(5) and BACT reanalysis as required by 25 Pa. Code § 127.83.

II. Restriction

<i>Source</i>	<i>Pollutant</i>	<i>Allowable</i>	<i>Averaging Time</i>
Kiln stack (KS1) and Air Heater	NO _x	1,420.0 lb/hr	30-day average, rolling by daily
Kiln stack (KS1) and Air Heater	NO _x	776.7 lbs/hr	Annual hourly average, (12 month average, rolling by 1 month)
Kiln stack (KS1) and Air Heater	VOC	18.6 lb/hr	—
Kiln stack (KS1) and Air Heater	SO ₂	1,028.2 lb/hr	Annual hourly average, (12-month average, rolling by 1 month)
Kiln stack (KS1) and Air Heater	SO ₂	2,657.0 lb/hr	3-hour average, rolling by 1 hour
Kiln stack (KS1) and Air Heater	SO ₂	500 ppm by volume, dry gas basis	1-hour average, block
Kiln stack (KS1)	Total particulate, including PM10	0.0095 grain/dscf	
All other Cement Manufacturing Operations and Coal Preparation Plant	Total particulate, including PM10	0.01 to 0.02 grain/dscf, detail in table 7 of the application	
Clinker Cooler	Total particulate, including PM10	0.01 grain/dscf	

5. Under 40 CFR Part 60, Subpart F of the standard of Performance for new Stationary Sources and 40 CFR Part 63, Subpart LLL of the National Emission Standards for Hazardous Air Pollutants, the following emission limits apply to Portland cement plants.

<i>Source</i>	<i>Pollutant</i>	<i>Emission Limits</i>
Kilns and Kilns With inline Raw mills	Opacity	20%
	Particulate matter	0.30 lbs/ ton dry kiln feed
	Dioxin/Furans (D/F)	0.40 ng TEQ/dscm when operating at ≤ 400°F at the PMCD inlet or 0.20 ng TEQ/dscm, corrected to 7% oxygen (NESHAPS Only)

1. The facility is restricted to the following clinker production limits:

a. Maximum clinker production no more than 1,891,000 tons per year based on 365 days rolling sum.

b. All references made in the plan approval for tons are short ton (2,000 lb/ton).

2. The company is authorized to burn only petroleum coke, natural gas, No. 2 fuel oil, bituminous and anthracite coals and coal fines by exclusively or in combination as a fuel for the production of clinker in the modified cement kiln I.

3. Under the BACT provision of 25 Pa. Code § 127.83, the kiln system and air heater are subject to the following CO emission limitations:

<i>Source</i>	<i>Allowable Pounds per hour</i>	
	<i>1-hour Average</i>	<i>8-hour average, rolling by 1 hour</i>
Kiln stack (KS1)	2,807.4	1,269.9
Air Heater	3.0	3.0

4. Under the BAT provision of 25 Pa. Code § 127.12, the facility is subject to the following air contaminant emission limitations:

<i>Source</i>	<i>Pollutant</i>	<i>Emission Limits</i>
Clinker Coolers	Opacity	10%
	Particulate	0.10 lbs/ton dry kiln feed
Other Sources	Opacity	10%

6. In accordance with applicable NESHAP Subpart LLL and Subpart A requirements, the company shall prepare, prior to initial startup, a Startup, Shutdown and Malfunction (SSM) Plan for affected sources (including the cement kiln system) addressed in this Plan Approval. The terms startup, shutdown and malfunction contained in this Plan Approval will be the same as defined in the most recent version of the SSM Plan.

7. Under 25 Pa. Code § 123.41, the visible air contaminant from the sources shall not be emitted in a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 60% at any time

Fuel Preparation and Handling Systems:

8. Under 40 CFR Part 60, Subpart Y of the standard of Performance for new Stationary Sources, the following emission limits apply to the coal preparation units:

<i>Source</i>	<i>Pollutant</i>	<i>Emission Limits</i>
Thermal Dryer	Opacity	20%
Other Source	Opacity	20%

9. Particulate matter emissions from exhausts associated with the fuel unloading area, the fuel crushing/screening area, the fuel transfer tower area and the fuel silo shall not exceed 0.02 grain per dry standard cubic foot and shall at all times be in compliance with 25 Pa. Code § 123.41.

10. The fabric collectors must be equipped with a device for monitoring the pressure differential across the collectors.

11. The operation of all associated fuel handling equipment shall at all times be in compliance with 25 Pa. Code § 123.1.

12. Methods for controlling particulate emissions resulting from the fuel handling activities shall include, but not be limited to, the following.

A. Enclosing all conveyor belts totally on the top, bottom and sides as needed to contained the fugitive emissions in compliance with 25 Pa. Code § 123.1.

B. Application of water or chemical dust suppressant to the transfer points to prevent the discharge into the atmosphere of visible emissions.

C. Control of fugitive particulate matter emissions from the vehicle used to transport fuel may include, but is not limited to, the following measures:

I. Use of completely enclosed vehicles.

II. Tarping the vehicle.

III. Maintaining the vehicle body in a condition that any leaks of material are prevented.

IV. Spraying the materials in the vehicle with a chemical dust suppressant.

V. Washing and dewatering truck tires and underbody.

D. Application of water or chemical dust suppressant to the storage pile as needed to prevent the discharge into the atmosphere of fugitive emissions.

E. The fuel conveyors and hoppers shall be enclosed as needed and freeze-protected water spray systems shall be installed as needed to control potential fugitive air contaminant emissions from the fuel stakeout conveyor, fuel storage pile, unpaved plant roadways and fly ash dumpster.

Material Storage and Handling Operations:

13. Fugitive emissions from the material storage and handling operations shall be minimize by enclosing all conveyor belts totally on the top, bottom and sides as needed to contain the fugitive emissions in compliance with 25 Pa. Code § 123.1. The company shall eliminate the placement of any clinker stored outside in open areas by December 31, 2007.

In-Plant Roads and Trucks

14. A. To prevent fugitive particulate matter resulting from the use of the in-plant roads from becoming airborne, the company shall adhere to the following plan:

1. All paved in-plant roads shall be swept on as-needed basis, weather permitting.

2. Water and/or chemicals to be applied on all paved and unpaved in-plant roads as needed to control the fugitive emissions.

3. The company shall keep a log of the dates of road sweeping or cleaning.

B. To prevent fugitive particulate matter resulting from truck traffic, the company shall adhere to the following plan:

1. All fuel and raw material delivery trucks must be tarped or enclosed when transporting the fuel or raw materials to the plant facility.

2. All quarry trucks greater than 20 tons that exit the facility shall be driven through a truck wash station and sprayed with an adequate amount of water to remove dust, which may otherwise become airborne.

3. The truck-washing requirement will not apply during periods of inclement weather.

Stone Crushing Operations:

15. Under 40 CFR Part 60, Subpart OOO of the Standard of Performance for New Stationary Sources, the following emission limits apply to onsite nonmetallic processing units.

<i>Source</i>	<i>Pollutant</i>	<i>Emission Limits</i>
Crusher	Opacity	15%
Other Source	Opacity	10%
Stacks	Opacity	7%

16. The operation of a nonmetallic mineral processing plant shall not at any time result in the emission of:

A. Fugitive air contaminants in excess of the limitations specified in 25 Pa. Code §§ 123.1 and 123.2. All reasonable actions shall be taken to prevent particulate matter from becoming airborne. These actions include, but are not limited to, the following:

i. Proper installation of a water spray dust suppression system and operation.

ii. Application of asphalt, water or suitable chemicals on dirt roads, material stockpiles and other surfaces, which may give, rise to airborne dusts.

iii. Paving and maintenance of plant roadways.

B. Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosions by water, or other means

17. The company shall not emit pollutants from the sources at plant I—III in excess of the following limitation in any 12-month period, rolling monthly.

<i>Pollutant</i>	<i>Emission limit Tons/year</i>
PM10	1,315.0
TSP	2,570.0
SO ₂	3,923.8
NO _x	3,402.0
CO	3,648.14
VOC	82.3
Fluoride	0.9
Lead	0.7

18. This Plan Approval establishes a Federally enforceable emissions cap (FEEC) for emissions of NO_x and VOCs from the sources at Nazareth I—III plants.

19. This Plan Approval constitutes a FEEC determination for NO_x and VOC emissions in accordance with 25 Pa. Code § 127.448.

20. The total actual emissions from sources at the facility's Nazareth I—III plants shall not exceed the FEEC of 3,402.00 tons per year (tpy) of NO_x and 82.3 tpy of VOCs on a 12-month rolling total basis. To determine the compliance with the FEEC, the calculated NO_x and VOCs emission rates for the month shall be added to the previous 11 months calculated NO_x and VOC emission rates for the total facility. Any change that would result in an increase over the FEEC would be subject to the NSR requirements specified in 25 Pa. Code Chapter 127, Subchapter E.

21. The facility is not subject to the major NSR requirements of 25 Pa. Code Chapter 127, Subchapter E for NO_x and VOC emissions so long as the permittee complies with the terms and conditions specified in this Plan Approval. Any increase in NO_x or VOC emissions above this FEEC will subject the facility to the major NSR requirements.

22. The issuance of this Plan Approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this Plan Approval shall not be construed to limit the Department's enforcement authority.

23. In accordance with 25 Pa. Code §§ 127.448(a) and (d)(1), the permittee shall notify the Department in writing at least 7 days prior to making any changes or modifications to sources at the facility's Nazareth I—III plants, which result in an emission trade. This 7-day-notice requirement applies to any changes or modifications, which do not subject the facility to major NSR requirements under Title I of the Federal Clean Air Act.

24. The storage and handling of the material collected in the air cleaning devices associated with the aforementioned sources shall not at any time result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code § 123.1.

25. Issuance of an operating permit will be contingent upon the satisfactory demonstration of compliance with 25 Pa. Code §§ 123.1 and 123.2.

III. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start-up of modified kiln I, the owner or operator shall demonstrate compliance with each emission limit established in condition Nos. 3—5 of restriction, as per 40 CFR Part 63, Subpart LLL and 25 Pa. Code Chapter 139. The stack tests shall be performed while the aforementioned sources are operating at the maximum routine operating conditions or under such other conditions, within the capacity of the equipment as may be requested by the Department.

The company shall perform stack tests to show compliance with particulate emission rates from the cement manufacturing operations baghouses listed in the table 7 of the application. Company shall test only new and modified baghouses whose emission rates are listed as less than 0.02 grain/dscf in the application (table 7). The Department may wave the particulate emissions testing for several of the new and modified baghouses upon receiving manufacture's emission rate guarantees. The compliance with the particulate matter standards shall be determine as follows:

(a) For the purpose of demonstrating compliance with particulate matter limitations, the permittee shall utilize EPA Method 5, front half only.

2. At least 60 days prior to the test, the owner or operator shall submit to the Department for approval the procedures for a test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

3. At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

4. Within 60 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

5. If at any time the Department has cause to believe that air contaminant emissions from the aforementioned sources may be in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Part I, Subpart C, Article III, the company shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rates. The testing shall be conducted in accordance with the revisions of 25 Pa. Code Chapter 139 where applicable and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

IV. Continuous Source Monitoring Requirements:

1. Continuous emission monitoring system for NO_x, CO, SO₂, flow rates and opacity at all points where gas contaminants are measured must be approved by the Department and installed, operated and maintained under 25 Pa. Code Chapter 139. Proposals containing information as listed in the Phase I section of the Department's *Continuous Source Monitoring Manual* for CEMs must be submitted at least 3 months prior to the initial start-up of the kiln system.

2. Phase I Department approval must be obtained for the monitors described in Condition No. 1 of continuous

source monitoring requirements prior to initial start-up of the modified Kiln I. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the modified kiln I will be operated, but not later than 180 days after initial start-up of the Kiln I. Department review time for the Phase III report (time between postmark of the owner or operator's Phase III report and the postmark of the Department's response letter) will not be charged against the Kiln I in determining compliance with this condition. Information on obtaining Department approval is included in the Department's *Continuous Source Monitoring Manual*.

V. Monitoring Requirements

1. Mechanical gauges shall be installed and maintained to indicate, in inches of water column, the static pressure differential across the baghouses.

2. The company shall ensure that the control devices shall be equipped with the applicable monitoring equipment and that equipment shall be installed, calibrated, operated and maintained according to the good engineering/operating practices at all times the control device is in use.

VI. Recordkeeping Requirements

1. The company shall maintain a file containing all records and other data that are required to be collected under the various provisions of this plan approval. The file shall include, but not be limited to: all air pollution control systems performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this plan approval. Measurements, records and other data required to be maintained by the company shall be retained for at least 2 years following the date on which the measurements, records or data are recorded.

2. The permittee shall record the pressure drop across the dust collectors. At a minimum these recordings shall be taken once per day, while the source and collector is in operation. The recordings shall be maintained in a logbook and made available to the Department upon request. The company may submit alternative methods and/or plans for approval to the Department for substitution of the requirement.

VII. Reporting Requirements:

1. The company shall immediately notify the Department of any malfunction of, or damage to, sources or associated air cleaning devices which result in, or may possibly be results in, the emissions in excess of the limitations specified in this Plan Approval or any applicable Department rule or regulation

2. Any changes in the location of the aforementioned source, or any changes in the process or control equipment would be consider a modification and would require the submittal of an amended application for plan approval in accordance with the provisions of 25 Pa. Code §§ 127.11 and 127.12.

3. This facility is subject to the requirement of the NESHAP for the Portland Cement Plants 40 CFR Part 63, Subpart LLL and shall comply with all applicable requirements of this Subpart. 40 CFR 63.10 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to:

Director
Air Protection Division
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

4. The nonmetallic mineral processing plants are subject to Subpart OOO of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to:

Director
Air Protection Division
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

5. The coal preparation plant is subject to Subpart Y of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to:

Director
Air Protection Division
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

6. Any notification as a result of any condition herein should be directed to:

Thomas A. DiLazaro
Air Quality Program Manager
Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18711-0790

VIII. Work Practice Standard

1. The aforementioned sources may only be operated as long as the associated air pollution control devices are operated and maintained in accordance with the specifications set forth in the respective plan approvals and the applications submitted for said plan approvals (as approved by the Department) and in accordance with any conditions set forth.

2. The permittee shall keep on hand a sufficient quantity of spare baghouse bags/filters for the baghouses associated with the aforementioned sources in order to be able to immediately replace any bags/filters requiring replacement due to deterioration resulting from routine operation of the sources and baghouses.

3. The company shall maintain and operates the air pollution control equipment and sources in accordance with good engineering practice.

4. Water spray dust suppression systems on nonmetallic mineral processing plants shall be operated on any and all occasions that the respective plant is operated, except in those unusual instances where processed materials contain sufficient moisture such that operation of the plant without the simultaneous operation of the water spray dust suppression system can take place without creating air contaminant emissions in excess of the limitations and standards of this plan approval. If, however, the water spray dust suppression system is inca-

pable of operation due to weather conditions or any other reason the plant may not operate at all.

a. The company shall keep on hand a sufficient quantity of spare nozzles to be able to immediately replace any nozzles.

5. The company shall keep on hand the equipment and materials as are necessary to take reasonable action (including but not necessarily limited to the application of water, oil or chemicals) to prevent fugitive particulate matter resulting from the use of any roadways and/or material stockpiling operations associated with the plant from becoming airborne and shall be used, as necessary, to prevent the fugitive particulate matter from becoming airborne.

IX. Additional Requirements

1. The company shall not impose conditions upon or otherwise restrict the Department's access to the aforementioned sources and/or any associated air cleaning device and shall allow the Department to have access at any time to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

Persons who wish to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the following address shown. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 48-309-118B; a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejksner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after the publication date.

Copies of the application, air modeling analysis used in the evaluation, the Department's technical review and other supporting documents are available for public inspection between 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (570) 826-2531.

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

01-05029B: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Canonsburg, PA 15317) for modifications to several conditions contained in Plan Approval No. 01-05029 which addresses the natural gas-fired 900 mW combined cycle electric generating facility at the Hunterstown Station in Straban Township, **Adams County**. There will be no resultant change in potential

air emissions. The plan approval will be incorporated into the Title V operating permit and will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-050104A: HB Mellott Estates, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267-8555) for construction of a nonmetallic mineral crushing plant controlled by wet suppression in Maiden Creek Township, **Berks County**. The facility is a non-Title V (State only) facility. The facility will be subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for New Stationary Sources. The facility will be required to limit emissions of all criteria pollutants to less than the Title V thresholds. The facility will be replacing the existing plant at the site. The permit will include monitoring, work practices, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-05103: Granger Electric of Morgantown, LLC (16980 Wood Road, Lansing, MI 48906-1044) for construction of their landfill gas treatment system and an Internal Combustion Engine/Generator in the Borough of New Morgan, **Berks County**. The proposed sources will be located at the Conestoga landfill. The treatment plant will process the landfill gas in accordance with the requirements of 40 CFR Part 60, Standards of Performance for New Stationary Sources. The treated gas will be used as a fuel in a reciprocating internal combustion engine that will power a 600 kW electricity generator. The new sources will increase the potential emissions of NOx by 15 tons per year and CO by 17 tons per year. The approval will include both short term and annual emission limits. There will be testing, monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The Conestoga landfill is currently covered by Title V Operating Permit No. 06-05085. The plan approval will be incorporated into a permit at a later date.

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

42-181C: Elkhorn Field Services (1371 South Avenue, Bradford, PA 16701) for installation of a fractionation skid and heat medium heater at their Lewis Run Plant in Bradford Township, **McKean County**. The facility is subject to 40 CFR Part 60, Subpart KKK for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. This installation will result in minor emission increases of less than 1.0 TPY for NOx, CO and VOC emissions. The plan approval will include the monitoring, recordkeeping, reporting and additional requirements to assure compliance with Subpart KKK as well as all other applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-Only Operating Permit through an administrative amendment at a later date.

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

AMS 04145: VHA Medical Center (3900 Woodland Ave, Philadelphia, PA 19104) for installation of one 17.32 mmBtu/hr boiler firing natural gas, No. 2 and No. 6 fuel oil to replace a 250 hp boiler. The allowable NOx emission

increase is 4.65 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

15-00033: Department of Public Welfare—Embreeville Center (1822 West Strasburg Rd, Coatesville, PA 19320) a renewal of their Title V Operating Permit in West Bradford Township, **Chester County**. The initial permit was issued on May 16, 2000 and became effective 7-1-2000. The facility is a mental health hospital. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. No sources at this facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64.

23-00007: NEO Chester Gen., LLC (15th Street and Upland Ave, Upland, PA 19013) this action is a renewal of their Title V Operating Permit in Upland Borough, **Delaware County**. The initial permit was issued on 6-1-2000. The facility produces supplemental and peak-demand electrical energy for the Crozer-Chester Medical Center. As a result of potential emissions of NO_x, SO_x, PM and VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. No changes have taken place at the facility since the permit was issued on 6-1-2000. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

31-05005: Containment Solutions, Inc. (P. O. Box 299, Mount Union, PA 17066) for their Fiberglass Reinforced Plastic composite underground storage tank production facility in Shirley Township, **Huntingdon County**. The facility is a major source that primarily emits VOCs and HAPs. The Title operating permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of their Title V operating permit.

67-05041: Defense Logistics Agency—Defense Distribution Depot Susquehanna Pennsylvania (DDSP, Building 1-1, 2nd Floor, New Cumberland, PA 17070-5001) for a Title V operating permit renewal in Fairview Township, **York County**. The facility's major sources of emissions include No. 4 oil fired boilers for heat, No. 2 oil fired emergency generators and other combustion sources and a paint booth, degreasing and woodworking operations. The sources primarily emit NO_x, SO_x, VOC and particulate matter. The Title V operating permit will contain emissions limits, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

08-00003: CraftMaster Manufacturing, Inc. (Shiner Road, P. O. Box 311, Towanda, PA 18848) for their facility in Wysox Township, **Bradford County**. The respective facility is a major facility for which a Title V operating permit (TVOP 08-00003) has been issued. Under 25 Pa. Code §§ 127.521 and 127.541, the Department of Environmental Protection intends to issue a revised Title V operating permit incorporating the requirements of the following plan approvals: 08-302-039, 08-00004A, 08-316-014, 08-318-024A and 08-316-013A. The revision also incorporates the following insignificant emissions sources exempted from the Department's plan approval requirements: two-side sander, trim surface coating brush machine and associated fabric collector, a die form coating wetting booth, an A-1 tool machine and associated brush machine. There is no increase in air contaminant emissions as a result of this significant operating permit modification.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling Kathy Arndt, (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

04-00113: General Shale Brick, Inc. (P. O. Box 3547, Johnson City, TN 37602) for operation of Face Brick Manufacture at Darlington—Plant 39 in Darlington Township, **Beaver County**. This is a TV Renewal

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

20-00040: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) for reissuance of their Title V Operating Permit in the City of Meadville, **Crawford County**. The facility manufactures gray and ductile iron foundries casting products. The facility's major emission sources include preheating and charge, melting and transfer, pouring-cooling-shakeout, new grinding and goff, grinding and cleaning, core making and baking, sand handling, heat treating—austemper operation, painting operation, three air-makeup units, miscellaneous natural gas usage and two degreaser units. The facility is a major facility due to its potential to emit PM₁₀.

10-00267: Three Rivers Aluminum Co. (71 Progress Avenue, Cranberry Industrial Park, Cranberry Township, PA 16066-3596) for reissuance of their Title V Operating Permit in Cranberry Township, **Butler County**. The facility manufactures metal doors, sash and trim products. The facility's major emission sources include tellkamp line and binks booth, coated-extrusion bake oven, fill line adhesive application, assembly, extrusion press and preheaters, extruder with preheater, extrusion aging ovens, caustic anodizing tank, two acid anodizing tanks, space heating, miscellaneous natural gas usage, pyrolysis oven and two tone coating process line with

oven. The facility is a major facility due to its potential to emit of VOC. The compliance assurance monitoring is included in the permit. The facility is also subject to 40 CFR Part 63, Subpart MMM for miscellaneous metal parts and products.

43-00170: Werner Co. (93 Werner Road, Greenville, PA 16125-9499) for reissuance of their Title V Operating Permit for their Werner facility in Sugar Grove Township, **Mercer County**. The newly applicable requirements contained in 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production have been included in this permit. The facility is not subject to the Compliance Assurance Monitoring requirements contained in 40 CFR Part 64.

10-00079: BNZ Materials, Inc. (191 Front Street, Zelienople, PA 16063-1088) for reissuance of their Title V Operating Permit in Zelienople Borough, **Butler County**. The facility manufactures clay refractories. The facility's major emission sources include old clay silo and conveyor, new clay silo and conveyor, No. 1 sawdust conveying system, sawdust silo and conveyor, No. 2 sawdust grinder, molding process, No. 2 besley finishing machine, No. 2 besley machine feeder, No. 1 besley finishing machine, power shapes machine, special shapes machines, degreasers, miscellaneous natural gas usage, hot water heater, No. 3 dryer, No. 2 dryer, No. 1 kiln, No. 3 kiln, No. 4 kiln and laboratory test kiln. The facility is a major facility due to its potential to emit of CO. This facility is not subject to compliance assurance monitoring because the individual source's precontrolled emission does not exceed the Title V emission threshold.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2409.

39-00004: Mack Trucks, Inc., (7000 Alburtis Road, Macungie, PA 18062), for renewal of the Title V Operating Permit for their motor vehicle manufacturing facility in Lower Macungie Township, **Lehigh County**. The facility's main sources include three No. 6 fuel oil fired boilers, one No. 2 fuel oil/natural gas fired boiler, two emergency generators, two emergency fire pumps, one burn-off oven, seven spray booths, one touch up booth and one adhesive booth, one paint lab, one paint mix room, one solvent storage tank, one waste solvent tank, six bake ovens, one roller wash station and one spray gun cleaner station. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

48-00011: PPL Martins Creek SES, LLC (6605 Foul Rift Road, Bangor, PA 18013-4857), for renewal of the Title V Operating Permit for their power transmission facility in Lower Mt. Bethel Township, **Northampton County**. The facility's main sources include two bituminous coal/No. 2 fuel oil fired boilers, two No. 2 fuel oil/natural gas/No. 6 fuel oil fired boilers, one natural gas fired auxiliary boiler, one No. 2 fuel oil fired auxiliary boiler, one No. 2 fuel oil fired combustion turbines and two diesel generators. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring,

recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

01-03017: Thomas J. Reed Supply Co. (R. D. No. 1, Box 237A, Huntingdon, PA 16652) for their milling facility in Menallen Township, **Adams County**. The facility is the former Magnesium Elektron, Inc. plant located at 1305 Center Mills Road, Aspers, PA 17304. The facility has a potential to emit 9 tons/yr of particulate matter. The State only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-03070: Mark Line Industries of PA (502 Alexander Drive, Ephrata, PA 17522-9652) for a natural minor operating permit renewal in Ephrata Township, **Lancaster County**. The facility's major sources of emissions include a paint booth which primarily emits VOCs. The natural minor operating permit will contain emissions limits, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03128: Bookspan, Inc. (501 Ridge Avenue, Hanover, PA 17331) for operation of their book distribution facility in Penn Township, **York County**. The facility has the following annual potential emissions: 41 tons SO_x, 14 tons NO_x, 2 tons PM₁₀, 1 ton CO and 1 ton VOC. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

17-00056: M.B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717) for operation of a bituminous coal crushing, stockpiling and loading facility at their Brinks Scollon No. 3 Mine in Chest Township, **Clearfield County**.

The facility incorporates a coal crusher, screen, associated conveyors and stockpiles and three diesel engines/generators. The air contaminant emissions from the facility are not expected to exceed 62.22 tons of particulate matter, 17.3 tons of PM₁₀; 5.12 tons of NO_x, 1.1 tons of CO, .34 ton of SO_x and .42 ton of VOCs in any 12-consecutive month period.

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 as well as the conditions previously established in Plan Approval and Operating Permit 17-305-043. These previously-established conditions include a condition requiring the use of a three sided windshield on the crusher feed hopper, a condition requiring the use of a dust enclosure on the crusher, a

condition requiring the radial crushed coal stacking conveyor to be equipped with a hydraulic raiser which shall be used to minimize the free-fall distance of the coal from the conveyor, a condition requiring the use of water spray dust suppression nozzles on the radial crushed coal stacking conveyor and raw coal stockpile, a condition requiring coal trucks entering or exiting the site to be tarped and a condition requiring the use of a water truck for road dust control.

The Department additionally proposes to incorporate into the operating permit to be issued a condition limiting the operation of the diesel engine/generator associated with the screen to 275 hours per ozone season (May 1 through September 30) and 600 hours in any 12-consecutive month period, a condition limiting the operation of the diesel engine/generator associated with the crusher to 1,100 hours per ozone season and 2,000 hours in any 12-consecutive month period, a condition limiting the operation of the third diesel engine/generator to 150 hours per ozone season and 350 hours in any 12-consecutive month period and conditions requiring the maintenance of records of the number of hours the diesel engines/generators operate each month.

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

26-00475: Amerikohl Mining Inc. (P. O. Box 427, Acme, PA 15610) for operation of a quarry at Jim Mountain in Springfield Township, **Fayette County**. This is a State Only Renewal.

03-00976: AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650) for operation of a Limestone Processing Plant at Ridge Deep Mine in South Bend Township, **Armstrong County**.

65-00851: Newcomer Products, Inc. (P. O. Box 272, Latrobe, PA 15650) for manufacture of carbide products at the facility in Derry Township, **Westmoreland County**.

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

10-00300: Spang and Co.—Magnetics Division, East Butler Borough (796 East Butler Road, Butler, PA 16001) for issuance of a Natural Minor Operating Permit to operate the electronic components manufacturing plant in East Butler Borough, **Butler County**.

25-00954: National Fuel Gas Supply Corp.—Summit Station (520 Robison Road, Erie, PA 16509) for a Synthetic Minor Permit to operate a natural gas compressor station in Summit Township, **Erie County**.

61-011: Merisol Antioxidants, LLC (292 State Route 8, Oil City, PA 16301-9702) for approval of their revised Reasonably Available Control Technology (RACT) plans by their facility in Oil City, **Venango County**.

The Department of Environmental Protection (Department) will conduct a public hearing on Thursday, April 14, 2005, from 1 p.m. to 3 p.m. in the Air Quality Conference Room, 230 Chestnut Street, Meadville Regional Office, Meadville, PA.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, the revised Reasonably Available Control Technology (RACT) plans by the facility:

The hearing is being held to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of VOC from various air contamination

sources. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Commonwealth's State Implementation Plan (SIP).

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into a Plan Approval and/or Operating Permit for the facility and will be submitted to the EPA as a revision to SIP.

The following is a summary of the preliminary VOC requirements for the listed facility:

1. This RACT permit supercedes the conditions of the original RACT Approval (PA 61-011 issued by the Department on January 2, 1996).

2. The exhaust gases from the baghouse (which include the Heptane emissions) shall be ducted to the Eclipse Heater or the Petrochem Heater at all times except for emergency bypass, which shall not exceed 876 hours per year (based on a 12-month rolling total).

3. The owner or operator of the facility shall maintain and operate the heaters in accordance with the manufacturer's specifications and in accordance with good air pollution control practices. While the units are used to control Heptane emissions from the North and South BHT dryers, a minimum overall destruction rate of 95% shall be maintained.

4. The permittee shall demonstrate compliance with the minimum destruction rate (95%) by continuously monitoring the temperature of the Eclipse Furnace combustion air preheater (or Petrochem Furnace stack temperature) and maintaining records of the hours of operation of the furnaces and hours of operation of uncontrolled system emissions from the Heptane bypass vent.

5. The furnace operation hours shall be recorded based on the valve position in the bypass stream. The hours of operation shall be recorded monthly (on a calendar basis) and shall be calculated on a rolling sum 12-month basis.

6. The Eclipse Furnace air preheater temperature (or Petrochem Furnace stack temperature) shall be maintained above 275°F while heptane is being directed to these furnaces for destruction to ensure the control device efficiency restriction is being met (that is, 275°F temperatures ensures no less than a 95% heptane destruction). The temperatures shall be recorded on a strip chart or equivalent recording device.

7. The owner or operator of the facility shall keep records of which heater is used for control of the Heptane emissions, the hours of operation of the heaters and the hours of operation of the uncontrolled Heptane emissions (based on a 12-month rolling total).

8. The facility shall comply with the fugitive VOC source requirements of 25 Pa. Code § 129.71 by maintaining a Leak Detection and Repair (LDAR) program. The LDAR program shall be implemented in accordance with 40 CFR Part 60, Subpart VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (SOCMI). New pieces of equipment in VOC service shall be added to this program.

9. The sources and air pollution control devices shall be maintained and operated in accordance with the manufacturers specifications and consistent with good air pollution control practices.

10. The facility shall monitor the flare for the presence of a flame on a continuous basis. The thermocouple shall be equipped with an alarm that will notify operators if the flame is out. The facility shall keep records of the presence of a flame at the flare tip (thermocouple reading) and log this at least twice per shift.

11. The company shall limit atmospheric bypass time to 10% of distillation operating hours to minimize annual startup, shutdown and malfunction emissions. Atmospheric bypass time shall be monitored and recorded on an operator log sheet at least twice per shift. Any atmospheric bypass or flare "flame out" incident exceeding 48 hours shall be verbally reported to the Department within 24 hours. A written account of such events including the corrective measures shall be provided to the Department semiannually.

12. The isobutylene compressor discharge pressure, isobutylene final condenser temperature and recovered isobutylene flow shall be recorded on a log sheet twice per shift. The isobutylene compressor discharge pressure, isobutylene final condenser temperature and recovered isobutylene flow shall be checked twice per shift. The range of all of these parameters shall be identified by the applicant and reported to the Department along with the initial flare performance test results. The parameters shall be included in the Title V Operating Permit. Any parameters not in the operating ranges shall be relayed to the Operations Manager at the plant for follow-up. Total isobutylene recovered shall be tabulated on a monthly basis. The usage of heptane and isobutylene will be tracked on a monthly basis and be recorded in an accounting report. The facility shall also keep records of isobutylene and heptane purchased for a period of 5 years.

13. The facility shall keep records pertaining to LDAR in accordance with 40 CFR 60.486. The facility shall maintain a log containing the components checked, identification of leaking components, location and repair of components for heptane, isobutylene or cresol service equipment. The facility shall follow the reporting requirements of 40 CFR 60.487 pertaining to LDAR. This includes submittal of semi-annual reports pertaining to the monitoring of valves, pumps and compressors.

14. All log sheets and reports containing the above data shall be considered as compliance records and shall be maintained for a period of 5 years.

15. The facility shall comply with the record-keeping requirements of 25 Pa. Code § 129.95.

16. This RACT approval applies to the emission of VOC pollutants only. Emission of other pollutants shall be governed by the existing Plan Approvals, Operating Permits and applicable requirements of the rules and regulations of the Department. The approval, permits and requirements are incorporated herein by reference and made part of this permit.

17. In addition to the previous requirements, the facility also implemented the following RACT control measures:

Source and Control Device

- *Krystal Chamber.* Heptane emissions from the Krystal Chamber were reduced by the installation of a new manway over the present opening and by venting the existing open vent to a conservation vent. In addition, the circulating pump packing was replaced with a steam-quenched mechanical seal.

- *Mix and recycle tanks.* Heptane emissions from the mix and recycle tanks were reduced by the installation of a new manway on the mix tank, by venting both tanks to a conservation vent and by nitrogen blanketing both tanks.

- *Oliver Filter.* Heptane emissions from the Oliver filter were reduced by the installation of new gaskets and by the rebuilding and regasketing of the Krystal discharge chute.

- *North and South Dryers.* Heptane emissions from the North and South Dryers were reduced by the installation of new gaskets and boots. In addition, the emissions from the Dryers were ducted to a new baghouse, which replaced the existing scrubber. The baghouse exhaust is controlled by combustion in the Eclipse or Petrochem Furnace.

- *Product drain lines.* Heptane emissions from the product drain lines were reduced by the installation of site glasses and improved operating procedures.

- *Krystal Unit Heptane Still.* The existing Krystal Unit Heptane Still was modified in the following manner to enhance heptane recovery and reduce emissions from downstream sources: 1) Addition of reflux control; 2) Addition of preheat to the still feed with a pump around loop; 3) Addition of column pressure drop instrumentation and control; 4) Addition of column feed flow control dampening; and 5) Installation of new column, packing and internals.

- *314/340 Distillation Column.* Vacuum system modifications to produce higher concentrations / lower flow of isobutylene. Two condensers and a three-phase separator (for separation of nitrogen, water and liquid isobutylene) were added to recover Isobutylene. The noncondensable gas stream is directed to the existing flare for combustion.

For the facility, a public hearing will be held for the purpose of receiving comments on the above-proposed Operating Permit and the proposed SIP revisions. The public hearing is scheduled for 1 p.m. to 3 p.m. on Thursday, April 14, 2005, at the Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335.

Persons who wish to present testimony at the hearing should contact Matthew Williams, New Source Review, Department of Environmental Protection Regional Office, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Matthew Williams at (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Matthew Williams, New Source Review, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

Pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional (Air Quality). Ap-

pointments for scheduling a review must be made by calling the Department contact person noted previously.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

Coal Applications Received

Effluent Limits

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

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

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

11991301. NPDES Permit No. PA0215210, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to renew and revise the permit for the Twin Rocks Mine in Blacklick Township, **Cambria County** to add surface acres for haul-road and mine water treatment. SCP Acres Proposed 87.8. Receiving stream: UNT to South Branch Blacklick Creek, classified for the following use: CWF. Application received January 21, 2005.

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

11813040 and NPDES Permit No. PA0125423. Cooney Brothers Coal Company, P. O. Box 246, Creson, PA 16630, renewal for the continued operation and restoration of a bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 750 acres. Receiving streams: UNT to South Fork Little Conemaugh River, South Fork Little Conemaugh River, UNTs to Sulfur Creek and Sulfur Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received February 23, 2005.

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

33050101 and NPDES Permit No. PA0242641. Jurassic Energy, Inc. (P. O. Box 450, Bigler, PA 16825). Commencement, operation and restoration of a bituminous surface strip operation in Snyder Township, **Jef-**

Jefferson County affecting 81.5 acres. Receiving streams: UNT to Mill Creek, classified for the following uses: HQ and UNT to Little Toby Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 28, 2005.

6790-33050101-E-1. Jurassic Energy, Inc. (P. O. Box 450, Bigler, PA 16825). Application for a stream encroachment to mine through and place a sediment pond within three UNTs to Little Toby Creek and three UNTs to Mill Creek in Snyder Township, **Jefferson County** affecting 81.5 acres. Receiving streams: UNT to Mill Creek, classified for the following uses: HQ and UNT to Little Toby Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 28, 2005.

6790-33050101-E-2. Jurassic Energy, Inc. (P. O. Box 450, Bigler, PA 16825). Application for a stream encroachment to mine through and place a sediment pond within three UNTs to Little Toby Creek and three UNTs to Mill Creek in Snyder Township, **Jefferson County** affecting 81.5 acres. Receiving streams: UNT to Mill Creek, classified for the following uses: HQ and UNT to Little Toby Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 28, 2005.

37990103 and NPDES Permit No. PA0241601. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip operation in Washington Township, **Lawrence County** affecting 89.7 acres. Receiving streams: Potter Run, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: February 28, 2005.

16803004 and NPDES Permit No. PA0121118. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214). Renewal of an existing bituminous surface strip, auger and tipple refuse disposal operation in Perry and Toby Townships, **Clarion County** affecting 165.0 acres. Receiving streams: UNT to Fiddlers Run, Fiddlers Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: March 2, 2005.

16050105 and NPDES Permit No. PA0242659. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip in Redbank Township, **Clarion County**, affecting 89.9 acres. Receiving streams: UNTs to Pine Creek and Town Creek to Redbank Creek, classified

for the following uses: CWF. The first downstream potable water supply intake from the point of discharges is Hawthorn Area Water Authority. Application to include a land use change from forestland to pastureland/land occasionally cut for hay. Application received: March 3, 2005.

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

17880126 and NPDES Permit No. PA 0116599. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine-auger-refuse disposal permit in Lawrence Township, **Clearfield County** affecting 290.4 acres. Receiving streams: UNTs to the West Branch of the Susquehanna River. Application received: January 31, 2005.

17050102 and NPDES Permit No. PA 0256188. Whitetail Contracting (P. O. Box 220, Woodland, PA 16881). Commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 18.5 acres. Receiving stream: Shimel Run classified for the following use: CWF. Application received: February 12, 2005.

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

13890201R3 and NPDES Permit No. PA0594580. Panther Creek Partners, (1001 Industrial Road, Nesquehoning, PA 18240), renewal and correction of an existing coal refuse reprocessing operation and discharge of treated mine drainage in Nesquehoning Borough, **Carbon County** affecting 428.0 acres, receiving streams: Nesquehoning Creek. Application received February 25, 2005.

Coal Applications Returned

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

26040104 and NPDES Permit No PA0250627. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). The applicant has withdrawn their application for a bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 26.2 acres. Receiving stream: UNT to Monongahela River. Application received: December 12, 2004. Permit withdrawn: March 2, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

09050301. Naceville Materials, (1001 Industrial Road, 1371 West Street Road, P. O. Box 161, Warminster, PA 18974), commencement, operation and restoration of a quarry operation in West Rockhill Township, **Bucks County** affecting 19.26 acres, receiving stream: none. Application received February 24, 2005.

4880501C5 and NPDES Permit No. PA0121681. Sreebs Slate & Stone Co., Inc., (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plainfield Township, **Northampton County**, receiving stream: Little Bushkill Creek, classified for the following uses: CWF and MF. Application received February 25, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E58-261. Carole A. DeMaree, 1075 Quaker Lake Road, Brackney, PA 18812, in Silver Lake Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a house that extends approximately 12 feet from the shoreline of Quaker Lake. The portions of the structure that extends above the lake are a cantilever dock and balconies and roof above the dock, occupying an area of approximately 700 square feet. The project is located along the northern shoreline of Quaker Lake. (Laurel Lake, PA-NY Quadrangle N: 19.1 inches; W: 5.7 inches).

E54-320. Stephen R. Stabler, 1453 California Road, Quakertown, PA 18951, in West Penn Township, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a private bridge having a single span of 36 feet and an underclearance of approximately 6.5 feet across Lizard Creek (CWF). The project is located on the southside of SR 0895, approximately 0.5 mile northeast of its intersection with SR 0309. (New Tripoli, PA Quadrangle N: 17.9 inches; W: 13.7 inches).

E40-647. William James, R. R. 1, Box 291, Sutton Creek Road, West Pittston, PA 19640, in Exeter Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To maintain fill that was placed in 0.2 acre of PSS wetlands for the purpose of constructing a horse stable/barn. The project is located along the south side of Sutton Creek Road, approximately 2.0 miles west of SR 0092. (Ransom, PA Quadrangle N: 3.0 inches; W: 14.3 inches).

E54-319. Neal W. Brensinger and Alberta E. Brensinger, 243 Lutz Valley Road, Schuylkill Haven, PA 17972, in Wayne Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a private bridge having a single span of 15.5 feet and an underclearance of approximately 5.0 feet across a tributary to Little Swatara Creek (CWF). The project is located on the north side of Township Road T670 (Lutz Valley Road), approximately 1.5 miles west of its intersection with SR 0183. (Friedensburg, PA Quadrangle N: 12.8 inches; W: 15.0 inches).

E13-144. Jim Thorpe Area School District, 140 West Tenth Street, Jim Thorpe, PA 18229, in Jim Thorpe Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To excavate 0.26 acre of PEM wetlands within the Robinson Run Watershed for purpose of expanding the building and parking facilities of the L.B. Morris Elementary School. The project is located on the north side of West Tenth Street approximately 400 feet west of SR 0903. (Chrismans, PA Quadrangle N: 1.3 inches; W: 15.0 inches).

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

E02-1489. Allegheny County Airport Authority, Pittsburgh International Airport, 1000 Airport Boulevard, Suite 4000, Pittsburgh International Airport, PA 15231-0370. Runway 28R improvements in Moon and Findlay Townships, **Allegheny County**, Pittsburgh ACOE District (Ambridge, PA Quadrangle N: 0.2 inch; W: 14.5 inches and Latitude: 40° 30' 4"—Longitude: 80° 13' 45"). The applicant proposes to place and maintain fill in 0.02 acre of wetlands (PEM), to construct and maintain a 9-foot diameter culvert extension to an existing 7.2 feet by 11.2 feet elliptical culvert for approximately 610 feet in McClarens Run (TSF), to construct and maintain a concrete junction box approximately 23-foot wide in McClarens Run to connect the existing culvert structure to the proposed structure, to construct and maintain a 4' diameter culvert approximately 448-foot long within a tributary to McClarens Run (TSF) and to construct and maintain various stormwater outfalls to the 4' diameter culvert. The proposed work is part of the Runway 28R safety area improvement for the Pittsburgh International Airport. The project is located between Cargo Road and Business Route 60 (Ambridge, PA Quadrangle N: 0.2 inch; W: 14.5 inches and Latitude: 40° 30' 4"—Longitude: 80° 13' 45") in Moon and Findlay Townships, Allegheny County. To mitigate for the stream impacts the applicant is proposing to perform mitigation along Raredon Run for approximately 1,271 feet. The mitigation area is located along the west side of SR 3013 between SR 151 and the streams confluence with Raccoon Creek (Aliquippa, PA Quadrangle N: 8.9 inches; W: 7.2 inches and Latitude: 40° 32' 56"—Longitude: 80° 18' 7") in Independence Township, Beaver County. The total stream impacts are 823 feet to McClarens Run, 448 feet to a tributary to McClarens Run and 0.02 acre of wetlands

E63-570. Washington County Board of Commissioners, 100 West Beau Street, Washington, PA 15301. To replace a bridge in the City of Monongahela, **Washington County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 12.6 inches; W: 7.7 inches and Latitude: 40° 11' 44"—Longitude: 79° 55' 49"). The applicant proposes to remove the existing structure (Pigeon Creek Bridge No. 2) and to construct and maintain a new 2-span bridge having a total span of 108.17 feet with a minimum underclearance of 4.7 feet across the channel of Pigeon Creek (WWF) for the purpose of improving highway safety. The project is located on Wall Street, approximately 100 feet southeast from the intersection of Wall Street and SR 431 and will impact approximately 250 feet of stream channel.

E65-869. Derry Township, 5321 Route 982, Derry, PA 15627. To construct two stream enclosures in Derry Township, **Westmoreland County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain the following structures as part of the Department of Transportation's reconstruction of US 22, Sections B08 and B09.

1. To remove the existing structure and to construct and maintain a 120.0-foot long, 54-inch diameter reinforced concrete pipe in a UNT to Loyalhanna Creek (WWF). Also, to construct and maintain an R-7 rock lined outfall and a gabion lined mattress in the floodway of a UNT to Loyalhanna Creek (WWF). (Saltsburg, PA Quadrangle N: 5.1 inches; W: 5.0 inches and Latitude: 40° 24' 11"—Longitude: 79° 24' 39") T.R. 906, Station 12+85 to 16+30.

2. To remove the existing structure and to construct and maintain a 115.0-foot long, 66-inch diameter reinforced concrete pipe in a UNT to Spruce Run (HQ-CWF). Also to construct and maintain an R-6 rock lined outfall and a gabion lined mattress in the floodway of the UNT to Spruce Run (HQ-CWF). (Blairsville, PA Quadrangle N: 8.5 inches; W: 15.5 inches and Latitude: 40° 25' 19"—Longitude: 79° 21' 41"). T.R. 935 Station 52+00 to 57+50.

The project will impact, through enclosures, 235.0 linear feet of perennial stream; no vegetated wetlands will be impacted.

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

E25-404A. Certification Request initiated by Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. East Avenue Boat Launch, Lampe Marina and East Canal Basin, in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 3.0 inches; W: 10.2 inches).

To dredge in accordance with the conditions of Permit E25-404A the following areas of Presque Isle Bay and Lake Erie: East Avenue Boat Launch (500 cubic yards), Lampe Marina (1,500 cubic yards) and East Canal Basin (1,500 cubic yards). Dredged material would be disposed in the United States Army Corps of Engineers Lake Erie Harbor Confined Disposal Facility located adjacent to the South Pier in the City of Erie. Presque Isle Bay and Lake Erie are classified as WWF.

E43-321. Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301-1412. SR 0208, Section A00, Springfield Township, **Mercer County**, ACOE Pittsburgh District. (Mercer, PA Quadrangle 3.35 N; 4.15 W).

The applicant proposes an extension of the I-79 ramps, replacement of the SR 0208 Bridge over I-79 with a new six-lane bridge and improvements to the SR 0208/0258 intersection. The total length of SR 0208 (SR 0258) to be improved is approximately 6,000 feet. The length of interchange ramps to be extended/reconfigured is approximately 13,000 feet.

The project involves: (1) to fill 1 PEM (0.08 ac), 2 PSS (0.03 ac) and 3 PEM/PSS (0.03 ac) wetlands; (2) to construct and maintain an 85-foot long extension to the existing 6-foot high by 10-foot wide concrete box culvert in a UNT to Black Run; (3) to construct and maintain four culvert extensions having diameters from 1 to 3 feet in UNTs to Black Run; and (4) to relocate 150 feet of UNT to Black Run. The applicant proposed payment into DEP Wetland Replacement Project Fund. UNT to Black Run are classified as CWF. This project proposes to impact approximately 433 linear feet of stream and 0.014 acre of permanent impact to PEM/PSS wetlands.

E62-404. Conewango Township Supervisors, 4 Firemans Street, Warren, PA 16365. T-465 (Creamery Road) Bridge Replacement, in Conewango Township, **Warren County**, ACOE Pittsburgh District (Russell, PA Quadrangle N: 5.1 inches; W: 15.5 inches).

The applicant proposes to remove the existing bridge and to construct and maintain a prestressed concrete box beam bridge having a clear span of 48 feet and an under clearance of approximately 7.2 feet on a 73° skew across Jackson Run (Russell, PA Quadrangle N: 5.1 inches; W: 15.5 inches) on T-465 (Creamery Road) in Conewango Township approximately 800 feet southwest of the inter-

section of SR 69 and Creamery Road. Project includes de minimis impact of 0.015 acre of EV wetlands. The project proposes to directly impact 0.015 acre of EV wetland and approximately 50 linear feet of stream.

ENVIRONMENTAL ASSESSMENTS

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

EA63-004. Molycorp, Inc., 300 Caldwell Avenue, Washington, PA 15301. Request for permit waiver in accordance with 25 Pa. Code § 105.12(a)(16) in Canton Township, **Washington County**, Pittsburgh ACOE District. The following activities will be conducted as part of the Decommissioning Plan approved by the Nuclear Regulatory Commission and an Act 2 Cleanup Plan

approved by the Department of Environmental Protection.

1. To permanently impact 0.71 acre of PEM/PSS wetlands during waste removal and regarding.
2. To restore and stabilize 800 linear feet of stream bank along Chartiers Creek (WWF).
3. To remove an abandoned concrete obstruction in Chartiers Creek (WWF).
4. To construct and maintain approximately 2,600 linear feet of temporary sheet piling and earthen berms along the eastern bank of Chartiers Creek (WWF).

The project is located at Caldwell Avenue near the Jessop Exit from I-70. (Washington West, PA Quadrangle N: 7.9 inches; W: 3.7 inches and Latitude: 40° 10' 07"—Longitude: 80° 16' 35").

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons who wish to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP

<i>Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
05004	Ken West Alex C. Fergusson, Inc. 5000 Letterkenny Road Chambersburg, PA 17201	Franklin	Letterkenny Township	10 ASTs storing regulated substances	55,500 gallons

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

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>
PA0112771	Port Matilda Borough Authority Municipal Building Port Matilda, PA 16870	Centre County Port Matilda Borough Worth Township	Bald Eagle Creek 9C	Y
PA0228192	Wallaceton-Boggs Municipal Authority P. O. Box 97 West Decatur, PA 16878	Clearfield County Boggs Township	Laurel Run 8D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0110990 Industrial Waste	Central City Water Authority 314 Central Avenue, Suite 3 Central City, PA 15926	Somerset County Shade Township	Wetland to an UNT of Dark Shade Creek	Y
PA0205699 Industrial Waste	Cowanshannock Township Municipal Authority P. O. Box 127 Nu Mine, PA 16244	Armstrong County Cowanshannock Township	UNT to Cowanshannock Creek	Y
PA0091413 Sewage	North Strabane Township Municipal Authority 1929B Rt. 519 South Canonsburg, PA 15317	Washington County North Strabane Township	UNT of Little Chartiers Creek	Y
PA0095303 Sewage	Purchase Line School District 16559 Rt. 286 East P. O. Box 374 Commodore, PA 15729-0374	Indiana County Green Township	UNT of East Run	Y
PA0030350 Sewage	Indian Lake Borough 1301 Causeway Drive Central City, PA 15926	Somerset County Indian Lake Borough	Indian Lake	Y
PA0025992 Sewage	McCandless Township Sanitary Authority 9600 Perry Highway Pittsburgh, PA 15237-5597	Allegheny County McCandless Township	Little Pine Creek	N
PA0203742 Sewage	Schenley Industrial Park P. O. Box 62 Schenley, PA 15682	Armstrong County Gilpin Township	Allegheny River	Y
PA0205931 Sewage	Menallen Township P. O. Box 576 New Salem, PA 15468	Fayette County Menallen Township	Redstone Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217247 Sewage	Marion Center Area School District Box 156, Rt. 403 Marion Center, PA 15799	Indiana County Washington Township	UNT of South Branch Plum Creek	Y
PA0041378 Sewage	W. C. McQuaide, Inc. 153 MacRidge Avenue Johnstown, PA 15904	Indiana County Center Township	Tributary of Two Lick Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100927	Town Terrace Inn P. O. Box 664 Fairview, PA 16415	Fairview Township Erie County	Trout Run 15 Lake Erie	Y
PA0100978	Wesleyan Church of the Nazarene of Albion 9480 US Route 6N Albion, PA 16401	Conneaut Township Erie County	UNT to Marsh Run 15-CC	Y
PA0038814	Ellport Borough Sewer Authority 313 Burns Avenue Ellwood City, PA 16117	Ellport Borough Lawrence County	Connoquenessing Creek 20-C	Y
PA0020052	Eldred Borough Municipal Authority 3 Bennett Street Eldred, PA 16731-0270	Eldred Borough McKean County	Allegheny River 16-C	Y
PA0029726	Jamestown Municipal Authority P. O. Box 188 Jamestown, PA 16134	Jamestown Borough Mercer County	Shenango River 20-A	Y
PA0033031	Tuttle Campground—Department of Conservation and Natural Resources 2660 Williamsfield Road Jamestown, PA 16134	North Shenango Township Crawford County	Pymatuning Reservoir 20-A	Y
PA0103811 Amendment No. 1	Northwest Sanitary Landfill 1436 West Sunbury Road West Sunbury, PA 16061	Cherry Township Butler County	Findley Run South Branch Slippery Rock Creek	Y

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

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

NPDES Permit No. PA0085537, Amendment No. 1, Sewage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Bells Gap Run in Watershed 11-A.

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

PAS234803, Industrial Waste SIC, 2869, **Rütgers Organics Corporation**, 201 Struble Road, State College, PA 16801. This existing facility is located in College Township, **Centre County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for an existing discharge of stormwater.

The receiving stream, an UNT to Spring Creek, is in the State Water Plan watershed 9C and classified for HQ-CWF. The nearest downstream public water supply intake is assumed to be the proposed intake at Lock Haven located approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall S01 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Report
COD	Report
Oil and Grease	Report
pH	Report
SARA Title III Section 313 Water Priority Chemicals	Report
TSS	Report

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Total Phosphorous	Report
Total Kjeldahl Nitrogen	Report
Total Iron	Report

Best Management Practices:

Inspect all containers prior to loading and unloading and use drip pans when loading or unloading liquids; where possible perform loading and unloading indoors and/or avoid rain events.

Provide for adequate separation between process and nonprocess areas; ensure no cross connections exist between process and storm sewers.

Ensure sufficient secondary containment around all chemical storage areas; provide automated equipment to prevent overtopping of storage vessels and leak detection.

Provide adequate inventory control and management for all raw and spent materials.

Perform regular inspection and maintenance of valves, couplings, hoses and pipes to prevent leaks and spills.

Provide employees with spill response information and training.

Maximize opportunities to reduce hazardous material usage (for example, source reduction and recycling).

The EPA waiver is in effect.

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

NPDES Permit No. PAS146102, Industrial Waste, **International Paper**, 10 Wilson Road, Eighty Four, PA 15330. This proposed facility is located in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Discharge of treated stormwater to UNT to Little Chartiers Creek.

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. 2304404, Sewerage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342-1341. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a pumping station for a development of 22 twin homes, 28 townhouses and 2 existing houses.

WQM Permit No. 4604419, Sewerage, **Masons Mill Partners, LP**, 1800 Byberry Road, Suite 1410, Huntingdon Valley, PA 19006-3526. This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewer main for sanitary flow to existing Upper Moreland-Hatboro JSA collection system.

WQM Permit No. 0904415, Sewerage, **Warrington Township Water and Sewer Department**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a raw sewage pumping station and 4-inch diameter force main.

WQM Permit No. 2304406, Sewerage, **Delaware County Regional Water Quality Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016. This proposed facility is located in Chester City, **Delaware County**.

Description of Action/Activity: Upgrading flow from 2.0 mgd to 4.5 mgd.

WQM Permit No. 1504415, Sewerage, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pumping station capable of handling 18,700 gallons per day.

WQM Permit No. 4698412, Sewerage, **Lower Perkiomen Valley Regional Sewer Authority**, 5 River Road, P. O. Box 613, Oaks, PA 19456-0613. This proposed facility is located in Lower Perkiomen Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of the Oaks Wastewater Treatment Plant to expand from 9.5 mgd to 14.25 mgd.

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

WQM Permit No. 0704404, Amendment 05-1, Sewerage, **Gary and Christine Stillwell**, 1260 Dry Run Road, Duncansville, PA 16635. This proposed facility is located in Juniata Township, **Blair County**.

Description of Proposed Action/Activity: Modifications changing the sand specifications from Type B2 Bituminous Concrete Sand to using Type A Cement Concrete Sand with permitted specification.

WQM Permit No. 3605402, Sewerage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 725, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of the Oregon Pike Pump Station and Force Main.

WQM Permit No. 3804405, Sewerage, **Cornwall Borough Municipal Authority**, 36 Burd Coleman Road, P. O. Box 667, Cornwall, PA 17016. This proposed facility is located in Cornwall Borough, **Lebanon County**.

Description of Proposed Action/Activity: Construction of the Alden Place Sanitary Sewer Interceptor and Appurtenances.

WQM Permit No. 3605401, Sewerage, **Borough of Ephrata**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Ephrata Borough, **Lancaster County**.

Description of Proposed Action/Activity: interceptor replacement.

WQM Permit No. 3895401, Amendment 05-1, Sewerage, **North Lebanon Township Municipal Authority**, 725 Kimmerlings Road, Lebanon, PA 17046. This proposed facility is located in North Lebanon Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/replacement of the North 8th Avenue Pump Station.

WQM Permit No. 0104403, Sewerage, **Hamilton Township**, 272 Mummerts Church Road, Abbottstown, PA 17301. This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Construction of the Cedar Ridge Pump Station.

WQM Permit No. 2204410, Sewerage, **Swatara Township Authority**, 599 Eisenhower Boulevard, Harrisburg, PA 17111. This proposed facility is located in Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of the Laura Acres Pump Station.

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

WQM Permit No. 6504203, Industrial Waste, **Elliott Turbomachinery Company, Inc.**, 901 North Fourth Street, Jeannette, PA 15644-0800. This proposed facility is located in Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: Replacement of existing oil/water separator at Outfall 015.

WQM Permit No. 0303406, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This proposed facility is located in Cowanshannock Township, **Armstrong County**.

Description of Proposed Action/Activity: Construction of a new pump station, modification to an existing pump station, 8,800 LF of 6-inch PVC force main, 25,000 LF of 8-inch PVC sanitary sewer, and appurtenances to serve the Sagamore Village area.

WQM Permit No. 0303407, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This proposed facility is located in Cowanshannock Township, **Armstrong County**.

Description of Proposed Action/Activity: For the construction of a new sewage treatment plant, 2,500 LF of 8-inch PVC sanitary sewer and appurtenances to serve the Margaret Village area.

WQM Permit No. 2604403, Sewerage, **Fairchance-Georges Joint Municipal Sewer Authority**, 141 Big Six Road, Smithfield, PA 15478. This proposed facility is located in Georges Township, **Fayette County**.

Description of Proposed Action/Activity: For construction and operation of approximately 106,000 feet of 6-inch to 24-inch sewer, approximately 2,250 feet of 6-inch force main and a submersible pump station.

WQM Permit No. 5605401, Sewerage, **Megan Glessner**, 2155 Cornerstone Road, Friedens, PA 15541. This proposed facility is located in Stonycreek Township, **Somerset County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant.

WQM Permit No. 5690401-A1, Sewerage, **Salisbury Borough**, P. O. Box 343, Salisbury, PA 15558. This proposed facility is located in Salisbury Borough, **Somerset County**.

Description of Proposed Action/Activity: Treatment Plant expansion to serve Salisbury Borough and Elk Lick Township.

WQM Permit No. 6504401, Sewerage, **Municipal Authority of Washington Township**, 283 Pine Run Church Road, Apollo, PA 15613. This proposed facility is located in Washington Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of the Lower Beaver sewers-Phase II project.

WQM Permit No. 6504404, Sewerage, **Borough of Ligonier**, 120 East Main Street, Town Hall, Ligonier, PA 15658. This proposed facility is located in Ligonier Borough, **Westmoreland County**.

Description of Proposed Action/Activity: To construct approximately 2,500 feet of new 10-inch diameter PVC sanitary sewer line known as Bunger Street Relief Sewer.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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>	<i>DEP Protocol (Y/N)</i>
PAG133631	Juniata Township 901 Poplar Run Road Duncansville, PA 16635	Blair	Juniata Township	Blair Gap Run TSF	Y
PAG133610	Adamstown Borough 3000 North Reading Road P. O. Box 546 Adamstown, PA 19501	Lancaster	Adamstown Borough	Little Muddy Creek WWF	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G347-R	The Hankin Group Shamona South at Eagleview 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Tributary Marsh Creek (HQ-TSF-MF)
PAS10-J001-R-A2	City of Philadelphia Philadelphia International Airport Division of Aviation, Terminal E Philadelphia, PA 19153	Philadelphia and Tinicum Township	City of Philadelphia and Delaware County	Church Creek and Delaware River (WWF-MF)
PAI011504040	Gen Terra Corporation Kimberton Meadows Subdivision 101 Marchwood Road Exton, PA 19341	Chester	East Pikeland Township	Stony Run (HQ-TSF)
PAI011504043	Dan Scott Fellowship Road, LP Lexus of Chester Springs 568 West Lancaster Avenue Haverford, PA 19041	Chester	Upper Uwchlan Township	Brandywine Creek Watershed (HQ-TSF)
PAI011504045	Harris Metals Harris Metals Development 401 Faggs Manor Road Cochranville, PA 19330	Chester	Oxford Borough	Tributary West Branch Big Elk Creek (HQ-TSF-MF)
PAI011504078	William Mangan McKenzie Brew House 133 Hedgerow Lane West Chester, PA 19380-6503	Chester	East Whiteland Township	Valley Creek (EV)
PAI011504085	Commerce Bank, NA Commerce Bank Proposed Dev. 11000 Atrium Way Mount Laurel, NJ 08054	Chester	East Whiteland Township	Valley Green Basin (EV)
PAI012304004	Arcus Design Group Architects 361 Highland Avenue Sbdv. 418 Eagleville Boulevard Exton, PA 19341-1150	Delaware	Upper Providence Township	Ridley Creek (HQ)

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI091704002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Clearfield	Goshen Township	Trout 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>
Warminster Township Bucks County	PAG2000904159	The Solomon Organization Centennial Village Apartments	Tributary Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000904160	The Children's Hospital of Philadelphia Bucks County Specialty Care Center 34th St. and Civic Center Boulevard Philadelphia, PA 19104	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Borough Bucks County	PAG2000904201	Canals End Plaza, LP Canals End Plaza 400 Farm Lane Doylestown, PA 18901	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG2001505004	James J. White White Residence 136 Brooke Farm Road St. Davids, PA 19087-4755	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001505003	Commerce Bank, NA Proposed Commerce Bank 1100 Atrium Way Mount Laurel, NJ 08054	Valley Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAR10-G495-1	Moser Builders, Inc. South Chestnut Business Park 1171 Lancaster Avenue, Suite 201 Berwyn, PA 19312	East Branch Brandywine Creek (WWF, MF)	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>
Caln Township Chester County	PAG2001504118	Vincent Antonini G. Antonini Realty, Ltd., Development 3605 Winding Way Newtown Square, PA 19073	Beaver Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Penn Township Chester County	PAG2001504107	Marie McKee 640 State Road West Grove, PA 19390	Middle Branch White Clay Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAG2001504125	L & R Acquisitions, Inc. Woodland Pointe 69 Risbon Road Honeybrook, PA 19344	Sucker Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001504069	Wawa, Inc. Proposed Wawa Development 260 Baltimore Pike Wawa, PA 19063	East Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG2002305009	Scheivert and Associates Routes 1 and 100 P. O. Box 577 Chadds Ford, PA 19317	Naaman's Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002304067	Chester Springs Development 24 Hagerty Boulevard West Chester, PA 19382	Green Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002304046	Cabrini College 610 King of Prussia Road Wayne, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004604224	Landstudies, Inc. Pennypack Preserve Crossroads Marsh 315 North Street Lititz, PA 19543	Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604210	John Neilson Alco Industries Inc. at Oaks 2620 Egypt Road Norristown, PA 19403	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004604200	Michael P. Lanouette Valley Brook II 315 Renninger Road Perkiomenville, PA 18074	Scioto Creek (MF/WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004604167	Bell/Kumpf, LP Kumpf/Bell Tract 1030 West Germantown Pike Fairview Village, PA 19409	Stony and Zacharas Creeks	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004604163	Willow Grove Development, LLC Charles Gallub Willow Grove Dev. 530 Second Street, Suite 511 Philadelphia, PA 19147	UNT Pennypack Creek (TSF, MF)	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>
City of Philadelphia Philadelphia County	PAG2015104027	US Army Corps of Engineers Fort Mifflin Confined Disposal Facility Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Saucon Township Lehigh County	PAG2003904037	Vince Tucciarone 5702 Limeport Pike Coopersburg, PA 18036	Saucon Creek, CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Lower Milford Township Lehigh County	PAG2003905002	Alexander Tamerler 1628 Barkwood Dr. Orefield, PA 18069	Perkiomen Creek, CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Upper Saucon Township Lehigh County	PAG2003905007	Arthur/Corsini Fieldstone Assoc. 906 A Cross Keys Doylestown, PA 18901	Tumble Brook, CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Blakely Bor. and Dickson City Bor. Lackawanna County	PAG2003505002	Stephen Shimko Department of Transportation District 4-0 P. O. Box 111 Scranton, PA 18501	Hull Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Silver Spring, Cumberland County	PAG2002105003	Frank Tamanini Remax Realty Assoc. 3425 Market Street Camp Hill, PA 17011	Trindle Spring Run/CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Hampden, Cumberland County	PAG2002105002	Ken Synder Capital Self Storage Associates, Inc. 4050-A Carlisle Road Dover, PA 17315	Cedar Run/CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Lower Allen, Cumberland County	PAG2002104056	HNRE Partnership Michael Harris 185 Newberry Commons #312	Cedar Run/CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
West Hanover Township Dauphin County	PAG2002204070	Eastern Communities, LTD 7300 Derry St. Harrisburg, PA 17111	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Conewago Township	PAG2002204045	Kenneth Howard 629 N. Holly St. Elizabethtown, PA 17022	Conewago Creek/TSF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township	PAG2002205001	Pinnacle Health 111 S. Front St. Harrisburg, PA 17105	Spring Creek (West)/CWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Swatara Township	PAG2002204064	Cornerstone Development Group, Inc. 1 Marketway East York, PA 17401	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

<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>
Lower Paxton Township	PAG2002205003	Arthur Kouvelis, Inc. 2327 Chestnut St Camp Hill, PA 17011	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
City of Harrisburg	PAG20022040051	City of Harrisburg 123 Walnut St. Suite 212G Harrisburg, PA 17101	Susquehanna River/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
City of Reading Berks County	PAG2000604057	Craig Coldiron Aramark Uniform Service P. O. Box 15166 Reading, PA 19612	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Muhlenberg Township Berks County	PAG2000604070	John Friedman P & J Investments 1012 Tuckerton Court Reading, PA 19605	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Lower Alsace Township Berks County	PAG2000605012	Thomas Orth T & L, Inc. 2636 Hill Road Reading, PA 19606	UNT to Antietam Creek/CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Spring Township Berks County	PAG2000605007	Larry Bortz Wilson School District 2601 Grandview Blvd. West Lawn, PA 19609	Cacoosing Creek/WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Bern Township Berks County	PAG2000604121	Robert Wolfe 1042 Hilltop Rd. Leesport, PA 19533	UNT to Plum Creek/WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Tulpehocken Township Berks County	PAG2000605011	John Bicksler 421 Brown Road Bethel, PA 19507	UNT to Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201

<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>
Wernersville Borough Berks County	PAG2000605008	Dionisios Kotsakis Omega Builders 602 Lambda Circle Wernersville, PA 19606	Little Cacoosing Creek/WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Exeter Township Berks County	PAG2000605010	Michelle Kircher Exeter Township 4975 Demoss Road Reading, PA 19565	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Millersville Borough Lancaster County	PAG2003604106	BWR LLC 2938 Columbia Ave. Ste. 1202 Lancaster, PA 17603	Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAG2003604107	Lexington Land Develop. Corp. 336 W. King St. Lancaster, PA 17603	Stricklers Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
Manor Township Lancaster County	PAG2003604128	MBI Development Co. 1100 Pennsylvania Ave. Suite 700 Wilmington, DE 19806	West Branch Little Conestoga Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAG2003605013	Trajan Putnik/Front Line Motors 719 Rothsville Rd. Lititz, PA 17543	Lititz Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
Leacock Township Lancaster County	PAG2003605016	Myron Stoltzfus P. O. Box 375 Intercourse, PA 17534	Watson Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003605017	Neffsville Veteriinary Clinic 2555 Lititz Pike Lancaster, PA 17601	Landis Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003605023	Village of Olde Hickory LP 711 Olde Hickory Rd. Lancaster, PA 17601	Landis Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361

<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>
Manheim Township Lancaster County	PAG2003605024	Lancaster County Solid Waste Mgmt. AU 1299 Harrisburg Pike Lancaster, PA 17604	Little Conesotga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster PA 17601 (717) 299-5361
Bradford County Athens Township	PAG2000805002	Lowes Companies, Inc. 268 E. Dock North Wilkesboro, NC 28656	Chemung River/Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539 Ext. 205
Potter County Bingham Township	PAG2005305001	Northern Potter School District 763 SR 0049 Northern Potter Rd. Ulysses, PA 16949	UNT Genesee River CWF	Potter County Conservation District 107 Market St. Coudersport, PA 16915 (814) 274-8411 Ext. 4
Cambria County Richland Township	PAG2001103023(1)	Windber Area Authority 1700 Stockholm Ave. Windber, PA 15963-2061	Stonycreek River (WWF)	Cambria County CD (814) 472-2120
Clarion County Limestone Township	PAG2-0616-04-002	Limestone Township General Municipal Authority 12209 East Reidsburg Road Clarion, PA 16214-4239	Little Piney Creek, Piney Creek, Glade Run CWF	DEP Northwest Regional Office (814) 332-6942
Crawford County Vernon Township	PAG2-0020-05-003	Jack Lynch Crawford County Regional Airport Authority Court House 3rd Floor 903 Diamond Park Meadville, PA 16335	UNT Van Horne (WWF) UNT S. Watson Run- (WWF)	Crawford County Conservation District (814) 724-1793
Erie County Summit and Millcreek Townships	PAG2-0025-05-005	Louis DePalma 2323 Edinboro Road Erie, PA 16509	Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County Summit Township	PAG2-0025-05-006	Joseph Palermo 3435 West Lake Road Erie, PA 16505	UNT to Walnut Creek	Erie County Conservation District (814) 825-6403
Jefferson County Beaver Township	PAG2-00-33-05-002	Strishock Coal Company 220 Hillcrest Drive DuBois, PA 15801	Beaver Run Watershed-CWF	Jefferson County Conservation District (814) 849-7463
Lawrence County Hickory Township	PAG2-0037-05-001	Edward D. Long Subdivision 1680 Eastbrook Road New Castle, PA 16101	UNT to Neshannock Creek	Lawrence County Conservation District (724) 652-4512
Mercer County City of Hermitage	PAG2-0043-04-005(1)	Cedwarwood Development, Inc. 1765 Merriman Road Akron, OH 44313	Pine Hollow Run-WWF	Mercer County Conservation District (724) 662-2242
Mercer County Pymatuning Township	PAG2-0043-05-003	Mercer County Housing Authority 80 Jefferson Ave. Sharon, PA 16146	Big Run-WWF	Mercer County Conservation District (724) 662-2242
Redbank Township Clarion County	PAG2101605001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Town Run (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

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>
Blair County Williamsburg Borough	PAR143504	MeadWestvaco Corp. P. O. Box 3300 Springfield, MA 01101	Juniata River	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County West Manchester Township	PAR143511	American Color Graphics, Inc. 215 North Zarfoss Drive York, PA 17404-5800	UNT of Codorus Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Lampeter Township	PAR233537	Johnson & Johnson Merck 1838 Colonial Village Lane Lancaster, PA 17601	UNT to Stauffer Run/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Penn Township Westmoreland County	PAR506102	USA Valley Facility Inc. 6015 Pleasant Valley Road Irwin, PA 15642	UNT to Beyers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Pittsburgh Allegheny County	PAR606154	D & D Auto Salvage 6375 AVRR Lawrence Pittsburgh, PA 15201	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fawn Township Allegheny County	PAR606196	Millerstown Pick-A-Part Inc. 3150 Lardintown Road Tarentum, PA 15084	Bull Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Unity Township Westmoreland County	PAR806143	Westmoreland County Airport Auth. 200 Pleasant Unity Road Suite 103 Latrobe, PA 15650-4611	Monastery Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rostraver Township Westmoreland County	PAR806144	Westmoreland County Airport Auth. 200 Pleasant Unity Road Suite 103 Latrobe, PA 15650	Gillespie Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene Township Beaver County	PAR606172-A1	Zelenak's Auto Salvage 2511 Brodhead Road Aliquippa, PA 15001	Mill Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
South Fayette Township Allegheny County	PAR116121	Flowserve Corporation 1885 Mayview Road Bridgeville, PA 15017-1518	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Penn Township, Butler County	PAR808353	Butler County Airport Authority 475 Airport Road Butler, PA 16001	UNT to Thorn Creek and UNT to Glade 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>
Blair County Antis Township	PAG043504	Melvin and Sandra Frye R. D. 1, Box 526 Altoona, PA 16601	Riggles Gap Run/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
North Centre Township, Columbia County	PAG045191	Daniel H. Comstock 3533 Ridge Road Bloomsburg, PA 17815	UNT to West Branch Briar Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Somerset County Stonycreek Township	PAG046301	Megan Glessner 2155 Cornerstone Road Friedens, PA 15541	UNT of Lake Stonycreek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Farmington Township, Warren County	PAG048323	Jeffrey L. and Patti A. Phelps 550 Miller Hill Road Warren, PA 16365	Rhine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township, Erie County	PAG048640	David R. Gregor 6822 Old Meadville Road Union City, PA 16438-8503	UNT to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG049132	D. E. Brooks Community SFTF 10023 Route 98 Edinboro, PA 16412	UNT to Little Elk Creek 15-EC	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>
Bedford County Hopewell Township	PAG053583	Bedford County Oil Company, Inc. (Former J & J Corner Store) 914-918 North Spring Street P. O. Box 180 Everett, PA 15537	UNTYellow Creek/CWF-HQ	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Berks County Heidelberg Township	PAG053582	Bethany Childrens Home—Leinbach Cottage 1863 Bethany Road Womelsdorf, PA 19567-9214	UNT Tulpehocken Creek/TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Conneautville Borough Crawford County	PAG058360	Conneautville Keystone 606 Main Street Conneautville, PA 16406	Conneaut Creek WWF; MF	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
South Front Street Isle of Que Penn Township, Snyder County	PAG-08-4816	Eastern Snyder County Regional Authority P. O. Box 330 Selinsgrove, PA 17870-0330	ESCRA Wastewater Treatment Facility Penn Township Snyder County	Northcentral (570) 327-3655

General Permit Type—PAG-13

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136364	Borough of East Washington 15 Thayer Street Washington PA 15301	Washington	East Washington Township	Catfish Creek	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

Permit No. 0904507, Public Water Supply.

Applicant	Forest Park Water—North Penn and North Wales Water Authority 144 Park Avenue Chalfont, PA 18914
Borough	Chalfont
County	Bucks
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100

Permit to Construct Issued March 1, 2005

Permit No. 0905502, Public Water Supply.

Applicant **Borough of Sellersville**
140 E. Church Street
Sellersville, PA 18960

Borough West Rockhill

County **Bucks**

Type of Facility PWS

Consulting Engineer Cowan Associates, Inc.
120 Penn AM Drive
P. O. Box 949
Quakertown, PA 18951

Permit to Construct Issued March 1, 2005

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

Permit No. 4005501, Public Water Supply.

Applicant **Nature's Way Purewater Systems, Inc.**
164 Commerce Road
Dupont, PA 18641

Borough or Township Dupont Borough

County **Luzerne**

Type of Facility Bottled Water System

Consulting Engineer James Palumbo, Jr., P. E.
Jeffrey Ghannam
Quad Three Group, Inc.
72 Glenmaura National Blvd.
Moosic, PA 18507

Permit to Construct Issued March 5, 2005

Operations Permit issued to: **The Pines at West Penn, LLC**, 14 All Kings Drive, New Ringgold, PA 17960 (PWSID 3540061) West Penn Township, **Schuylkill County** on February 23, 2005, for the operation of facilities approved under construction permit No. 5498510.

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

Permit No. 0604519 MA, Minor Amendment, Public Water Supply.

Applicant **Western Berks Water Authority**

Municipality Wyomissing Borough

County **Berks**

Type of Facility Install a transition main from existing main on Cambridge Ave. to the connection point at the hospital. Total length of pipe: 6,200 feet of 16 inch and 242 feet of 12 inch water main. Also included in this project is the replacement of the media in the filters at the treatment plant.

Consulting Engineer James C Elliot, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Permit to Construct Issued: 2/25/2005

Permit No. 0603513 MA, Minor Amendment, Public Water Supply.

Applicant **Bern Township Municipal Authority**

Municipality Bern Township

County **Berks**

Type of Facility Interconnection and Distribution Expansion to Bern Township.

Consulting Engineer Thomas E Roberts, P. E.
Spotts Stevens & McCoy, Inc.
345 North Wyomissing Boulevard
Reading, PA 19610-0307

Permit to Construct Issued: 3/1/2005

Permit No. 6705502 MA, Minor Amendment, Public Water Supply.

Applicant **The York Water Company**

Municipality Jackson Township

County **York**

Type of Facility This permit is for the construction of Jackson Standpipe, a 0.5 mg glass-lined, finished water storage tank.

Consulting Engineer Ryan M Ural, P. E.
The York Water Company
130 East Market Street
P. O. Box 15089
York, PA 17405-7089

Permit to Construct Issued: 2/28/2005

Operations Permit issued to: **Muhlenberg Township Authority**, 3060038, Laureldale Borough, **Berks County** on 2/25/2005 for the operation of facilities approved under Construction Permit No. 0603518 MA.

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

Permit No. 4102501—Operation, Public Water Supply.

Applicant **Tiadaghton View Mobile Home Park**

Township or Borough Upper Fairfield Township

County **Lycoming**

Responsible Official James Perano
GSP Management Company
Box 677
Morgantown, PA 19543

Type of Facility Public Water Supply—Operation

Permit Issued Date 3/1/2005

Description of Action Operation of the 2,000-gallon storage tank, the 8,200-gallon storage tank and the booster pump station.

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

Permit No. 6591505-A1, Public Water Supply.

Applicant	Municipal Authority of the City of New Kensington P. O. Box 577 New Kensington, PA 15068-0577
Borough or Township	City of New Kensington
County	Westmoreland
Type of Facility	Coagulant aid feed facilities
Consulting Engineer	Gibson-Thomas Engineering Co. Inc. 1004 Ligonier Street P. O. Box 853 Latrobe PA 15650
Permit to Construct Issued	March 2, 2005

Operations Permit issued to: **Department of Conservation and Natural Resources**, 400 Market Street, 8th Floor, RCSOB, P. O. Box 8451, Harrisburg, PA 17105-8451, (PWSID No. 5040376) Hanover Township, **Beaver County** on March 7, 2005, for the operation of facilities approved under Construction Permit No. 0472501-A1.

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

Permit No. 1604502, Public Water Supply

Applicant	East Brady Borough
Borough or Township	East Brady Borough
County	Clarion
Type of Facility	PWS
Permit to Construct Issued	03/04/2005

WATER ALLOCATIONS

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

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

WA 10-1007. Water Allocation Permit. The Department grants **Petroleum Valley Regional Water Authority's** request for the right to purchase 220,000 gpd, based on a 30-day average, from the Borough of East Brady. Consulting Engineer: William R. Glasser, P. E., Gibson-Thomas Engineering Co., Inc., 1004 Ligonier Street, P. O. Box 853, Latrobe, PA 15650. Subsidiary Water Allocation issued March 4, 2005.

STORMWATER MANAGEMENT

Action on plans submitted under the Storm Water Management Act (32 P. S. §§ 680.1—680.17)

Bureau of Watershed Management, P. O. Box 8555, Harrisburg, Pennsylvania 17105-8555.

Plan No. 079:05, Bobs and Dunning Creeks Stormwater Management Plan, as submitted by **Bedford, Blair and Cambria Counties** was approved on March 7, 2005.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Cornwall Township	320 South 18th Street Lebanon, PA 17042	Lebanon

Plan Description: The approved plan provides for the implementation of an onlot sewage disposal system management program, revisions to the municipal holding tank ordinance to make it consistent with 25 Pa. Code § 71.63, and revisions to the municipal subdivision and land development ordinance to establish replacement sewage absorption area requirements and preliminary hydrogeologic study requirements. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Hazardous Sites Cleanup under the Act of October 18, 1988

Settlement under HSCA and CERCLA

Raymark Site, Hatboro Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a Settlement Agreement (Agreement) with C & L Rivet Co. and 220 Jacksonville Road, LLC (collectively Settlers) regarding the Raymark National Priority List Site (Raymark Site).

The Raymark Site is located at 220 Jacksonville Road, Hatboro, Montgomery County, more properly identified as Montgomery County Tax Parcel No. 08-00-02536-00-3. The Raymark Site consists of an approximately 42,000 square foot manufacturing building, an abandoned wastewater treatment and lagoon area and groundwater contamination from sources located on the property. The Raymark Site has been used to produce rivets and fasteners since approximately 1948. From 1948 to 1972, certain wastes, including trichloroethylene (TCE), from degreasing and electroplating activities were discharged into unlined lagoons located on the Raymark Site. As a result of these and other practices, TCE has contaminated certain soil areas and groundwater at the Raymark Site.

The United States Environmental Protection Agency and the Department performed a Remedial Investigation/Feasibility Study of the Raymark Site and selected certain remedies to address the soil and groundwater contamination. These include, among others, an engineered cap area and an asphalt cap area over soils contamination and an onsite groundwater treatment system.

Other than potential liability associated with their present ownership of the Site, Settlers have asserted, and the Department has no information to indicate otherwise, that they neither caused, contributed to nor are otherwise liable for any contamination at the Raymark Site. Under the terms of the Agreement with the Department, Settlers will contribute \$4,000 towards response costs incurred and to be incurred by the Department associated with the Site, will agree not to exacerbate any existing contamination at the Site, will agree to maintain institutional and engineering controls placed on the Raymark Site as part of the remedy, and will provide access and right of entry to the Department, in exchange for a covenant not to sue and contribution protection from the Commonwealth.

This notice is provided under section 1113 of the HSCA (35 P.S. § 6020.1113). The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting either George Horvat at (484) 250-5717 or Anderson Lee Hartzell at (484) 250-5866. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to George Horvat at the previously listed address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of

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

The Department has received the following plans and reports:

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

225-300 Washington St. Prop., Conshohocken Borough, **Montgomery County.** Michael Gonshor, P.G., Roux Assoc., Inc., 1222 Forest Pkwy., Ste. 190, West Deptford, NJ 08066 on behalf of Scott Backer, Washington, St. Assoc., II, LP has submitted a Baseline Environmental Report concerning remediation of site soil contaminated with PAH, PB and VOCs. The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

Former Levy United News, Inc., City of Philadelphia, **Philadelphia County.** Dean Jeffery Telego, Risk Mgmt Technologies, Inc., 110 N. Royal St., Ste. 301, Alexandria, VA 22314 on behalf of Clifford Risell for PCCBC, 725 E. Erie Ave., Philadelphia, PA has submitted a Remedial Investigation, Risk Assessment and Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, fuel oil no. 6, MTBE, other organics and PAH. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Maple Glen Shopping Ctr., Upper Dublin Township, **Montgomery County.** Keith T. D'Ambrosio, P.E., Whitestone Assoc., Inc., 1120 Welsh Rd., Ste. 200, North Wales, PA 19454 on behalf of Safeway, Inc., 5918 Stoneridge Mall Rd., Pleasanton, CA 94588-3229 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Penn Crossing, Coatesville Borough, **Chester County.** Robert H. Marion, P.G., GCI Environmental Svc, 1250 E. King St., Lancaster, PA 17602-3236 on behalf of Tammy Cansler, Cansler Investment Group, 26 N. 2nd St., Coatesville, PA 19320 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Chen Prop., Limerick Township, **Montgomery County.** Greg Van Hook, INTEX Env. Group, Inc., 6205 Easton Rd., Pipersville, PA 19468 on behalf of Wu Chen, 26 W. Ridge Pike, Limerick, PA 19468 has submitted a Final Report concerning remediation of site groundwater contaminated with MTBE. The report is intended to document remediation of the site to meet the Background Standard.

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

Edward Hatcher Residence, Lower Allen Township, **Cumberland County.** GemChem, Inc., P.O. Box 384, Lititz, PA 17543-0384, on behalf of Edward Hatcher, 6 Saint Johns Road, Camp Hill, PA 17011, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

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

Dominion Transmission, Harrison Compressor Station, Harrison Township, **Potter County**, SE Technologies, Inc., 98 Vanadium Road, Bld D, 2nd Fl., Bridgeville, PA 15017, has submitted a Final Report concerning soil and groundwater contaminated with ethylene glycol. This Final Report is intended to demonstrate attainment of the Statewide Health Standard for groundwater and the Site-specific Standard for soils.

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

Montour Railroad Shops, Borough of Coraopolis, Robinson and Moon Townships, **Allegheny County**, Mark L. Orzechowski, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of James Wilham, Alliance Realty Management, 2425 Sidney Street, Pittsburgh, PA 15203 has submitted a Remedial Investigation Report. Site soils and groundwater contaminated with diesel fuel and inorganics includes beryllium, cadmium, and nickel. 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.

Barry Bridge Park Proj., Chester City, **Delaware County**, Walter H. Hungarter, III, Rt. Env. Svc., Inc., 215 W Church Rd., King of Prussia, PA 19406 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 coal tar process waste. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 22, 2005.

RESIDUAL WASTE GENERAL PERMITS

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR103. Ridgewood Soils, Inc., P. O. Box 4068, Reading, PA 19606. General Permit application numbered WMGR103 is for the processing and beneficial use of: (1) spent mushroom substrate, (2) dredged river sand, (3) wood and yard waste, and (4) used asphalt and concrete to produce: (a) a manufactured topsoil, (b) construction aggregate, and (c) mulch material. Central Office received the application on January 13, 2005, and determined administratively complete on March 8, 2005.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

Registration under General Permit No. WMGR090R039. Montgomery Township, 1001 Stump Road, Montgomeryville, PA 18936.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on March 1, 2005.

Registration under General Permit No. WMGR090R040. D. M. Stoltzfus & Son, Inc., 330 Quarry & Snake Hill Roads, Talmage, PA 17580-0084.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on March 1, 2005.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit No. WMGR098D002. Boyertown Foundry Company, 9th & Rothermel Drive, New Berlinville, PA 19545. General Permit Number WMGR098D002 is for the beneficial use of waste foundry sands and sand system dusts generated at ferrous metal foundries and steel industries for use as a construction material, a soil additive or soil amendment. Central Office approved the determination of applicability on March 1, 2005.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit No. 100973. Republic Services of PA, 4145 E. Baltimore Pike, Media, PA 19063, City of Philadelphia. This permit is for the ten-year renewal of the solid waste permit for Quickway Transfer Station located in the City of Philadelphia. The permit was issued by the Southeast Regional Office on March 1, 2005.

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

Permit ID No. 301225. Thermal-Clean Services Corp., 896 East National Pike, Washington, PA 15301. Operation of a residual waste processing facility in Amwell Township, **Washington County.** Permit modification approving a radioactive materials testing and monitoring plan issued in the Regional Office on March 1, 2005.

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 400687. P H Glatfelter, Spring Grove Borough, York County. Permit Renewal approved for the operation of residual waste processing, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. §§ 6018.501—6018.508).

This approves a permit renewal for use of wastewater treatment sludge as an auxiliary fuel at the No. 5 Power Boiler at the Glatfelter Spring Grove Mill.

Persons interested in reviewing the general permit should contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

GP1-67-03077: Dallastown Area School District (700 New School Lane, Dallastown, PA 17313-9242) on

March 4, 2005, to operate a small gas and No. 2 oil fired combustion units under GP1 in York Township, **York County**.

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

GP-43-301: Atlas Pipeline Pennsylvania, LLC—Jackson Center Compressor Station (103 Hosack Road, Jackson Center, PA 16133) on March 3, 2005, to operate a natural gas fired compressor engine in Jackson Center, **Mercer County**.

GP-61-196: Belden and Blake Corp.—Windy Hills Station (State Route 8, Titusville, PA 16354) on February 24, 2005, for a natural gas fired compressor engine in Cherrytree Township, **Venango County**.

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

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

28-05020A: T. B. Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) on March 2, 2005, to install a fabric collector to control particulate matter emissions from an existing table blast machine at their iron foundry in Chambersburg Borough, **Franklin County**.

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

41-00064A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on February 1, 2005, to construct a jaw crusher, feeder and two conveyors in a stone crushing plant (Hagerman's Run Plant No. 12) in Armstrong Township, **Lycoming County**.

17-305-042C: DTE River Hill, LLC—DTE Synfuel Operations, LLC (414 South Main Street, Ann Arbor, MI 48104) on February 1, 2005, to construct a coal railcar unloading operation, a synthetic fuel railcar loading operation and a diesel powered hydraulic excavator in Karthaus Township, **Clearfield County**.

55-399-005A: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842) on February 8, 2005, to construct a modular home manufacturing operation in Middleburg Borough, **Snyder County**.

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

37-013F: Cemex, Inc. (2001 Portland Park, Wampum PA 16157) on January 11, 2005, to construct slag feeding equipment including stockpile, front end loader transport, hoppers and conveyors. The source is subject to 40 CFR Part 63 Maximum Achievable Control Technology (MACT) LLL pertaining to Portland cement manufacturing industries.

61-206A: Renovex, Inc. (1028 Stevenson Road, Grove City, PA 16127) on January 19, 2005, to install a flow coating line and associated control equipment at their Barkeyville Industrial Park facility in the Borough of Barkeyville, **Venango County**.

42-196B: Catalyst Energy, Inc.—Swamp Angel Compressor Station (Big Shany Road and FR 307, Lewis Run, PA 16738) on February 18, 2005, to install a 3,000 cfm natural gas processing plant in Lafayette Township, **McKean County**. The source is subject to NSPS (40 CFR Part 60, Subpart KKK).

43-336A: Pennsylvania Rail Car Co., Inc. (33 Carbaugh Street, West Middlesex, PA 16159) on February 1, 2005, for post construction of a flow coating line at their West Middlesex Plant in the Borough of West Middlesex, **Mercer County**.

16-136C: Glenn O. Hawbaker, Inc. (State Route 3011, Clarion, PA 16214) on February 15, 2005, to modify a plan approval to burn alternative fuels including No. 2, No. 5, No. 6, fuel oil or any combination of No. 2, No. 4 No. 6 and reprocessed/recycled oil at their Plant No. 14-Clarion Asphalt Facility in Beaver Township, **Clarion County**.

42-206A: Holm Industries, (700 1/2 Elk Avenue, Kane, PA 16735) on January 18, 2005, to modify two existing calcining furnaces and associated control equipment at their Kane facility in the Borough of Kane, **McKean County**.

43-335A: J. Bradley McGonigle Funeral Home (1090 E. State Street, Sharon, PA 16146) on January 18, 2005, to construct a human cremation retort in the City of Sharon, **Mercer County**.

10-346A: Scrap Salvage and Surplus, Inc. (690 Glenwood Way, Butler, PA 16001) on February 23, 2005, to install a torch cutting facility with a movable building and baghouse in Center Township, **Butler County**. This is a State-Only facility.

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.

23-0002C: Stoney Creek Technologies, LLC (3300 W. 4th Street, Trainer, PA 19061) on February 25, 2005, to operate two steam boilers in Trainer Borough, **Delaware County**.

15-0115B: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on March 7, 2005, to operate three emergency generators in West Goshen Township, **Chester County**.

23-0082: Liberty Electric Power, LLC (1000 Industrial Hwy, Route 291, Eddystone, PA 19022) on March 7, 2005, to operate a power plant—500 MW in Eddystone Borough, **Delaware County**.

46-0222: Bostik Findley, Inc. (1500 Parker Road, Conyers, GA 30094) on March 7, 2005, to operate a storage silos, charging stations and in Upper Moreland Township, **Montgomery County**.

46-0244: Acme Corrugated Box Co., Inc. (4525 Adams Circle, Bensalem, PA 19020) on March 7, 2005, to operate a steam generator in Upper Moreland Township, **Montgomery County**.

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

48-302-103: Newstech PA LP (6 Horwith Drive, Northampton, PA 18067) on January 31, 2005, to reactivate a boiler at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

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

01-05029: Reliant Energy Wholesale Generation, LLC. (121 Champion Way, Suite 200, Canonsburg, PA 15317) on March 5, 2005, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This plan approval was extended.

22-05046A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on February 26, 2005, to construct a fabric filter at their Handwerk Materials asphalt plant in Lower Swatara Township, **Dauphin County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

22-05046B: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on March 1, 2005, to modify their Handwerk Materials asphalt plant in Lower Swatara Township, **Dauphin County**. This facility is subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. This plan approval was extended.

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

32-00297D: Creps United Publications (1163 Water Street, P. O. Box 746, Indiana, PA 15701) on February 24, 2005, to conduct stack testing at their Christy Park Drive Facility in White Township, **Indiana County**. This plan approval was extended.

04-00446E: AES Beaver Valley, LLC (394 Frankfort Road, Monaca, PA 15061) on March 4, 2005, to install boilers at their Beaver Valley Cogeneration, in Potter Township, **Beaver County**. This plan approval was extended.

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

10-0011: AK Steel Corp.—Butler Works (Standard Avenue, Butler, PA 16003-0832) on December 31, 2004, to

revise NOx and CO emission limits at No. 3 Baghouse inlet (Melt Shop) in Butler, **Butler County**. This is a Title V facility.

43-270A: CCL Container (One Llodio Drive, Hermitage, PA 16148-9015) on December 13, 2004, to replace an existing 25,000 cfm incinerator with a new 30,000 cfm regenerative catalytic oxidizer in Hermitage, **Mercer County**. This is a Title V facility.

61-185A: Heath Oil Co. (Route 8, Barkeyville, PA 16038) on November 3, 2004, to install a portable oil refinery in Barkeyville, **Venango County**.

24-083E: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on February 15, 2005, to install a scrubber in Benzinger Township, **Elk County**.

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

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

06-05035: The Glidden Co. dba ICI Paints North America (301 Bern Street, Reading, PA 19601-1252) on March 2, 2005, to operate a paint manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the Title V operating permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

41-00001: Transcontinental Gas Pipeline Corp. (2800 Post Oak Boulevard, P. O. Box 1396, Houston, TX 77251) on February 17, 2005, issued a renewal of the Title V Operating Permit for their Salladasburg facility in Mifflin Township, **Lycoming County**. The facility's sources include five reciprocating internal combustion engines, two compressor turbine engines, twelve space heaters, five storage tanks, two furnaces, one parts washer, one auxiliary generators, one boiler and associated pipeline flanges and valves. The two compressor turbine engines are subject to 40 CFR 60.330—60.335. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

19-00007: Transcontinental Gas Pipeline Corp. (2800 Post Oak Boulevard, P. O. Box 1396, Houston, TX 77251) on February 10, 2005, issued a renewal Title V Operating Permit for their Jackson Township facility in Jackson Township, **Columbia County**. The facility's sources include four turbine compressor engines, four space heaters, four storage tanks, one parts washer, one auxiliary generators, one water heater, one glycol heater, and associated pipeline flanges and valves. The four engines are subject to 40 CFR 60.330—60.335. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00002: Transcontinental Gas Pipeline Corp. (2800 Post Oak Boulevard, P. O. Box 1396, Houston, TX 77251) on March 2, 2005, issued a renewal of the Title V Operating Permit for their Wharton facility in Wharton Township, **Potter County**. The facility's sources includes five reciprocating internal combustion engines, thirteen space heaters, eleven storage tanks, three field heaters, one regen heater, one parts washer, one auxiliary genera-

tors, one boiler, and associated pipeline flanges and valves. The three field heaters are subject to 40 CFR 60.40c—60.48c. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

23-00056: Honeywell International Inc. (6100 Philadelphia Pike, Claymont, PA 19703) on March 3, 2005, to operate a Natural Minor Operating Permit in Marcus Hook Borough, **Delaware County**.

46-00175: Hatfield Township Municipal Authority (3200 Advance Lane, Colmar, PA 18915) on March 3, 2005, to operate a Synthetic Minor Operating Permit in Hatfield Township, **Montgomery County**.

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

41-00064: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on February 1, 2005, to operate a stone crushing facility (Hagerman's Run Plant No. 12) in Armstrong Township, **Lycoming County**.

08-00025: Northern Bradford Crematory (502 North Keystone Avenue, South Waverly, PA 18840) on February 1, 2005, to operate a human remains crematory facility in South Waverly Borough, **Bradford County**.

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

04-00466: New Sewickley Pet Crematory (P. O. Box 311, Zelienople, PA 16063) on March 1, 2005, for an animal crematory at their facility in New Sewickley Township, **Beaver 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.

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

46-00035: SmithKline Beecham dba Glaxo-SmithKline (1250 South Collegeville Road, Collegeville, PA 19426) on March 3, 2005, to modify a 10-gallon reactor with a 20-gallon reactor and a 20-inch centrifuge with a new 20-inch centrifuge. Condition No. 005 was modified in Upper Merion Township, **Montgomery County**.

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

21-03006: Nestle Purina PetCare Co. (6509 Brady Lane, Mechanicsburg, PA 17050) on March 3, 2005, to operate pet food production lines controlled by fabric collectors at their facility in Hampden Township, **Cumberland County**. This Operating Permit administratively amended their operating permit to incorporate plan approval 21-03006B. This is revision No. 1.

67-05084: York Wallcoverings, Inc. (2075 Loucks Road, York, PA 17404) on March 1, 2005, to operate their wallpaper printing facility in West Manchester Township, **York County**. This Operating permit was administratively amended to reflect a change of ownership from GTY, Inc. This is revision No. 2.

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

41-00018: Springs Window Fashions, LP (8601 Route 405, Montgomery, PA 17752) on February 28, 2005, to establish hazardous air pollutant synthetic minor emission limitations and associated recordkeeping and reporting requirements for a coil coating facility in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462 in Clinton Township, **Lycoming County**.

55-00005: Wood-Mode, Inc. (One Second Street, Route 522, Kreamer, PA 17833) on February 23, 2005, issued a revised operating permit, Revision No. 4, for their wood furniture manufacturing facility in Middlecreek Township, **Snyder County**. The revision of this operating permit incorporates bulk conversion sealer WW Sealer 366-L029-1523 into the emissions averaging program approved under the operating permit. This Title V operating permit contains all applicable regulatory requirements including monitoring, record keeping and reporting conditions.

14-00002: Graymont (PA) Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on March 7, 2005, issued a revised operating permit, Revision No. 2, for their lime manufacturing facility in Spring Township, **Centre County**. The revision incorporated into the operating permit reactivated bulk hydrated lime tank no. 4 with bottom lime bagger and pebble lime fabric collector located at the Con-Lime plant. The revision also included incorporation of the requirements of plan approval 14-00002E into the operating permit and incorporation of conditions of approval for a pebble lime transport de minimis emission increase approved April 1, 2004. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

42-00197: M and M Royalty, Ltd. (Irishtown Road, Route 307, Bradford, PA 16701) on February 25, 2005, to administratively amend the previous Natural Minor Operating Permit (issued on February 12, 2004) for their natural gas processing plant in Lafayette Township, **McKean County**. This administrative amendment incorporates the conditions authorized by Plan Approval No. 42-197C.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

30841317. NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company, (P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to conduct blasting activity to construct airshaft. No additional discharges. Permit issued: February 28, 2005.

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

03000104 and NPDES Permit No. PA0202746. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Valley and Kittanning Townships, **Armstrong County**, affecting 411.6 acres. Receiving streams: UNTs to Cowanshannock Creek, Cowanshannock Creek, Allegheny River; UNTs to Mill Run, Mill Run to Cowanshannock Creek to Allegheny River. Application received: January 10, 2005. Reclamation-only renewal issued: March 2, 2005.

03940113 and NPDES Permit No. PA0201031. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit renewal for continued operation and reclamation for a bituminous surface mine located in Washington Township, **Armstrong County**, affecting 68.7 acres. Receiving streams: UNTs to Huling Run. Application received: January 12, 2005. Permit issued: March 3, 2005.

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

33980109 and NPDES Permit No. PA0227897. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Oliver Township, **Jefferson County** affecting 52.0 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Little Sandy Creek. Application received: January 12, 2005. Permit Issued: March 2, 2005.

33950106 and NPDES Permit No. PA0227081. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Revision to an existing bituminous surface mining permit to add blasting in Perry Township, **Jefferson County** affecting 148.4 acres. Receiving streams:

UNT to Mahoning Creek, UNT to Sawmill Run; and Rose Run. Application received: January 14, 2005. Permit Issued: March 3, 2005.

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

17040109 and NPDES Permit No. PA 0243841. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 67 acres. Receiving streams: Banian Run and Muddy Run. Application received: August 17, 2004. Permit issued: February 25, 2005.

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

22041301. Ladnar, Inc., (1165 Trail Road, Hummelstown, PA 17036), commencement, operation and restoration of an anthracite underground mine operation in Williams Township, **Dauphin County** affecting 3.0 acres, receiving stream: none. Application received May 26, 2004. Permit issued February 28, 2005.

54840209R4. Mazaika Coal Company, (689 Fairview Street, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing and prep plant operation in Rush Township, **Schuylkill County** affecting 24.0 acres, receiving stream: none. Application received December 30, 2004. Renewal issued February 28, 2005.

54991301R. Joliett Coal Company, (837 East Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite underground mine operation in Porter Township, **Schuylkill County** affecting 3.0 acres, receiving stream: none. Application received December 1, 2004. Renewal issued March 2, 2005.

Noncoal Permits Actions

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

03030401 and NPDES Permit No. PA0250333. Seven Sisters Mining Co., Inc. (200 U.S. Route 22, P. O. Box 300, Delmont, PA 15626). Permit issued for commencement, operation and reclamation of a noncoal surface mining site located in South Bend and Burrell Townships, **Armstrong County**, affecting 34.7 acres. Receiving streams: Crooked Creek to Allegheny River. Application received: January 22, 2003. Permit issued: March 3, 2005.

65930401 and NPDES Permit No. PA0200492. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425-9503). NPDES renewal for an existing noncoal surface mine, located in Derry and Ligonier Townships, **Westmoreland County**, affecting 172.6 acres. Receiving streams: UNTs to Loyalhanna Creek. Renewal application received: July 12, 2004. Permit issued: March 4, 2005.

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

66040807. Kevin E. Johnson (R. R. 2 Box 145, Wyalusing, PA 188553), commencement, operation and restoration of a Small Bluestone Quarry operation in Braintrim Township, **Wyoming County** affecting 5.0 acres. Receiving stream: Tuscarora Creek, tributary to the Susquehanna River. Application received November 29, 2004. Permit issued February 28, 2005.

64040802. Joseph G. Bunnell (267 Tryon Street, Honesdale, PA 18431), commencement, operation and restoration of a Small Shale Quarry operation in Texas Township, **Wayne County** affecting 5.0 acres. Receiving

stream: Lackawaxen River. Application received August 4, 2004. Permit issued March 1, 2005.

7976SM1C6 and NPDES Permit No. PA0118389. Eureka Stone Quarry, Inc., (9119 Frankford Avenue, Philadelphia, PA 19114), correction to an existing quarry operation and renewal of NPDES Permit in Warrington Township, **Bucks County** affecting 387.0 acres, receiving stream: Mill Creek. Application received April 23, 2003. Correction issued March 2, 2005.

5074SM3A2C4 and NPDES Permit No. PA0121126. Valley Quarries, Inc., (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit for discharge of treated mine drainage in Greene Township, **Franklin County**, receiving stream: Conococheague Creek. Application received January 10, 2005. Renewal issued March 2, 2005.

6575SM1C6 and NPDES Permit No. PA0594415. Hanson Aggregates Pennsylvania, Inc., (P. O. Box 231, Easton, PA 18044), renewal of NPDES Permit for discharge of treated mine drainage in Hamilton Township, **Monroe County**, receiving stream: UNT to Lake Creek. Application received January 13, 2005. Renewal issued March 2, 2005.

8073SM4A2C7 and NPDES Permit No. PA0594849. Reading Materials, Inc., (P. O. Box 1467, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in Lower Pottsgrove Township, **Montgomery County**, receiving stream: Sanatogo Creek. Application received January 12, 2005. Renewal issued March 2, 2005.

8274SM5A1C6 and NPDES Permit No. PA0123480. DM Stoltzfus & Son, Inc., (P. O. Box 84, Talmage, PA 17580), renewal of NPDES Permit for discharge of treated mine drainage in Fulton Township, **Lancaster County**, receiving stream: Octoraro Creek. Application received January 7, 2005. Renewal issued March 2, 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.

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

24054002. Onyx Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846). Blasting activity permit for the construction of a cell for waste disposal in Fox Township, **Elk County**. The blasting activity permit will expire on March 1, 2006. Application received: February 24, 2005. Application issued: March 1, 2005.

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

58054101. Hayduk Enterprises, (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Herrick Township, **Susquehanna County** with an expiration date of December 31, 2005. Permit issued February 28, 2005.

15054103. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Dunkin Donuts-Malvern in East Whiteland Township, **Chester County** with an expiration date of February 28, 2006. Permit issued March 1, 2005.

28054102. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for a home in Peters Township, **Franklin County** with an expiration date of February 25, 2006. Permit issued March 1, 2005.

06054005. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at Rivercrest in Muhlenberg Township, **Berks County** with an expiration date of February 28, 2006. Permit issued March 3, 2005.

36054006. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at Musser Road Subdivision in East Donegal Township, **Lancaster County** with an expiration date of February 28, 2006. Permit issued March 3, 2005.

67054004. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at South Pointe in West Manheim Township, **York County** with an expiration date of February 28, 2006. Permit issued March 3, 2005.

67054005. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at Modern Landfill/Cell Expansion in Windsor Township, **York County** with an expiration date of February 28, 2006. Permit issued March 3, 2005.

67054006. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at Northeastern York Sewer Authority in East Manchester Township, **York County** with an expiration date of February 28, 2006. Permit issued March 3, 2005.

21054110. R & M Excavating, (403 Hilltop Road, Newburg, PA 17240), blasting for Spring Hill Cemetery Shippensburg Borough, **Cumberland County** with an expiration date of May 25, 2005. Permit issued March 3, 2005.

21054111. R & M Excavating, (403 Hilltop Road, Newburg, PA 17240), construction blasting for a home in West Pennsboro Township, **Cumberland County** with an expiration date of May 24, 2005. Permit issued March 3, 2005.

21054112. John W. Gleim, Jr., Inc., (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Two Mile House in South Middleton Township, **Cumberland County** with an expiration date of April 15, 2005. Permit issued March 4, 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

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

E67-766: J. G. Leasing Company, Inc., 2780 York Haven Road, York Haven, PA 17370 in Manchester Township, **York County**, ACOE Baltimore District.

To construct and maintain a 15-inch by 76-foot pipe culvert through a wetland associated with an UNT to Conewago Creek (TSF). The extension of Sequoia Street is associated with the development of a 37-lot residential community on a 27-acre parcel in Manchester Township, York County (Dover, PA Quadrangle N: 4.8 inches; W: 2.5 inches). The roadway will impact 0.10 acre of a reed canary grass monoculture palustrine emergent wetland. The permittee is required to provide a minimum of 0.10 acre of replacement wetlands onsite.

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.

E63-569. Bryan S. and Sally A. Putt, 119 Simmons Road, McMurray, PA 15317. To construct a culvert in Peters Township, **Washington County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 0.1 inches; W: 6.9 inches and Latitude: 40° 16' 00"—Longitude: 80° 02' 56"). To construct and maintain a 65.0-foot long culvert crossing consisting of three 60-inch pipes in an UNT to Peters Creek (TSF) for the purpose of providing access to a residence. The permittee shall depress the middle pipe 6 inches in the stream bed and recreate the low flow channel upstream and downstream from the proposed crossing. The project is located on the west side of McCombs Road approximately 6,000 feet southeast of its intersection with Bower Hill Road.

E65-492 A3. Three Rivers Marine and Rail Terminals, Vista 1 Professional Building, Suite 206, Charleroi, PA 15222. To amend Permit E65-492 in Rostraver Township, **Westmoreland County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 0.45 inch; W: 0.23 inch and Latitude: 40° 07' 39"—Longitude: 79° 52' 36"). To construct and maintain a truck unloading platform, consisting of steel sheet piling, having a facilities area of 29 ft. by 20 ft. in and along the right bank of the Monongahela River between the existing mooring posts at a point 146 feet downstream of the existing sheet pile crane platform. The platform will have an adjustable chute, to enable trucks to unload cargo directly into moored barges.

E65-846. Norfolk Southern Railway Company, 99 Spring Street, Building Box 142, Bridge Office, Atlanta, GA 30303. To construct two elliptical pipes in Derry Township, **Westmoreland County**, Pittsburgh ACOE District. (Blairsville, PA Quadrangle N: 1.03 inches; W: 0.28 inch; and Latitude: 40° 22' 51"—Longitude: 79° 15' 7"). To construct and maintain two elliptical C.M. pipes inside an existing stream enclosure under 150 linear feet of Norfolk Southern Railroad, to remove the existing structure under Gray Station Road (T-972), and to extend the proposed corrugated metal pipes underneath this roadway, for a total pipe length of 152 feet in an UNT to McGee Run (CWF). Riprap aprons will be installed for 10 feet beyond the inlets and outlets of these pipes. The project site is located where the railroad tracks and T-972 cross over an UNT to McGee Run.

E65-857. City of Monessen, 100 Third Street, Monessen, PA 15062. To construct stream bank stabilization in the City of Monessen, **Westmoreland County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 3.48 inches; W: 0.31 inch and Latitude: 40° 8' 39"—Longitude: 79° 52' 38"). To construct and maintain a stream bank stabilization project consisting of rock rip rap, coconut fiber longs and/or stream bank plantings, at four locations, along an approximately 1,400 feet reach of an UNT to the Monongahela River. This watercourse has a Statewide water use designation for WWF. A cumulative total of 710 feet of stream bank will be stabilized within the project area. The project is located in the city park along Grand Boulevard.

E65-858. Jacobs Creek Watershed Association, P. O. Box 1071, Mt. Pleasant, PA 15666. To construct bank stabilization in Mt. Pleasant Township, **Westmoreland County**, Pittsburgh ACOE District. (Mammoth, PA Quadrangle N: 0.15 inch; W: 4.96 inches and Latitude: 40° 07' 33"—Longitude: 79° 24' 38"). To construct and maintain bank stabilization using rock armor, coconut fiber long, live stake and other vegetative plantings along

approximately 2,860 feet of Jacobs Creek (CWF) for the purpose of preventing erosion. The project is located at the Donegal Highland Golf Course off of Clay Pike Road.

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

E62-395, City of Warren, 318 W. Third Ave., Warren, PA 16365. Fifth Avenue Bridge Across Conewango Creek, in City of Warren, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 18.3 inches; W: 2.3 inches).

To remove the existing bridge and to construct and maintain a 40-foot wide prestressed concrete beam bridge having two clear spans of 114 feet and one clear span of 103.5 feet and a minimum underclearance of 10.5 feet across Conewango Creek on Fifth Avenue approximately 4500 feet upstream of the mouth at the Allegheny River

WATER QUALITY CERTIFICATION

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

Final Action on Request for Certification under Section 401 of the Federal Water Pollution Control Act

Except as otherwise noted, the Department of Environmental Protection (Department), under section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the act, and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

A. Water Obstruction and Encroachment Permits and NPDES Permits for stormwater discharge from construction activities must be obtained from the Department of Environmental Protection, Soils and Waterways Section, Water Management, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

B. The proposed activity must comply with 25 Pa. Code Chapters 93, 95, 102 and 105 and all other applicable State regulations and other State requirements.

Final or proposed action on certain other certification requests for projects which required both a Water Obstruction and Encroachment Permit and either a United States Army Corps of Engineers individual permit or a nationwide permit 14, 18 or 26 will be published with the Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

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.

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

Certification Request Initiated By: David E. Zazworsky, Special Assistant to the Commissioners, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676

Project Description: The proposed project is the construction of a 24-mile long, four-lane, limited access, tolled expressway beginning at PA Route 51 in the Borough of Jefferson Hills, Allegheny County and ending at the Parkway East (I-376) in the City of Pittsburgh, Allegheny County and at the Parkway East (I-376) in the Municipality of Monroeville, Allegheny County. The project will impact the following river and streams: Monongahela River (WWF), five UNTs to the Monongahela River (WWF), an UNT to Peters Creek (TSF), Thompson Run to Monongahela River (WWF), two UNTs to Thompson Run to Monongahela River (WWF), Turtle Creek (WWF), an UNT to Turtle Creek (WWF), Thompson Run to Turtle Creek (WWF), eight UNTs to Thompson Run to Turtle Creek (WWF), Sawmill Run to Turtle Creek (WWF), Chalfant Run (WWF), Leak Run (WWF), Ninemile Run (TSF), Streets Run (WWF), and Glass Run (WWF). In addition, a total of 10.36 acres of wetlands are proposed to be permanently impacted (6.23 acres PEM, 1.86 acres PSS, 0.35 acre PFO, and 1.92 acres POW). Stream and wetland mitigation will be required.

Location: Borough of Jefferson Hills, West Mifflin Borough, Borough of Dravosburg, City of Duquesne, North Versailles Township, Borough of East Pittsburgh, Borough of North Braddock, Borough of Braddock, Borough of Rankin, Borough of Swissvale, City of Pittsburgh, Borough of Turtle Creek, Wilkins Township, Municipality of Monroeville, and Municipality of Penn Hills in Allegheny County.

Final Action on Request: Approved.

[Pa.B. Doc. No. 05-503. Filed for public inspection March 18, 2005, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not 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: 563-2000-610. Title: Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars. Description: This guidance establishes procedures to provide that abandoned mine voids are accurately located and mapped and to ensure that active underground mines are designed to include perimeter barriers that adequately address safety and environmental concerns. A notice of availability of the draft version of this document was published at 35 Pa.B. 68 (January 1, 2005). Provision for a 30-day public comment period was provided for the draft document, which concluded on January 31, 2005. No comments were received on the proposed changes to the document. Contact: Gregory Shuler, Bureau of Mining and Reclamation, (717) 783-1199, gshuler@state.pa.us. Effective Date: March 19, 2005.

Final Guidance—New Guidance

DEP ID: 273-4110-001. Title: Guidelines for Identifying, Tracking and Resolving Violations for Air Quality. Description: The Bureau of Air Quality is establishing this new technical guidance document to implement the provisions of the Standards and Guidelines For Identifying, Tracking and Resolving Violations Policy issued on April 6, 2004. A notice of availability of the draft version of this document was published at 34 Pa.B. 4971 (September 4, 2004). Provision for a 30-day public comment period was provided for the draft document, which concluded on October 4, 2004. The document was revised in response to comments received from the public. Contact: Krishnan Ramamurthy, Bureau of Air Quality, (717) 772-3369, kramamurth@state.pa.us. Effective Date: March 19, 2005.

DEP ID: 383-3310-309. Title: Pennsylvania Drinking Water Information System (PADWIS) Laboratory Sample User's Manual. Description: The Bureau of Water Supply and Wastewater Management is establishing this document to establish uniform instructions and protocol for using and maintaining computerized public drinking water laboratory sample data for management of the Safe Drinking Water Program. A notice of availability of the draft version of this document was published at 34 Pa.B. 2752 (May 22, 2004). Provision for a 30-day public comment period was provided for the draft document, which concluded on June 21, 2004. The document was

revised in response to comments received from the public. Contact: Trudy J. Troutman, Bureau of Water Supply and Wastewater Management, (717) 783-3795, trutrutma@state.pa.us. Effective Date: March 19, 2005.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-504. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Brandywine Hospital for Exception

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

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-505. Filed for public inspection March 18, 2005, 9:00 a.m.]

Application of Four Seasons Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Four Seasons Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-506. Filed for public inspection March 18, 2005, 9:00 a.m.]

Application of Lewistown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lewistown Hospital has requested an exception to the requirements of 28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-507. Filed for public inspection March 18, 2005, 9:00 a.m.]

Application of Main Line Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare*

Facilities. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F4 (relating to step down area).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-508. Filed for public inspection March 18, 2005, 9:00 a.m.]

Application of The Chester County Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Chester County Hospital has requested an exception to the requirements of 28 Pa. Code § 139.12 (relating to neonatal care units).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-509. Filed for public inspection March 18, 2005, 9:00 a.m.]

Application of The Surgical Center at Pennsylvania Reproductive Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgical Center at Pennsylvania Reproductive Associates has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.D1, 9.5.E1, 9.5.E3, 9.5.F2, 9.5.F3, 9.5.F4 and 9.5.F5(a)—(d), (g), (h) and (m).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-510. Filed for public inspection March 18, 2005, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Friday, May 6, 2005, from 9:30 a.m. to 2:30 p.m. in 125N, Training Room C, Commonwealth Keystone Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

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 Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-511. Filed for public inspection March 18, 2005, 9:00 a.m.]

Patient Safety Trust Fund Surcharge for Fiscal Year 2004-2005 under the Medical Care Accountability and Reduction of Error (MCARE) Act

On March 20, 2002, the Medical Care Accountability and Reduction of Error Act (act) (40 P. S. §§ 1303.101—1303.910) was signed into law. Among other provisions, the act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues to operate the Authority. Section 305(c) of the act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 may not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt.

Section 305(d) of the act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year. With the cooperation of the hospitals, birthing centers and ambulatory surgery facilities (ASFS) in this Commonwealth, the surcharge for FY 2002-2003 and FY 2003-2004 was implemented, and provided resources for the implementation of the Internet-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

The Authority has recommended that the FY 2004-2005 surcharge assessment total \$2.5 million, approximately 1/2 of the amount that may be assessed under the act.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2004-2005. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ASFs, birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1087).

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs and birth centers, the Department has chosen the number of operating and procedure rooms; for hospitals, the Department has chosen the number of beds contained on the license of each hospital,

whether by the Department of Health (general and special acute care hospitals) or the Department of Public Welfare (privately-owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment. The Department has chosen January 1, 2004.

The amount of operating/procedure rooms (for ASFs and birth centers) and the amount of licensed beds (for hospitals) was totaled and that amount was divided into \$2.5 million to arrive at a charge per unit. The total number of units (operating rooms, procedure rooms and licensed beds) is 45,219. Dividing this number into \$2.5 million results in a per unit assessment of approximately \$55.29 million. To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@health.state.pa.us and request the FY 2004-05 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due by May 15, 2005. The act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Sandra Knoble, Director, Department of Health, Division of Acute and Ambulatory Care, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotope or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-512. Filed for public inspection March 18, 2005, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

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

Ohesson Manor
276 Green Avenue Extended
Lewistown, PA 17044

Susquehanna Lutheran Village
990 Medical Road
Millersburg, PA 17061
FAC ID 451902

Perry Village
213 East Main Street
New Bloomfield, PA 17068
FAC ID 161002

Frey Village
1020 North Union Street
Middletown, PA 17057
FAC ID 062102

Cumberland Crossings Retirement Community
1 Longsdorf Way
Carlisle, PA 17013
FAC ID 016502

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

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotope or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-513. Filed for public inspection March 18, 2005, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program publishes notice of the maximum allowable prices. Effective April 1, 2005, through June 30, 2005, the maximum allowable prices the Department of Health will pay for a WIC allowable food are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.27
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$2.09
1/2 gal. Kosher Milk	\$2.95
4 oz. Kosher Infant Juice	\$0.69
8 oz. Kosher Infant Cereal	\$1.92
1 doz. Grade A Eggs	\$1.50
1 lb. Fresh Carrots	\$1.10
14 to 16 oz. Canned Carrots	\$1.10
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.32
1 lb. Dry Beans or Peas	\$1.63
1 oz. Adult WIC Cereal	\$0.39
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.43

<i>Description</i>	<i>Maximum Allowable Price</i>
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.47
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.02
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.32
16 oz. Alimentum Advance Powder Formula	\$26.82
12.8 oz. EnfamCare LIPIL w/Iron Powder Formula	\$13.21
13 oz. Isomil Advance Concentrate Formula	\$4.70
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.80
12.9 oz. Isomil Advance Powder Formula	\$14.42
12.9 oz. Isomil 2 Advance Powder Formula	\$14.42
13 oz. Isomil with Iron Concentrate Formula	\$4.36
12.9 oz. Isomil with Iron Powder Formula	\$13.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.07
13 oz. Nutramigen Lipil Concentrate Formula	\$7.04
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.87
16 oz. Nutramigen Lipil Powder Formula	\$24.42
8 oz. Pediasure Ready-to-Feed Formula	\$2.13
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.23
13 oz. Similac Advance Concentrate Formula	\$4.38
32 oz. Similac Advance Ready-to-Feed Formula	\$6.20
12.9 oz. Similac Advance Powder Formula	\$13.66
12.9 oz. Similac 2 Advance Powder Formula	\$13.66
13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.39
12.9 oz. Similac with Iron Powder Formula	\$12.95
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.74
12.8 oz. Similac Neosure Advance Powder Formula	\$15.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices, (for example, large print, audiotape or Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-514. Filed for public inspection March 18, 2005, 9:00 a.m.]

Update of the List of Citations to ACIP Recommendations Prescribing Child Immunization Practices and Immunizing Agents and Doses

In accordance with 31 Pa. Code §§ 89.806(a) and 89.807(b) (relating to coverage of child immunizations; and immunizing agents, doses and AWP's), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization, is updating 31 Pa. Code Chapter 89, Appendices G and H (relating to ACIP recommendations prescribing child immunization practices; and immunizing agents and doses). The Department has primary responsibility for the interpretation and the implementation of 31 Pa. Code §§ 89.806 and 89.807. See 31 Pa. Code § 89.801(b) (relating to authority and purpose; implementation).

Health insurance policies are required by the Childhood Immunization Insurance Act (act) (40 P.S. §§ 3501—3508) and regulations promulgated thereunder, 31 Pa. Code Chapter 809, Subchapter L (relating to childhood immunization insurance), to include coverage for certain childhood immunizations, unless the policies are exempted by the act and 31 Pa. Code § 89.809 (relating to exempt policies). The childhood immunizations covered are those that meet Advisory Committee on Immunization Practices (ACIP) standards in effect on May 21, 1992 (see 31 Pa. Code § 89.806(a)). A list of the Morbidity and Mortality Weekly Report (MMWR) publications containing ACIP recommendations issued under the ACIP standards in effect on May 21, 1992, appears in 31 Pa. Code Chapter 89, Appendix G.

The Department is required to update the list of these MMWR publications in 31 Pa. Code Chapter 89, Appendix G. See 31 Pa. Code § 89.806(a). The additions to the list are as follows. The remainder of the list in 31 Pa. Code Chapter 89, Appendix G remains in full force and effect:

September 3, 2004/Vol. 53/No. 34

* Suspension of Rotavirus Vaccine After Reports of Intussusception—United States, 1999.

September 17, 2004/Vol. 53/No. 36

* Notice to Readers: Pneumococcal Conjugate Vaccine Shortage Resolved.

September 24, 2004/Vol. 53/No. 37

* Childhood Influenza-Vaccination Coverage—United States, 2002-03 Influenza Season.

September 24, 2004/Vol. 53/No. 37

* Notice to Readers: Supplemental Recommendations About the Timing of Influenza Vaccination, 2004-05 Season.

October 8, 2004/Vol. 53/No. 39

* Interim Influenza Vaccination Recommendations, 2004-05 Influenza Season Priority Groups for Influenza Vaccine.

December 17, 2004/Vol. 53/No. 49

* Estimated Influenza Vaccination Coverage Among Adults and Children—United States, September 1—November 30, 2004.

* Experiences with Obtaining Influenza Vaccination Among Persons in Priority Groups During a Vaccine Shortage—United States, October—November, 2004.

December 24, 2004/Vol. 53/No. 50

* Updated Interim Influenza Vaccination Recommendations—2004.

January 7, 2004/Vol. 53/Nos. 51 and 52

* MMWR QuickGuide: Recommended Childhood and Adolescent Immunization Schedule—United States, 2005. A copy of this document is available on the Department's website: www.health.state.pa.us.

The Department is also required to update information regarding to immunizing agents and doses that the Department has extracted from ACIP recommendations issued under the standards in 31 Pa. Code § 89.806(a). See 31 Pa. Code § 89.807(b). The Department is also to periodically list the average wholesale price (AWP) for immunizing agents. See 31 Pa. Code § 89.807(b). This information currently appears in 31 Pa. Code Chapter 89, Appendix H. The updated information is as follows:

2005 List of Immunizing Agents and Average Wholesale Prices

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
<i>Diphtheria Tetanus acellular Pertussis Vaccine (DTaP):</i>					
sanofi pasteur	Tripedia	49281-0298-10	10 × 1	0.5 ml	\$23.56
sanofi pasteur	Daptacel	49281-0286-10	10 × 1	0.5 ml	\$23.40
GlaxoSmithKline	Infanrix	58160-0840-11	10 × 1	0.5 ml	\$22.23
<i>Diphtheria Tetanus pediatric Vaccine (DT pediatric):</i>					
sanofi pasteur	DT Pediatric	49281-0275-10	5.0 ml	0.5 ml	\$10.91
<i>Diphtheria Tetanus acellular Pertussis/Haemophilus Influenzae B (DTaP-HIB):</i>					
sanofi pasteur	TriHIBit	49281-0597-05	5 × 1	0.5 ml	\$23.13
<i>Tetanus Diphtheria adult Vaccine (Td adult):</i>					
sanofi pasteur	(1) Td Adult	49281-0271-83	5.0 ml	0.5 ml	\$10.91
sanofi pasteur	(2) Decavac	49281-0291-10			
<i>Diphtheria, Tetanus, acellular Pertussis, Hepatitis B, Polio (DTaP, Hep B, OPV)</i>					
GlaxoSmithKline	Pediarix	58160-0841-11	10 × 1	0.5 ml	\$78.71
GlaxoSmithKline	Pediarix	58160-0841-46	5 × 1	0.5 ml	\$78.71
<i>Haemophilus Influenzae B Vaccine (HIB):</i>					
Wyeth Pharmaceuticals	HibTITER	0005-0104-32	5 × 0.5	0.5 ml	\$12.77
sanofi pasteur	ActHIB	49281-0545-05	5 × 1	0.5 ml	\$12.17
Merck & Co.	Pedvax HIB	0006-4897-00	10 × 0.5	0.5 ml	\$26.08
<i>Injectable Polio Vaccine Inactivated (Salk Enhanced IPV):</i>					
sanofi pasteur	IPOL	49281-0860-10	5.0 ml	0.5 ml	\$24.35
<i>Measles Mumps Rubella Vaccine (MMR):</i>					
Merck & Co.	MMR II	0006-4749-00	0.5 ml	0.5 ml	\$22.36
Merck & Co.	MMR II	0006-4681-00	10 × 0.5	0.5 ml	\$20.34
<i>Measles Vaccine (Rubeola):</i>					
Merck & Co.	Atenuvax	0006-4709-00	0.5 ml	0.5 ml	\$8.87
Merck & Co.	Atenuvax	0006-4589-00	10 × 0.5	0.5 ml	\$7.51
<i>Mumps Vaccine (Mumps):</i>					
Merck & Co.	Mumpsvac	0006-4753-00	0.5 ml	0.5 ml	\$10.23
Merck & Co.	Mumpsvac	0006-4584-00	10 × 0.5	0.5 ml	\$9.72
<i>Rubella (German Measles):</i>					
Merck & Co.	Meruvax II	0006-4747-00	0.5 ml	0.5 ml	\$9.29
Merck & Co.	Meruvax II	0006-4673-00	10 × 0.5	0.5 ml	\$8.37
<i>Hepatitis A Vaccine Pediatric (HEP-A):</i>					
Merck & Co.	VAQTA	0006-4831-00	0.5 ml	0.5 ml	\$35.30
Merck & Co.	VAQTA	0006-4831-41	10 × 0.5	0.5 ml	\$33.32
Merck & Co.	VAQTA syringe	0006-4845-00	0.5 ml	0.5 ml	\$35.31
Merck & Co.	VAQTA syringe	0006-4845-38	5 × 0.5	0.5 ml	\$33.32
GlaxoSmithKline	Havrix	58160-0837-01	0.5 ml	0.5 ml	\$31.36
GlaxoSmithKline	Havrix	58160-0837-11	10 × 0.5	0.5 ml	\$29.99
GlaxoSmithKline	Havrix syringe	58160-0837-50	25 × 0.5	0.5 ml	\$29.99
GlaxoSmithKline	Havrix syringe	58160-0837-46	5 × 0.5	0.5 ml	\$29.99

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
<i>Hepatitis A Vaccine Adult (HEP-A):</i>					
Merck & Co.	VAQTA	0006-4841-00	1.0 ml	1.0 ml	\$35.30
Merck & Co.	VAQTA	0006-4841-38	5 × 1.0	1.0 ml	\$33.32
Merck & Co.	VAQTA	0006-4841-41	10 × 1.0	1.0 ml	\$32.37
Merck & Co.	VAQTA syringe	0006-4844-00	1.0 ml	1.0 ml	\$35.30
Merck & Co.	VAQTA syringe	0006-4844-38	5 × 1.0	1.0 ml	\$33.32
GlaxoSmithKline	Havrix	58160-0835-01	0.5 ml	0.5 ml	\$62.35
GlaxoSmithKline	Havrix syringe	58160-0835-41	1 × 0.5	0.5 ml	\$61.01
GlaxoSmithKline	Havrix syringe	58160-0835-46	5 × 0.5	0.5 ml	\$61.01
<i>Hepatitis B Vaccine (HEP-B):</i>					
Merck & Co.	(1) Recombivax HB	00006-4980-00	0.5 ml	0.5 ml	\$27.26
Merck & Co.	(1) Recombivax HB	00006-4981-00	10 × 0.5 ml	0.5 ml	\$25.94
Merck & Co.	(2) Recombivax HB	00006-4769-00	0.5 ml	0.5 ml	\$27.26
Merck & Co.	(2) Recombivax HB	00006-4876-00	10 × 0.5	0.5 ml	\$25.62
Merck & Co.	(2) Recombivax HB	00006-4849-00	5 × 0.5	0.5 ml	\$27.28
Merck & Co.	(2) Recombivax HB	00006-4969-00	5 × 0.5	0.5 ml	\$27.28
Merck & Co.	(3) Recombivax HB	00006-4773-00	3.0 ml	0.5 ml	\$35.47
Merck & Co.	(3) Recombivax HB	00006-4775-00	1.0 ml	1.0 ml	\$33.50
Merck & Co.	(3) Recombivax HB	00006-4872-00	10 × 1.0	1.0 ml	\$33.16
Merck & Co.	(3) Recombivax HB	00006-4873-00	10 × 3.0	0.5 ml	\$32.94
Merck & Co.	(3) Recombivax HB	00006-4848-00	5 × 1.0	1.0 ml	\$33.50
Merck & Co.	(3a,b) Recombivax HB	00006-4995-00	1.0 ml	1.0 ml	\$33.50
Merck & Co.	(3a,b) Recombivax HB	00006-4995-41	10 × 1.0	1.0 ml	\$33.16
Merck & Co.	(3c) Recombivax HB	00006-4992-00	1.0 ml	1.0 ml	\$93.31
GlaxoSmithKline	(4) Engerix-B	58160-0856-01	0.5 ml	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B	58160-0856-11	10 × 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-46	5 × 0.5	0.5 ml	\$23.87
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-50	25 × 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-57	25 × 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(5) Engerix-B	58160-0857-01	1.0 ml	1.0 ml	\$57.63
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-46	5 × 1.0	1.0 ml	\$56.47
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-50	25 × 1.0	1.0 ml	\$56.47
(1) Pediatric/Adolescent formulation (preservativefree) @ 5mcg/.5ml					
(2) Adolescent/infant high risk formulation @ 10 mcg/ml DISCONTINUED					
(3) Adult formulation @ 10 mcg/1 ml DISCONTINUED					
(3a) Adult formulation (preservative free) @ 10 mcg/1 ml					
(3b) Two dose regimen for 11 through 15 years of age (preservative free)					
(3c) Dialysis formulation (preservative free) @ 40mcg/1ml					
(4) Pediatric formulation @ 10 mcg/0.5 ml					
(5) Adult formulation @ 20 mcg/ml					
<i>Hepatitis B/HIB:</i>					
Merck & Co.	COMVAX	0006-4898-00	10 × 0.5	0.5 ml	\$47.99
<i>Hepatitis A & Hepatitis B Vaccine:</i>					
GlaxoSmithKline	Twinrix	58160-0850-01	1.0 ml	1.0 ml	\$88.33
GlaxoSmithKline	Twinrix	58160-0850-11	10 × 1.0	1.0 ml	\$86.91
GlaxoSmithKline	Twinrix syringe	58160-0850-46	5 × 1.0	1.0 ml	\$87.21
<i>Influenza Vaccine:</i>					
sanofi pasteur	Fluzone PF	49281-0373-25	10 × 0.5	0.25 ml	\$25.92
sanofi pasteur	Fluzone	49281-0374-11	10 × 1	0.5 ml	\$12.28
sanofi pasteur	Fluzone	49281-0374-15	10 × 1	0.5 ml	\$9.18
MedImmune	Flumist	66019-0101-01	10 × 1	0.5 ml	\$8.44
<i>Pneumococcal Vaccine:</i>					
Wyeth Pharmaceuticals	Pneumovax	0005-1970-67	5 × 0.5	0.5 ml	\$71.09
Merck & Co.	Pneumovax 23	0006-4739-00	2.5 ml	0.5 ml	\$21.16
Merck & Co.	Pneumovax 23	0006-4739-50	10 × 2.5 ml	0.5 ml	\$23.75
Merck & Co.	Pneumovax 23	0006-4943-00	10 × 0.5	0.5 ml	\$23.75
Merck & Co.	Pneumovax 23 syringe	0006-4894-00	5 × 0.5	0.5 ml	\$19.31

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
<i>Varicella Virus Vaccine Live (Chickenpox):</i>					
Merck & Co.	Varivax**	00006-4827-00	10 × 0.5	0.5 ml	\$33.84
Merck & Co.	Varivax**	00006-4826-00	0.5 ml	0.5 ml	\$35.49

**Comes with a box of ten vials of diluent (package B: 00006-4309-00)

* Indicates the Estimated Acquisition Cost as stated in 55 Pa. Code § 1121.55 (relating to method of payment).

Persons with disability who require an alternative format of this notice (for example, large print, audiotope or Braille) should contact Alice Gray, Director, Division of Immunizations, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5681 or for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-515. Filed for public inspection March 18, 2005, 9:00 a.m.]

WIC Public Meetings

The Department of Health (Department), Supplemental Food Program for Women, Infants and Children (WIC Program), will hold public meetings on the following dates at the locations indicated:

April 20, 2005
10 a.m.—3 p.m.
Department of Health
Room 610, Health and Welfare Building
Commonwealth and Forster Streets
Harrisburg, PA 17120

April 28, 2005
10 a.m.—3 p.m.
Maternal and Family Health Services, Inc.
15 Public Square, Suite 600
Wilkes-Barre, PA 18701-1798

The Department invites comments on all aspects of the WIC Program's operations. General comments on other issues pertinent to the WIC Program are also requested.

Persons wishing to give testimony at the public meetings are requested to preregister with the State WIC Program Office by calling Bonnie Mellott at (717) 783-1289. Persons unable to attend the meetings may submit written comments by May 31, 2005, to the Department of Health, Division of WIC, Attention: Planning and Monitoring Section, P. O. Box 90, Harrisburg, PA 17108.

For additional information, or persons with a disability who wish to attend the meeting, preregister or provide comments and require an auxiliary aid, service or other accommodation to do so, contact the WIC Program Office at the previously listed number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-6984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-516. Filed for public inspection March 18, 2005, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Request For Proposal

The Health Care Cost Containment Council (Council), an independent State agency that collects, analyzes and disseminates health care cost and quality-related information, seeks to obtain legal and consultative services on a retainer basis. Interested parties are requested to contact the Council by writing to the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by contacting Cherie Elias, (717) 232-6787, celias@phc4.org for copies of the Request for Proposal. A preproposal conference will be held on March 23, 2005, at 10 a.m. at the Council office at the address listed previously. Proposals are due to the Council office by 5 p.m. on April 20, 2005. The Council will make the award at the public Council meeting on May 5, 2005, at 10 a.m. at the Council office.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 05-517. Filed for public inspection March 18, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-478	State Registration Board for Professional Engineers, Land Surveyors and Geologists Biennial Renewal Fees and Examination Fees 35 Pa.B. 258 (January 8, 2005)	2/7/05	3/9/05

State Registration Board for Professional Engineers, Land Surveyors and Geologists Regulation No. 16A-478 (IRRC #2453)

Biennial Renewal Fees and Examination Fees

March 9, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 7, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 37.17. Schedule of fees.—Clarity.

The House Professional Licensure Committee (House Committee) submitted comments dated February 15, 2005, recommending “that the Board add language to the regulation which states that the testing organization will set the fee and that applicants will pay the fee directly to the testing organization.” We agree that language should be added indicating who sets and collects fees.

2. Section 37.16. General information; application and examination.—Clarity.

Existing Subsection (c) (relating to examinations) states:

Written examinations will be held in Pittsburgh, Harrisburg, Philadelphia and other places designated by the Board during the months of April and October of each year. Applications for examination eligibility shall be submitted to the Board office by December 1 for the April examination and by July 1 for the October examination.

The House Committee questioned whether existing Section 37.16(c) should be amended, given that the testing organization administers the examination. We also seek this clarification.

Subsection (c) is inconsistent with the Board’s website concerning examination dates and application deadlines for geologists. The website lists examination dates in March rather than April and application deadlines of November 15 and June 15, not December 1 and July 1. The Board should consider replacing the specific informa-

tion in the regulation with a reference to where applicants can find current information concerning the current testing organizations, examination fees, examination deadlines, examination dates and examination locations.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-518. Filed for public inspection March 18, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Consumer Advisory Meeting Notice

The newly created Office of the Insurance Consumer Liaison for the Insurance Department (Department) is inviting insurance consumers of this Commonwealth to the first regional consumer advisory meetings to be held in Harrisburg, Philadelphia and Pittsburgh. The meetings are to determine consumers’ priorities in each of the regions and to set agendas for the next regional meetings. Each meeting has two sessions with identical agendas to accommodate consumers’ schedules. An educational session on flood insurance will follow the first advisory meeting. The following meetings are scheduled:

Tuesday, April 12, 2005, in the Commonwealth Keystone Building, Hearing Room No. 1, Harrisburg, PA.

Advisory Session I	2 p.m. to 4 p.m.
Flood Insurance Education	4 p.m. to 5 p.m.
Advisory Session II	6 p.m. to 8 p.m.

Monday, April 18, 2005, in the Temple University Center City, Room 222, 1515 Market Street, Conference Center, Philadelphia, PA 19102.

Advisory Session I	2 p.m. to 4 p.m.
Flood Insurance Education	4 p.m. to 5 p.m.
Advisory Session II	6 p.m. to 8 p.m.

Thursday, April 28, 2005, in the Pittsburgh State Office Building, Rooms 1601 and 1602, Pittsburgh, PA 15222.

Advisory Session I	2 p.m. to 4 p.m.
Flood Insurance Education	4 p.m. to 5 p.m.
Advisory Session II	6 p.m. to 8 p.m.

The group is being formed to provide input, feedback and recommendations on insurance issues to the Department. The public is invited to attend. Persons who need

accommodations due to a disability and want to attend a meeting should contact Cathie Engle, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-2734, at least 24 hours in advance so that arrangements can be made.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-519. Filed for public inspection March 18, 2005, 9:00 a.m.]

GE Life and Annuity Assurance Company; Requesting Authority to Increase Rates for Individual Standardized Medicare Supplement Plans; Rate Filing

GE Life and Annuity Assurance Company has filed for approval to increase rates for its individual standardized Medicare supplement plans A—D, H and J. The filing requests an average increase of 29%, varying by standardized plan. The rate increases will impact about 8,547 policyholders in this Commonwealth and produce additional annual Commonwealth premium income of approximately \$4.1 million. The requested effective date of the increase is May 1, 2005, for plans A—C, H and J, and July 1, 2005, for plan D.

The proposed rate increase percentages by plan for all ages and areas are as follows:

<i>Form</i>	<i>Plan</i>	<i>Percentage</i>
MSP-1992A and HMSPA96	A	25%
MSP-1992B and HMSPB96	B	30%
MSP-1992C and HMSPC96	C	25%
HMSPD96	D	30%
MSP-1992H and HMSPH96	H	25%
MSP-1992J and HMSPJ96	J	25%

Unless formal administrative action is taken prior to June 1, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional 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. 05-520. Filed for public inspection March 18, 2005, 9:00 a.m.]

Workers' Compensation Security Fund Assessment; Notice No. 2005-03

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund) in 2005.

Section 5(1) of the Workers' Compensation Security Fund (act) (77 P.S. § 1059(1)) states "... If, due to payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." The evaluation date of December 31 was established in 31 Pa. Code § 165.7 (relating to assessment). As of the evaluation date of December 31, 2004, the balance of the fund was \$513,913,991.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2005.

The act may be viewed at www.ncigf.org under "Guaranty Fund Laws" and 31 Pa. Code § 165.7 can be viewed at www.pacode.com under "Title 31, Chapter 165." Additional information regarding the Fund is located on the Department's website under "Liquidations, Rehabilitations, Special Funds" at www.ins.state.pa.us.

No acknowledgement of this notice is required.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-521. Filed for public inspection March 18, 2005, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 580.18—Pennsylvania Residency Requirements for the Classified Service, Amended February 15, 2005.

Management Directive No. 615.3—Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet, Amended February 7, 2005.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 05-522. Filed for public inspection March 18, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1504, 710 Downingtown Pike, West Chester, PA 19380.

Lease Expiration Date: March 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of Downingtown Pike and Route 322, West Chester.

Proposals due: April 8, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2301, Lawrence Park Ind. Center, 629 Park Way, Broomall, PA 19008.

Lease Expiration Date: October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space within a 3/4-mile radius of Route 320 and Reed Road, Broomall.

Proposals due: April 8, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2312, 920 Baltimore Avenue, Lansdowne, PA 19050.

Lease Expiration Date: August 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within a 1-mile radius of Baltimore Avenue and Church Lane, Lansdowne.

Proposals due: April 8, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-523. Filed for public inspection March 18, 2005, 9:00 a.m.]

OFFICE OF THE BUDGET

Right-to-Know Law Policy

This policy sets out the procedures for requesting access to, or copies of, public records from the Office of the Budget (OB) under the act of June 21, 1957 (65 P. S.

§§ 66.1—66.9), known as the Right-to-Know Law (RTKL). This policy is issued under section 8 of the RTKL (65 P. S. § 66.8).

This policy is effective as of the date of publication in the *Pennsylvania Bulletin* and shall remain in effect until superseded or until withdrawn by the OB. A copy of this policy is available at the OB's RTKL Office, and may be obtained at no cost by contacting the OB's RTKL Official. A copy of this policy is also posted on the OB's website at www.budget.state.pa.us.

This policy does not apply to the Office of the Governor, the Office of the Lieutenant Governor, the Governor's Executive Offices, the Office of General Counsel, the Office of Administration, the Office of Inspector General, the Human Relations Commission or the Commission on Crime and Delinquency. Each of these other offices or agencies has its own separate written RTKL policy.

Section 1: RTKL Request

1.1. *OB's RTKL Official and RTKL Office address.* All requests for access to OB's public records must be addressed and sent to:

James A. Chichi, Right to Know Law Official
 Right to Know Law Office
 Office of the Budget
 Commonwealth of Pennsylvania
 Verizon Tower, 7th floor
 303 Walnut Street
 Harrisburg, PA 17101-1808

Telephone Number: 717-787-1370
 Facsimile Number: 717-772-0074

1.2. *OB's RTKL Office hours.* The regular business hours of OB's RTKL Office are Monday through Friday, 8:30 a.m. to 5:00 p.m.

OB's RTKL Office will be closed on all state holidays, and on any other day on which the offices under the jurisdiction of the Governor of Pennsylvania are officially closed.

A RTKL request that is received by the RTKL Office after the close of regular business hours shall be deemed to have been received by the RTKL Office on the following business day. For example, a request received via facsimile transmission at 10:00 p.m. on a Friday will be deemed to have been received by the RTKL Office on the following Monday, unless OB's RTKL Office is closed on the following Monday in which case the request will be deemed to have been received on the following Tuesday.

1.3. *Methods for delivering requests.* Written requests for access to public records must be sent or delivered to OB's RTKL Official or Office via one of the following methods:

A. by United States Mail;

B. by hand-delivery to OB's RTKL Office; or

C. by facsimile machine at the facsimile telephone number of OB's RTKL official.

1.4. *RTKL requests must be delivered to OB's RTKL Office.* OB's RTKL Office is the only office in OB that has the authority and responsibility to receive and respond to RTKL requests submitted to OB. OB's RTKL Official is the only OB employee with the authority and responsibility to issue a response to a RTKL request. No other official or office of OB is authorized to receive or respond to RTKL requests. Delivery of an RTKL request to any person other than OB's RTKL Official, or to any office

other than OB's RTKL Office, does not obligate OB to respond to the request, and does not start OB's legal obligations under the RTKL.

1.5. *Content of request.* A request for access to public records made to OB must:

- A. be made in writing;
- B. identify the requestor by his or her full name;
- C. contain the full address of the requestor's residence;
- D. be signed by the requestor;
- E. identify the return address to which OB should send its response to the request;
- F. clearly state that the request is made pursuant to the Right to Know Law; and,
- G. identify or describe the record(s) sought by the requestor with sufficient specificity to enable OB to understand what records are being requested.

To ensure that a RTKL request is properly processed by OB, the words "RIGHT TO KNOW LAW REQUEST" shall clearly and explicitly appear on the written request itself, and on either the delivery envelope or the facsimile cover sheet.

1.6. *Additional contact information.* OB asks that a RTKL request also include the requestor's daytime telephone number in the event that OB's RTKL Official needs to contact the requestor about his or her RTKL request.

1.7. *OB RTKL Official may contact requestor.* OB's RTKL Official may, at his or her sole discretion, contact a requestor to obtain clarification or additional information from the requestor to aid the RTKL Official in responding to the request.

1.8. *Oral/verbal, emailed, or anonymous RTKL requests not accepted.* OB shall not accept or respond to:

- A. oral or verbal RTKL requests;
- B. RTKL requests that are submitted by email, or by any other electronic method (except for requests submitted via facsimile machine), or by any method other than those permitted by this policy; or
- C. anonymous RTKL requests, or any request which does not otherwise clearly identify the name and address of the person making the request.

Any oral, emailed, or anonymous RTKL request will be denied.

1.9. *RTKL request must be in a separate document.* A RTKL request must be set forth in a separate, stand-alone document, and that document must be submitted to OB's RTKL Office. Demands or requests for access to records that are included in other documents (e.g., discovery requests) are inconsistent with these public policies and may be denied by OB on that basis.

1.10. *Access to documents in general.* The following provisions apply generally to the access to public records under the RTKL:

A. *Right to access.* The RTKL provides Pennsylvania residents with the right of access to certain public records in OB's possession. Subject to the limitations in the RTKL, the requestor's right of access consists of the right to inspect a document in-person, and the right to have a copy of it.

B. *Physical access generally.* OB's RTKL Official is the only individual in OB who has the authority to grant physical, in-person, access to OB's public records. The RTKL Official may, in his or her discretion, impose

reasonable restrictions as to the time, place, and nature of the physical access. Unless a requestor clearly and specifically requests access to the original record, OB will be deemed to have provided the requestor with access to the public record when OB provides the requestor with access to a copy of the record(s).

C. *Access provided by mailing a copy of the record(s).* OB's act of mailing a copy of the public record to the requestor at the address given by the requestor in his or her request constitutes providing the requestor with physical access to the public record(s). Whenever OB grants access in whole or in part to a public record and a requestor does not specify what type of access he or she seeks, OB will provide access to the requestor by mailing a copy of the record to the requestor at the address listed in the request.

D. *Records available via OB's website.* Some of OB's public records are available via OB's website. Physical access to such records is therefore provided through OB having posted those records on its website. Where OB has already posted a requested record on its website, OB will be deemed to have provided access to the record, and the requestor will be directed to access the record via the website.

Section 2: Fees

2.1. *Fees in general.* The cost of providing access to public records is to be borne by the requestor, and will be charged to the requestor by OB in accordance with the RTKL.

2.2. *Standard fees.* Except in an instance when work is performed by a contractor to OB, the following standard fees shall be charged to the requestor:

A. Photocopies:

- I. *1—10 photocopies:* No charge.
- II. *11 or more photocopies:* \$0.15 per photocopy.
- III. *Irregular-sized page:* Between \$0.15 and \$0.50 per photocopy.

B. *Certified Photocopies:* \$5.00 for each certified document regardless of the length.

C. Other materials:

- I. *PC Diskettes or CDs:* \$1.00 per 3.5" diskette or CD.
- II. *Microfilm or microfiche:* OB's actual cost.

D. Postage:

I. *Standard mailing envelope:* Records that fit into a standard letter mailing envelope shall be mailed at no-charge to the requestor.

II. *Other types of mailing:* Records that are mailed in any type of envelope or packaging other than a standard mailing envelope shall be charged at OB's actual cost of mailing.

E. *Redaction:* \$1.00 per page or photocopy.

F. *Definitions.* For the purposes of this policy, the words below shall be defined as follows:

I. *Photocopy.* A single sided-copy, or one side of a double-sided copy, of a standard 8.5" × 11" page.

II. *Irregular sized page.* Any page which is not a standard 8.5" × 11" page.

2.3. *Prepayment of fees.* OB may, in its discretion, require a requestor to prepay a fee if OB expects the fee to be in excess of \$100.00. In instances where some or all of the work will be performed by a contractor to OB, OB

may require that the requestor make the prepayment directly to the contractor, and that the requestor agree to make payment of any outstanding balance directly to the contractor.

2.4. *Other fees.* In addition to the above listed fees, requestors may also be responsible for paying other fees necessary for OB to comply with a request for access to, or copying of, requested records, including, but not limited to OB's actual costs associated with: transporting the documents to or from a contractor that is performing services associated with the provision of access to records; the removal and reattachment of fasteners to documents; searching collections of public records to locate the particular record(s) requested by the requestor; and, retrieving the requested records from storage.

2.5. *Payment of fees.* All costs must be paid by the requestor by either a check or money order made payable to "Commw. of PA/Office of the Budget."

Section 3: The Exceptions Process

3.1. *Right to file written exceptions.* If OB denies in whole or in part a written request for access to requested records, or is deemed to have denied the request, the requestor may file written exceptions to the denial with OB's RTKL Exceptions Official.

3.2. *OB's RTKL Exceptions Official and RTKL Exceptions Office Address.* Written exceptions shall be addressed and mailed or delivered to:

Michael Brennan, Right to Know Law Exceptions
Official
Right to Know Law Exceptions Office
Office of the Budget
Commonwealth of Pennsylvania
Verizon Tower, 6th floor
303 Walnut Street
Harrisburg, PA 17101-1808

Telephone Number: 717-783-0114
Facsimile Number: 717-783-0361

OB's RTKL Exceptions Official may, in his or her discretion, appoint any other officer or employee of OB to serve as the acting RTKL Exceptions Official.

3.3. *OB's RTKL Exceptions Office hours.* The regular business hours of the office of OB's RTKL Exceptions Official are Monday through Friday, 8:00 a.m. to 4:30 p.m.

OB's RTKL Exceptions Office will be closed on all state holidays, and on any other day on which the offices under the jurisdiction of the Governor of Pennsylvania are officially closed.

Exceptions that are received in the RTKL Exceptions Official's office after the close of regular business hours shall be deemed to have been received on the following business day. For example, exceptions filed via facsimile transmission at 10:00 p.m. on a Friday will be deemed to have been received by the RTKL Exceptions Office on the following Monday, unless OB's RTKL Exceptions Office is closed on the following Monday in which case the request will be deemed to have been received on the following Tuesday.

3.4. *Time for filing exceptions.* The following provisions apply to the time for filing written exceptions to a denial or partial denial of access, or to a deemed denial of access:

A. *Final response denying access.* Written exceptions to a final written response from OB that denies access in whole or in part to requested documents must be filed with OB's RTKL Exceptions Official within 15 business days of the date on which OB mailed its final written response.

B. *Deemed Denial.* Written exceptions to a deemed denial of access by OB must be filed with OB's RTKL Exceptions Official within 15 calendar days of the date on which OB is deemed to have denied the request.

C. *Exceptions filed after the end of the 15 day exceptions filing period.* Regardless of the method chosen by the requestor to file his or her exceptions, any exceptions which are filed after the end of the applicable 15 day exceptions filing period are untimely and shall be dismissed.

3.5. *Methods of filing exceptions.* Written exceptions must be filed with OB's RTKL Exceptions Official using one of the following methods:

A. *United States Mail.* By mailing the written exceptions to the RTKL Exceptions Official through the United States Mail; or,

B. *Personal delivery.* By personally delivering the written exceptions to the RTKL Exceptions Official, or by having them delivered by a courier, messenger, parcel delivery, overnight messenger, or other similar service; or,

C. *Facsimile Machine.* By faxing the written exceptions to the RTKL Exceptions Official.

Requestors cannot file, or attempt to file, written exceptions by any other method, including but not limited to, email.

3.6. *Oral/verbal, emailed, or anonymous exceptions not accepted.* Oral, anonymous, or emailed exceptions will not be accepted and will be dismissed.

3.7. *Exceptions must be delivered to OB's RTKL Exceptions Office.* OB's RTKL Exceptions Official is the only individual in OB who has the authority and responsibility to consider and rule on exceptions to denials of access to OB records.

All exceptions to a denial or partial denial of access or a deemed denial of access that are sent or delivered to any address or person other than to OB's RTKL Exceptions Official at OB's RTKL Exceptions Office are defective, and shall not stop the running of the applicable 15 day exceptions filing period.

3.8. *Hearings.* The decision to hold a hearing regarding exceptions is vested solely in OB's RTKL Exceptions Official. The RTKL Exceptions Official will grant a hearing only if the requestor agrees in writing to waive the statutory time period in which the Exceptions Official must make a final decision.

MICHAEL J. MASCH,
Secretary

[Pa.B. Doc. No. 05-524. Filed for public inspection March 18, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Chapter 14 Implementation

Public Meeting held
March 3, 2005

Commissioners Present: Wendall F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli
Chapter 14 Implementation; Doc. No. M-00041802F0002

Implementation Order

By the Commission:

On November 30, 2004, the Governor signed into law SB 677, or Act 201. This law went into effect on December 14, 2004. The Act amended Title 66 by adding Chapter 14 (66 Pa.C.S. §§ 1401–1418), Responsible Utility Customer Protection. The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers that can afford to pay their bills, but choose not to pay. The legislation is applicable to electric distribution companies, water distribution companies and larger natural gas distribution companies (those having an annual operating income in excess of \$6,000,000).¹ Steam and waste water utilities are not covered by Chapter 14.

Chapter 14 supersedes a number of Chapter 56 Regulations, all ordinances of the City of Philadelphia and any other regulations that impose inconsistent requirements on the utilities. Chapter 14 expires on December 31, 2014, unless reenacted. Two years after the effective date and every two years thereafter, the Commission must report to the General Assembly regarding the implementation and effectiveness of the Act. The Commission is directed to amend Chapter 56 and may promulgate regulations to administer and enforce Chapter 14.

Chapter 14 seeks to eliminate the opportunities for customers capable of paying to avoid paying their utility bills, and to provide utilities with the means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections. The goal of these changes is to increase timely collections while ensuring that service is available to all customers based on equitable terms and conditions. 66 Pa.C.S. § 1402.

On January 28, 2005, the Commission issued a Secretarial Letter identifying general subject areas and encouraged interested parties to file written comments. In addition, on February 3, 2005, the Commission held a "Roundtable Forum" to address the implementation and application of Chapter 14. Written comments were filed by the following interested parties: Energy Association of Pennsylvania (EAP), Office of Consumer Advocate (OCA), Philadelphia Gas Works (PGW), Community Legal Services (CLS), Pennsylvania American Water (PAW), PPL Electric Utilities Corporation and PPL Gas Utilities Corporation (PPL or the Companies), PECO Energy Company (PECO Energy), Pennsylvania Utility Law Project (PULP), Pennsylvania Coalition Against Domestic Violence (PCADV), Pennsylvania Apartment Association (PAA), AARP, and Housing Alliance of Pennsylvania (HAP). PGW filed reply comments on February 24, 2005².

¹ Small natural gas companies may voluntarily "opt in" to Chapter 14. 66 Pa.C.S. § 1403.

² We note that PGW has agreed to a one year moratorium on enforcement of the landlord/tenant lien provision where the customer is a tenant and not the owner. (See PGW Reply Comments, pp. 7-8.)

Based upon our review of the comments filed by interested parties pursuant to our January 28, 2005 Secretarial Letter and the oral comments expressed at the Roundtable Forum, we will address seven threshold issues in this Order. Although we consider these issues, at this time, to be the most fundamental, we understand that this is an on-going process and that other implementation issues will need to be resolved in the future.

In reaching our dispositions herein, we have considered all the comments filed by the parties and, to the extent that we have not specifically referred to all the parties' comments on a particular issue, that omission does not mean the comments were not reviewed. Moreover, a number of parties have taken the same position on an issue and we shall not repeat their arguments. The issues we have identified for review and disposition are as follows.

1. § 1405(d): Number of Payment Agreements

Section 1403 defines "payment agreement" as "[a]n agreement whereby a customer who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments." With respect to the use of the term "payment agreement" in § 1405(d), the EAP has expressed the opinion that absent a "change in income", the Commission shall not establish or order a utility to establish a second or subsequent payment agreement if a customer has defaulted on a previous payment agreement. EAP asserts that the § 1405(d) prohibition against Commission ordered second payment agreements (absent a change in income) applies even if the first payment agreement was not ordered by the Commission. EAP states that absent a "change in income" the Commission cannot order any payment agreement if the customer defaulted on a utility established payment agreement.

PGW supports this position and argues that the definition of payment agreement in § 1403 does not make a distinction between a Commission ordered payment agreement with the customer and a utility's agreement with the customer. Therefore, the "one payment agreement" rule of § 1405(d) applies whether the prior agreement was established by the Commission or by the utility.

Furthermore, PGW argues that the General Assembly could have referred to Commission established payment agreements in § 1405(d) and that the absence of this reference means that Commission agreements were not strictly contemplated by the use of the term "payment agreement" in § 1405(d). Moreover, given the number of text references to payment agreements, the General Assembly could not mean only Commission established agreements.

On the other hand, the OCA argues that § 1405 was aimed at remedying the perceived concern that the Commission was requiring utilities to enter into multiple payment agreements of inordinate length. The OCA submits that this concern was remedied by § 1405(b) which limits the maximum length of a Commission adopted payment agreement and § 1405(d) which limits the Commission to imposing a single payment agreement. Under its prospective application of the statute, the Commission is authorized to grant one payment agreement that meets the terms of Chapter 14 to any public utility customer.

CLS believes that Chapter 14 does not abrogate the duty that utilities have under Chapter 56 to attempt to reach payment terms with customers. In fact, CLS submits that Chapter 14 does not preclude the Commission from reviewing and revising a payment agreement which

unreasonably requires repayment of the outstanding balance over a period which is shorter than the periods allowed in § 1405.

Resolution

The Commission acknowledges that the language of the statute lends itself to more than one rational interpretation, and the interested parties on both sides of this issue have presented strong arguments. However, for the reasons set forth below the Commission finds that absent a change in income, § 1405(d) precludes the Commission from establishing a second payment agreement if a customer has defaulted on a previous payment agreement. This disposition is legally correct as it is based on sound statutory construction and is consistent with the intent and spirit of Act 201.

As defined in § 1403, the term “payment agreement” includes both utility agreements and Commission agreements. As stated previously, § 1405(d) provides that, absent a change in income, the Commission shall not establish a second payment agreement if a customer has defaulted on a previous payment agreement.

The Commission finds that the Legislature in adopting § 1405(d) declined to make a specific distinction between payment agreements reached by the utility and the customer or an agreement established by the Commission. Therefore, the “one payment agreement” rule does not apply solely to situations in which the prior agreement is a Commission established payment agreement.

We are sympathetic with the point raised by the OCA that prior to the Roundtable Form, the notice sent by each utility to electric, gas, and water customers indicated that the Commission would have the authority to issue at least one payment agreement. Now some of these utilities have retracted from their original position to the point that they oppose even a single payment agreement established by the Commission. However, the Commission is persuaded by the plain language of § 1405(d)—the Commission shall not establish a second payment agreement if a customer has defaulted on a previous payment agreement absent a change in income.

Based on the rules of statutory construction, we cannot make a distinction that the Legislature has not written into the statute. 1 Pa.C.S. § 1921(b). The words of the statute appear to be clear that only one payment agreement is permitted, absent a change in income, and the decision to enter into a second agreement is left to the discretion of the utility, not the Commission.

We note that our BCS in 2004 received 90,797 payment arrangement requests (PAR) from electric, gas, and water customers. Therefore, we find particularly relevant the reference to the duty that utilities have under Chapter 56 in reaching reasonable payment terms with its customers. Utilities must emphasize consumer education and make sure that their customers are fully aware of this new law and the rights that they have and do not have when they enter into a payment agreement, specifically that consumers will only be granted one payment arrangement. We note that utilities have the discretion to enter into subsequent payment arrangements.

The Commission acknowledges that our determination here will deny some customers of the right to at least one opportunity to receive a payment agreement from the Commission. However, this will not necessarily mean that these customers will not file informal complaints. Many of these customers will file factual termination-related disputes, such as (1) there was no agreement to the payment arrangement terms, (2) change in income, (3) billing

disputes, (4) significant change in circumstances, and (5) termination standards violations.

Our determination that consumers may only receive one payment arrangement raises the importance of the Commission being made fully aware of how each utility under Chapter 14 plans to implement its provisions and how consumers of these utilities will be informed of the changes being made to each utility's collection practices. We recognize that our disposition here may raise additional implementation issues such as, for example, how a “change in income” or “significant change in circumstance” will be verified by the utility. Therefore, the Commission directs each utility subject to Chapter 14 to file a Chapter 14 Implementation Plan within thirty (30) days of entry of this Order, with the Commission and the parties at this docket. The Implementation Plan should address practices and procedures that utilities will employ to comply with Chapter 14 and this Order.

2. § 1406(c): Immediate Termination for Unauthorized Use and User Without Contract

The EAP takes the position that “users without contract” are unauthorized users where service is being used without the utility's authorization. According to the EAP, under § 1406(c) the user is subject to immediate termination without notice. PGW views users without contract as akin to people who receive a windfall withdrawal from an ATM machine and then demand 5 years to pay it back.

The OCA emphasizes that a “user without contract” does not constitute “unauthorized use” as that term is used in § 1406(c)(1). Unauthorized use of service is not defined in Chapter 14, but it is defined in Chapter 56 as follows:

Unauthorized use of utility service—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities), and unauthorized service restoral.

52 Pa. Code § 56.2. The OCA submits that unauthorized use goes to specific improper acts, particularly acts that have safety consequences, and would not apply to usage by someone just because they are not a customer of record.

PULP believes that because of the high importance and life sustaining nature which utility service has to consumers, notice prior to shut-off for non-safety related matters should continue to be maintained. PPL agrees and will continue its practice of sending a notification to premises involved in users without contract situations. PPL believes that some type of notification would be particularly helpful during the winter months where injury to persons and property may occur. The utility would not know if the household contained low-income residents without notification. In addition, notification will allow occupants to call the utility to establish service. Regarding fraud, the Companies will investigate the situations and take appropriate steps such as termination of service or legal action.

Resolution

We disagree with the EAP and PGW's position on this issue. It is important from a safety standpoint to maintain the distinction between a user without contract and unauthorized use of service. The Commission historically has viewed unauthorized use of service and user without contract as separate and distinct issues. Unauthorized use of service usually refers to meter tampering, diversion

of service, or some other means of stealing utility service from the company. Whereas a user without contract involves situations where the customer has not been identified.

The Chapter 56 definition of unauthorized use of utility service does not conflict with any provision in Chapter 14. The Commission's Regulations have historically permitted the immediate termination of service in these unauthorized use cases where there is an obvious threat to human safety and/or the utility delivery system. While Chapter 14 does not contain a definition of unauthorized use, the context of § 1406(c) indicates that the Legislature intended utilities to have the authority to immediately terminate service that was obtained through theft or fraud. Immediate termination in these instances is warranted. Indeed, our regulations already permit termination without advance notice in these situations. We must, however, caution utilities to use this authority judiciously and only under circumstances that address clear safety concerns. See, e.g., 52 Pa. Code §§ 56.98, 59.24(b).

User without contract, on the other hand, refers to using utility service without the knowledge or approval of the utility. While in the strictest sense this may be an unauthorized use of service, user without contract generally implies no intent to deceive on the part of the customer. A user without contract situation normally arises when the utility company chooses to let the service remain on after a ratepayer vacates a property and discontinues service. This is not an uncommon occurrence in utility operations. See, e.g., *Pat Marioni v. PECO Energy Company*, C-00968276 (July 7, 1997).

When a new occupant moves into the property, the new occupant is a user without contract until completing an application for service and having an account initiated. The utility can easily prevent these situations by physically disconnecting the utility service between customers. Most companies, however, try to reduce costs by avoiding repeated trips to the property. The Commission supports these efforts to reduce costs but believes that customers should not be subjected to immediate termination as a result. If a new customer does not apply for service in a timely manner, the utility company should be able to detect usage on an inactive account and should pursue termination, minimizing the potential losses to the company.

Another principal cause of user without contract situations is having a ratepayer move from a property without advising the utility or officially requesting discontinuance of the account. Another customer may move in without requesting service, thereby creating a user without contract situation. Under these circumstances, Section 56.16(a), which has not been superseded by Chapter 14, places the responsibility for the service on the ratepayer. Other user without contract situations can arise when one ratepayer moves from a property and a roommate remains at the premises, or when a ratepayer dies and the family remains at the property.

User without contract situations are covered by 66 Pa.C.S. § 1503(b) which states that except when required to prevent or alleviate an emergency or except in the case of danger to life or property, a utility may not terminate service for any reason without personally contacting the customer at least three days prior to such termination. Since user without contract is not specifically defined or addressed in Chapter 14, the Commission sees no incon-

sistency between § 1503(b) and Chapter 14, and finds that a 3-day notice prior to terminating these accounts is still required.

Requiring a 3-day notice prior to termination may also minimize losses to the utility company. Many customers, when faced with the threat of termination, will come forward and formally apply for service. This reduces the utility's costs associated with terminating and reconnecting the account.

If utilities are allowed to treat users without contract the same as unauthorized use, an unnecessary tragedy may occur. The Commission finds that it is always the customer's responsibility to contact the company and to apply for utility service when the customer begins to use the service. There is a possibility of fraud, but common sense dictates that not all of these customers are attempting to avoid paying for their utility service. Customers must act responsibly to insure that the utility has the proper billing information and utilities must implement and follow appropriate tracking procedures. Diligent maintenance of accounts by the utility company can prevent or reduce lost revenues due to these types of billing problems.

3. § 1407(c): PUC Decisions re: Reconnection of Service

The EAP comments that § 1407 empowers public utilities to set the conditions for reconnection of service. In other words, the Commission has no role in reconnection decisions other than to ensure a utility's compliance with § 1407. Specifically, the EAP contends that § 1405 does not apply to customers who have been terminated and EAP submits that the Commission has a limited, if not non-existent, role in ruling on cases where utility service has been terminated.

Apparently, EAP's position is that § 1405(b) formulas do not apply to situations where a customer's service has been terminated. Moreover, EAP points out that § 1407 applies only to what utilities may do. PPL supports EAP stating that § 1405, which addresses payment agreements, does not appear to apply to the reconnection of the service.

CLS submits that § 1407 regarding reconnection terms does not preclude Commission review. Accordingly, the Commission can revise reconnection terms which require repayment of the outstanding balance over a period which is shorter than the periods allowed in § 1407.

Resolution

Section 1405(b) does not make a distinction between payment agreements where the service is off or on. Moreover, Chapter 14 does not specifically address how the Commission may respond to contacts from customers seeking restoration of utility service.

Therefore, in applying the plain language meaning to § 1407 which details the payment requirements a public utility may apply to restore service, we conclude that the Commission's role in restoration cases should be limited to making sure that the utility is properly applying the provisions of § 1407(c) and that "life events" are properly considered for those consumers above 300% of the federal poverty level. Once the utility's proper application of § 1407(c) is verified, the Commission will inform the complainant that the utility's payment requirements are consistent with Pennsylvania Law and must be met in order to have service restored.

4. 52 Pa. Code § 56.97(b): Utility Payment Agreement Obligations

The EAP states that the law requires the customer to contact the utility first, which allows the customer the

opportunity to enter into a payment agreement according to the provisions of Chapter 14. Therefore, the EAP concludes that 52 Pa. Code § 56.97(b) and § 56.151(3) have been abrogated by § 1405. Section 56.97(b) provides as follows:

(b) The utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable settlement or payment agreement or otherwise equitably to resolve the matter. Factors to be taken into account when attempting to enter into a reasonable settlement or payment agreement include the size of the unpaid balance, the ability of the ratepayer to pay, the payment history of the ratepayer and the length of time over which the bill accumulated. If a settlement or payment agreement is not established, the company shall further explain the following:

(1) The right of the ratepayer to file a dispute with the utility and, thereafter, an informal complaint with the Commission.

(2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania. 17105-3265, (800) 692-7380.

(3) The duty of the ratepayer to pay any portion of a bill which the ratepayer does not honestly dispute.

Similarly, Section 56.151(3) provides as follows:

Upon initiation of a dispute covered by this section, the utility shall:

(3) Make a diligent attempt to negotiate a reasonable payment agreement if the ratepayer or occupant claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement shall include, but not be limited to:

(i) The size of the unpaid balance

(ii) The ability of the ratepayer to pay.

(iii) The payment history of the ratepayer.

(iv) The length of time over which the bill accumulated.

PGW submits that when a utility offers a payment agreement that is within the § 1405 parameters, the utility must be deemed to have acted in accordance with the law. Therefore, such a payment agreement may not be found to be inconsistent with the "good faith . . . fair judgment [and] reasonable payment agreement" requirements of 52 Pa. Code § 56.97, thus abrogating § 56.97 and the parallel § 56.151.

Furthermore, PGW explains that if a utility and a customer voluntarily agree to a payment agreement, such an agreement by definition is "mutually acceptable." Moreover, since the § 56.97(b) and § 56.151 standards are based upon a completely different set of criteria than those imposed by § 1405, the § 56.97/56.151 standard is no longer valid. In PGW's opinion, the Commission will need to articulate a new set of standards for evaluating first PARs that do not include the § 1405(b) terms. If after investigation the Commission determines a non-1405(b) payment agreement proposed by the utility is unsatisfactory, then the Commission is still limited by § 1405(b) in fashioning a revised payment agreement for the customer.

PULP argues that Chapter 14 neither directly supersedes nor abrogates these sections by inconsistency. Finally, PULP maintains that the requirements of Sections 56.97 and 56.151 which require a utility to exercise good faith in entering into a payment agreement and advising a customer of the right to file an informal complaint, respectively, are consistent with the position that the Commission can order a payment agreement separate and apart from a utility's payment agreement with its customer.

The OCA submits that there is nothing in Chapter 14 that relieves the utilities of their Chapter 56 good faith obligation to attempt to achieve "mutually satisfactory" payment agreements with their customers. CLS maintains that a utility is still bound by the Chapter 56 requirements to consider: (a) the size of the unpaid balance; (b) the ability of the ratepayer to pay; (3) the ratepayer's payment history; (4) the length of time over which the bill accumulated. 52 Pa. Code § 56.97. In particular, in considering the ability of the customer or applicant to pay, the utility must obtain information concerning the household's income and expenses. In sum, as set forth in § 1402 (Declaration of Policy) and as consistent with historical Chapter 56 goals, an express purpose of the Act is to "ensure that service remains available to all customers on reasonable terms and conditions."

Resolution

Chapter 14 includes directions addressing Commission obligations when making payment agreements (§ 1405(b)) and also includes directions to utilities when making payment agreements to get service restored (§ 1407(c)). However, Chapter 14 does not provide any explicit direction to utility companies with respect to their obligations when negotiating payment arrangements with their customers when the customer is attempting to avoid the termination of service.

Because utility payment agreement obligations are not specifically addressed in Chapter 14, and since § 56.97 is not inconsistent with Chapter 14 or listed as one of the sections specifically superseded under Section 4 of Act 201, we believe that § 56.97(b) remains fully in effect. However, utility representatives at the Roundtable expressed the opinion that § 56.97(b) is superseded. Their comments did not include what section of Chapter 14 they believe supersedes § 56.97 and why. The utilities also failed to articulate in any detail the portions of § 56.97 they find offensive and burdensome. So it appears that utilities are advocating the elimination of their obligation to apply § 56.97(b) without proposing any specific rules that should apply as they negotiate payment arrangements. Indeed, PGW advocates that we need to articulate a new set of standards for evaluating first PARs at the same time they are advocating doing away with the standards that we already have in place.

If there is no obligation for the utility to apply § 56.97(b) and "exercise good faith and fair judgment" or consider "the ability of the ratepayer to pay," then the Commission will be required to respond to termination-related informal complaints by investigating on a case-by-case basis whether a utility/customer payment agreement is reasonable and whether the customer agreed to its terms. We believe that not only is § 56.97 not superseded by any part of Chapter 14, but that its application in no way impedes the attainment of the stated policy goals of Act 201. In fact, several sections of Chapter 14 make distinctions based on the customer's poverty level (ability-to-pay); a criteria that is found in § 56.97.

In addition, the obligations imposed by § 56.97 are general and flexible in nature and do not impose strict formulas or payment term requirements. The Regulation requires that a utility demonstrate that it considered the factors found in the Regulation when negotiating a reasonable payment agreement.

5. *§ 1404: 90-Day Payment Periods for Deposits*

EAP explains that § 1404 revised the deposit rules and under subsections (a) and (e) a public utility shall not be required to provide service without paying the full amount of the cash deposit if the applicant fails to pass the credit worthiness test of the utility. A “no score” result means that the applicant is not an acceptable credit risk and may be required by the utility to post a security deposit.

In addition, EAP submits that subsection (h) applies to reconnection security deposits only. The section states that “[a]pplicants required to pay a deposit upon reconnection under subsection (a)(1) shall have up to 90 days to pay the deposit in accordance with Commission regulations.” EAP believes that if the customer falls within Section 1404(a)(1), then he will be allowed to pay the deposit under 52 Pa. Code § 56.42 in installment payments. To be specific, 50% is payable upfront as a condition to restore service and this may be followed by two installments of 25% payable in 30 days and 60 days after the determination that the deposit is required. PPL also supports using the current deposit process.

In PGW's reply comments, the company acknowledges that the OCA is correct that a customer has up to 90 days in which to pay the deposit authorized by § 1404(a)(1). However, PGW disagrees that the § 56.38 requirement that payments be made in 50%/25%/25% increments is inconsistent with the 90 day rule. According to PGW, the two provisions should be applied by establishing that applicants have up to 90 days in which to remit their deposit, but must pay 50% prior to service being initiated with the remaining 50% being paid in two installments—one installment after 30 days and one due 60 days thereafter.

Resolution

Subsection (h) provides certain customers with the opportunity to have service restored and then up to 90 days to pay a deposit. At the same time, § 1404(a) and (e) indicate that a utility is not required to provide service until a deposit is paid in full. Therefore, it appears that the industry is advocating applying § 1404(h) in conjunction with the Chapter 56 standard at 52 Pa. Code § 56.42, which addresses the payment period for deposits. Section 56.42, like § 56.38 provides a 60-day payment period (50% up-front, 25% 30 days later, and 25% 60 days later).

We believe that § 1404(h) will be difficult to implement if it is interpreted to mean that a utility does not have to restore service until the deposit is paid in full. Such a policy would likely result in numerous complaints to the Commission from customers who pay some part of the deposit but fail to have their service restored. Therefore, we shall adopt the position advocated by PGW—a customer must pay 50% prior to service being initiated with the remaining 50% being paid in two installments—one installment after 30 days and one due after 60 days thereafter. The Commission will undertake a review of these sections of its Regulations in a subsequent rule-making proceeding.

6. *Termination for Non-Basic or Miscellaneous Charges:*

Traditionally, a distinction has been made between basic and nonbasic utility charges, such as the distinctions provided by § 56.13:

Section 56.13. Separate billings for merchandise, appliances and nonrecurring services. Charges for other than basic service—that is, merchandise, appliances and special services, including merchandise and appliance installation, sales, rental and repair costs, meter testing fees, line extension costs, special construction charges, and other nonrecurring charges, except as provided in this Chapter—shall appear on a separate bill.

In addition, the electric customer information regulations (52 Pa. Code § 54.2) define basic and nonbasic services:

Basic services—Services necessary for the physical delivery of electricity service, including generation, transmission and distribution. Transition charges, although temporary in scope, are basic service charges (See the definition of transition charges in this section).

Nonbasic services—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of electric service.

The natural gas customer information regulations (52 Pa. Code § 62.72) include similar definitions. Moreover, these distinctions have been used to determine whether termination of service is an authorized collection tool or not, such as the prohibition at § 56.83 against unauthorized termination of service:

(3) Nonpayment, in whole or in part: for leased or purchased merchandise, appliances or special services including but not limited to merchandise and appliance installation fees, rental and repair costs; of meter testing fees; of special construction charges; and of other nonrecurring charges that are not essential to delivery or metering of service, except as provided in this chapter.

Resolution

The Commission finds that utilities have adequate remedies to collect balances owed for nonbasic service. Therefore, we will retain our prohibition against terminating essential utility service for nonpayment of nonbasic charges. To allow utilities to include charges for services that may be unregulated by the Commission would result in additional terminations, and create administrative difficulties relating to determining the validity and accuracy of the nonbasic delinquent amounts that form part of the grounds for termination. We note that our resolution here is consistent with the Commission's Regulations relating to billing and collection efforts of jurisdictional telephone companies found in § 64.63 which prohibits suspension of basic phone service for nonpayment of nonbasic services. See, e.g., *Ruby Gandy v. MCI Worldcom Communications, Inc.*, F-01234911, entered July 11, 2004.

7. *Definitions of Applicant and Customer*

The EAP succinctly comments here that—“[t]he customer ceases to be a customer upon termination of service for non-payment or at the completion of a request by the customer for discontinuance of service.”

PGW agrees and contends that one of the purposes of Chapter 14 was to eliminate the “60 day” rule in Chapter 56 which permitted customers who were terminated for

nonpayment to maintain their "customer" status. According to PGW, this allowed the customer to be reinstated merely by entering into another payment agreement. PGW explains that the definition of "applicant" applies only to a person "not currently receiving service." A customer, on the other hand, is a person "in whose name a residential service account is listed . . ." Therefore, once a customer is terminated or has had service discontinued, he or she no longer is a person "in whose name a residential account is listed."

PPL believes that a customer becomes an "applicant" after the Companies shut off service for nonpayment and issues a final bill for the account. For PPL, this happens five (5) business days after the termination of service. If the customer who was shut off for nonpayment contacts the Companies before issuance of the final bill, PPL recommends treating this individual as a customer rather than an applicant. This approach has practical benefits in mitigating the need for making system changes, developing new processes and training call center personnel. For situations involving improper termination of service, PPL suggests that the customer remain a "customer" rather than being considered an applicant.

CLS responds by asserting that § 1403 of the Act defines "customer" in pertinent part as a "natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for service . . ." CLS submits that this definition does not restrict the definition of "customer" to a person actually receiving residential service, as it defines a customer in terms of the person's listing on a residential account. Section 4(1) of the Act does not abrogate the definition of "ratepayer" contained in Chapter 56, a further indication that the Act does not preclude a customer from exercising the rights associated with the Chapter 56 ratepayer for 60 days after termination or discontinuance of service.

With regard to medical certifications, Sections 1406(f) and 1406(e)(2)(iii) recognize the rights of customers to obtain a suspension of termination procedures by means of a "medical certification." Section 1407(b)(1) recognizes that customers whose service has been terminated may obtain restoration of service after termination by means of a medical certification in the 60-day period following termination of service.

Resolution

Traditionally, according to the definitions of "applicant" and "ratepayer" as found in Chapter 56, an individual retained the rights of "ratepayer" for 60 days after the cessation of service:

Applicant—A person who applies for residential utility service. The term does not include a person who, within 60 days after termination or discontinuance of service, seeks to transfer service within the service territory of the same utility or to reinstate service at the same address.

Ratepayer—A person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service. For the purposes of establishing credit, this term includes a transfer of service from a residence or dwelling within the service area of the utility or a reinstitution of service at the same location within 60 days following termination or discontinuance of service.

However, Chapter 14 does not have a definition of "ratepayer" and instead has a definition of "customer" along with a definition of "applicant":

Customer—A natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested.

Applicant—A natural person not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested.

Clearly, the 60-day reference found in Chapter 56 is missing from Chapter 14. As represented by the industry position, a "customer" ceases being a "customer" the moment service has been terminated, discontinued, etc. The industry opinion is apparently based on the portion of the definition of "applicant" that states "A natural person not currently receiving service." The effect of this policy would be to treat anyone seeking utility service as an "applicant" and thus be required to meet all the standards and obligations placed upon an applicant for utility service (e.g. completion of application, providing ID, providing lease/deed information, occupant information, meeting credit standards/credit scoring, payment of all balances owed, etc.). This could incorrectly include situations where an individual is simply transferring service from one location to another.

These transfers could be delayed on the basis that the customer stopped being a "customer" when service at one location ceased and now must be treated as an applicant for the new location. The Commission finds that this policy would result in unnecessary informal complaints from customers over delays in getting service at a new location pending completion of an application process and payment of a deposit and any balance from the former residence.

The other policy option is to view the status as changing when the utility issues a final bill on the account. This interpretation hinges on the portion of the definition of "customer" that states, "[a] natural person in whose name a residential service account *is listed*." (Emphasis supplied). We disagree with EAP's conclusion that if you are terminated or discontinued you are no longer a customer. The definition of "customer" does not require that a person be receiving service. Therefore, we agree with the position advocated by PPL which states that a residential account can still be listed in the name, for a certain period of time, of the person terminated or discontinued. This criterion is not met or satisfied until a final bill is rendered and the account ceases to be listed in the customer's name. In other words, termination or discontinuance occurs when the final bill is due and payable. However, let us make clear that improper terminations are not impacted by this resolution.

The Commission supports this policy option because it clearly limits the application of rules relating to applicants to bona fide applicants for service. It will eliminate disputes both to the utilities and the Commission about whether a person is legitimately an applicant or a customer.

Conclusion

Chapter 14 represents a significant alteration to the manner in which the Commission, the utilities that it regulates and the parties that practice before it, have traditionally addressed billing and collection issues. The Commission is committed to ensuring that the overarch-

ing goal of Chapter 14 is fulfilled so that those customers who can pay do pay. It is clear that Chapter 14 transfers many discretionary decisions that once resided with the Commission to the utilities. Therefore, the Commission has less flexibility when presented with consumer complaints relating to billing and collection efforts.

However, as shown by this Order, the Commission retains a vital role in interpreting Chapter 14 and its interplay with our existing Regulations. Today's Order has attempted to strike a balance between the rights of Pennsylvania's utilities to receive payment for the services they render and the rights of consumers to receive adequate service from their utilities. The Commission has determined that the resolutions outlined in this Order represent decisions that are consistent with Act 201 as passed by the General Assembly; *Therefore,*

It Is Ordered That:

1. This Implementation of Chapter 14 Order is hereby approved as being in the public interest.

2. Each electric, water and natural gas utility subject to Chapter 14 is directed to file an Implementation Plan with the Commission within 30 days of entry of this Order, at Docket No. M-00041802F0002. Attention: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Each utility shall file its Implementation Plan in original and 15 copies. In addition, one copy in electronic format (Microsoft Word® 2002 or readable equivalent) on diskette shall be provided to the Secretary and copies shall be e-mailed to Terrence J. Buda (tbuda@state.pa.us), Cyndi Page (cypage@state.pa.us) and Louis Sauers (lsauers@state.pa.us). Each Implementation Plan shall be posted on the Commission's website.

3. This Order be served on the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional water, natural gas and electric utilities and on those parties who submitted comments on these issues under Docket No. M-00041802.

4. This Order be published in the *Pennsylvania Bulletin*.

5. The Law Bureau issue a Secretarial Letter describing the contents of the Implementation Plan on or before March 15, 2005.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-525. Filed for public inspection March 18, 2005, 9:00 a.m.]

Generic Investigation Regarding Virtual NXX Codes

Public Meeting held
March 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

Generic Investigation Regarding Virtual NXX Codes;
Doc. No. I-00020093

Interim Order

By the Commission:

In August 2002, we initiated a generic investigation at this docket in order to consider the issue of VNXX codes given that the controversial practice, among other things,

could have an adverse impact on Pennsylvania efforts to conserve numbering resources and prevent avoidable area code relief. As part of the generic investigation, interested parties filed comments addressing 13 specific questions related to the use of VNXX codes and also regarding what intercarrier compensation regime should apply to such arrangements. The Office of Administrative Law Judge conducted the generic investigation. The notice regarding the generic investigation was published October 19, 2002, at 32 Pa.B. 5240.

The generic investigation culminated with the issuance of an Investigation Report on February 9, 2004, as directed by the Commission. The Investigation Report outlined the parties' positions regarding the legality of VNXX service in Pennsylvania and the intercarrier compensation regime that should apply to such arrangements. By an Order entered May 24, 2004, the Commission released the Investigation Report to the public. The Commission did so in light of the fact that the Investigation Report was a valuable educational tool regarding the usage of VNXX codes in Pennsylvania. However, since the Investigation Report was not dispositive of the issues surrounding VNXX, the May 24, 2004 Order also directed the Law Bureau, in conjunction with the Bureau of Fixed Utility Services, to submit a recommendation indicating whether any regulatory or policy changes regarding VNXX service needed to be implemented by the Commission.

In accordance with the May 24, 2004 Order, Staff initiated its review of the Investigation Report. In the meantime, Act 183, P. L. 1398, 66 Pa.C.S. §§ 3011, et. seq. (Act 183) became effective on December 1, 2004. Act 183 enacts an amended version of the original Chapter 30 which provided for the regulatory reform of the telephone industry in Pennsylvania. Moreover, the Commission notes that recently the Federal Communications Commission (FCC) has taken action in a proceeding¹ in which it is currently considering what, if any, intercarrier compensation regime is appropriate for emerging technologies, including Internet access on the public switched network.

In light of the enactment of Act 183, the Commission seeks input from interested parties regarding any possible implications that Act 183 may have on the issue of VNXX arrangements. Additionally, the Commission seeks input from interested parties on the potential impact of the recent action taken by the FCC in its intercarrier proceeding. The additional comments on these particular topics will assist the Commission in reaching a final determination on the use of VNXX arrangements in Pennsylvania. However, we advise interested parties to limit their comments to address only the two topics outlined above and not to reiterate any of the same positions or arguments submitted previously in the Generic Investigation; *Therefore,*

It Is Ordered That:

1. The Commission hereby requests comments on the possible impact, if any, that Act 183, P. L. 1398, 66 Pa.C.S. §§ 3011, et. seq. and the Federal Communications Commission's recent action in the proceeding, *Matter of Developing a Unified Intercarrier Compensation Regime* proceeding at CC Docket No. 01-92, might have on: (a) the use of virtual NXX codes; and (b) on the applicable intercarrier compensation regime for virtual NXX arrangements.

2. A copy of this Interim Order be published in the *Pennsylvania Bulletin* and interested parties file com-

¹ See *In the Matter of Developing a Unified Intercarrier Compensation Regime*, Notice of Proposed Rulemaking, CC Docket No. 01-92, 16 FCC Rcd 9610 (2001).

ments within 30 days of publication. Comments shall be limited to the issues outlined in Ordering Paragraph No. 1.

3. Interested parties identify their comments as filed at Docket No. I-00020093 and their comments should be addressed to James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

4. A copy of this Interim Order shall be served upon all parties who filed comments in the proceeding and published on our website.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-526. Filed for public inspection March 18, 2005, 9:00 a.m.]

Lifeline and Link-Up Programs

Public Meeting held
March 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Kim Pizzigrilli, Statement follows

Lifeline and Link-Up Programs; Doc. No. M-00051871

Tentative Order

By the Commission:

By this Tentative Order, we adopt the National School Lunch Program and income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for Pennsylvania's Lifeline 150 and Link-Up programs in order to make our programs consistent with the Federal Communication Commission's default Lifeline/Link-Up programs, as announced on April 29, 2004, *Report and Order and Further Notice of Proposed Rulemaking In the Matter of Lifeline and Link-Up*, at CC Docket No. 04-87, WC Docket No. 03-109. Notice is hereby given by the Commission that the action discussed herein is preliminary in nature and will become final in accordance with law after 30 days of the date of publication of this Tentative Order in the *Pennsylvania Bulletin* unless comments are received.

Procedural History

In 1984, the FCC established a Lifeline program to promote universal telephone service by providing low-income consumers with discounts on the monthly cost of dial tone service. By 1987, the FCC implemented Link-Up America (Link-Up) to help low-income households pay phone connection charges. With the passage of the Telecommunications Act of 1996 (TA-96), the FCC expanded its rules¹ so that Lifeline service could be provided to low-income consumers in every state regardless of whether a state provided support; under the amended rules, telephone companies designated as eligible telecommunications carriers (ETCs) would provide Lifeline service to eligible consumers (ETCs receive federal universal service funding).

Until November 30, 2004, the effective date of Act 183,² all local exchange carriers (LECs) operating in the Com-

monwealth were required to provide Lifeline service and to have a Lifeline plan and rates filed in their tariff. On June 28, 1994, the Commission first ordered Bell Atlantic—Pennsylvania, Inc. (BA-PA) (now Verizon PA), to submit for approval a revenue-neutral Lifeline program and a Universal Telephone Assistance Program (UTAP). On August 3, 1995, the Commission granted BA-PA's petition and ratified a Lifeline Settlement Agreement.³ BA-PA's Lifeline program was implemented in 1996 and was the first such program in the Commonwealth. In 1997, BA-PA revised its Lifeline program in Docket No. R-00974153, Order entered November 21, 1997, so Lifeline customers had a choice in local service options. The order also increased the customer discount. Additionally, BA-PA requested that the Commission designate BA-PA as an ETC so that it could receive federal Universal Service Fund (USF) support. Given the federal initiative, the Commission subsequently, at I-00940035, on July 31, 1997, directed each LEC to file a Lifeline plan to become effective January 1, 1998. On September 30, 1997 the Pennsylvania Telephone Association (PTA) filed a petition for the Approval of Lifeline Service Plan on behalf of its member companies. The PTA companies' Lifeline eligibility requirements mirrored the BA-PA plan except that the BA-PA Lifeline program provided Lifeline customers with a larger credit for monthly service. By Order entered November 21, 1997⁴ the Commission approved the PTA plans which led to the implementation of the statewide Lifeline program.

Lifeline programs were addressed in the Global Order.⁵ Three orders approving the later-filed Lifeline/Link-Up tariffs of BA-PA, GTE North, and the PTA, respectively, were addressed at the Global Order dockets and were entered August 17, 2000.⁶ These orders approved the tariff filings and defined the program eligibility requirements further by adding the State Blind Pension program and the Temporary Assistance for Needy Families Program (TANF) to the list of eligible social assistance programs.

Pennsylvania's telephone current Universal Service Programs are as follows:

Lifeline—Verizon PA⁷ and Verizon North are the only companies offering this. It provides qualified customers with a credit (currently between \$9.28 and \$11.88)⁸ towards their basic monthly phone charges with the option of choosing either the local area standard usage service or the local area unlimited usage service. Eligible customers may qualify if they have incomes at or below 100% Federal Poverty Income Level Guidelines (FPG) or receive General Assistance (GA), Supplemental Security Income (SSI), or Temporary Assistance for Needy Families (TANF). This program did not permit customers to subscribe to Call Waiting or other optional services. However, customers were permitted to subscribe to Call Trace Service at regular cost under special circumstances.

³ *Pennsylvania Public Utility Commission v. Bell Atlantic—Pennsylvania, Inc.*, P-00930715, P-00950958, entered August 4, 1995.

⁴ Petition of the Pennsylvania Telephone Association Lifeline Service Plan at Docket Nos. I-00940035, P-00971274, Order entered November 21, 1997.

⁵ *Joint Petition of Nextlink Pennsylvania, Inc., et al. and Joint Petition of Bell Atlantic Pennsylvania, Inc., et al.*, P-00991648 and P-00991649, September 30, 1999 (Global Order).

⁶ *Pennsylvania PUC v. Bell Atlantic—Pennsylvania, Inc., Pennsylvania PUC v. Pennsylvania Telephone Association, Pennsylvania PUC v. GTE North Incorporated*, P-00991648, P-00991649, August 17, 2000.

⁷ Verizon PA also offers eligible Lifeline customers and qualified Lifeline applicants (with a pre-existing basic service arrearage) financial assistance to restore their basic telephone service through its Universal Telephone Assistance Program (UTAP). The Salvation Army manages UTAP and distributes funds to qualified customers and Lifeline applicants.

⁸ Verizon PA and Verizon North Lifeline credit is a monthly amount equal to their federal subscriber line charge of \$6.38 plus \$2.90 discount off the monthly density cell rate and \$2.60 discount off the local usage package option (where applicable).

¹ *Federal-State Board on Universal Service*, (FCC May 8, 1997) CC Docket No. 96-45, FCC 97-157.

² Act 183 of 2004 is the new Chapter 30 to Title 66 of *Pennsylvania Consolidated Statutes*. House Bill 30 (P.N. 4778) was signed into law by the Governor on November 30, 2004, and became effective immediately.

⁹Lifeline 150—All LECs operating in Pennsylvania carry Lifeline 150 in their tariffs. It provides qualified customers with a credit (currently a maximum of \$7.25)⁹ towards their basic monthly phone charges with the option of choosing either the local area standard usage service or the local area unlimited usage service. Eligible customers may qualify if they have incomes at or below 150% of the FPG and participate in certain assistance programs.¹⁰ Further, a customer was restricted to one line with either local area standard usage package or local area unlimited usage package, and one optional service such as Call Waiting, Caller ID, home voice mail, etc., at regular charges.

On April 29, 2004, the FCC released a *Report and Order and Further Notice of Proposed Rulemaking In the Matter of Lifeline and Link-Up*, at CC Docket No. 04-87, WC Docket No. 03-109. The FCC modified its rules (most of which became effective July 22, 2004), so as to increase the national telephone penetration rate above the current level of 94.7% and make phone service affordable to more low-income households. The order expanded the federal default eligibility criteria so as to include an income-based criterion of 135% of the Federal Poverty Guidelines (FPG)¹¹ and added the National School Lunch Program's free lunch program (NSL)¹² as a qualifying social assistance program. In prior years, consumers whose state followed the federal program had to participate in one of the qualifying programs to qualify for Lifeline. Now low-income consumers can qualify based on household income alone. Thus, more households nationwide arguably could qualify for the federal default program.

In order to combat fraud, the FCC added a proof of eligibility provision that places an additional administrative requirement on the LECs to get their customers to certify in writing, under oath, that they meet the eligibility requirements for household income and participation in qualifying social assistance programs.

On September 3, 2004, this Commission entered a Tentative Opinion and Order at Docket No. P-00951005,¹³ that addressed the Settlement Agreement and Further Settlement Agreement regarding the *Petition of the Frontier Companies for approval under Chapter 30 of the Public Utility Code for Approval of an Alternative Regulation and Network Modernization Plan* (September 3, 2004 Order). The September 3, 2004 Order modified one aspect of the Further Settlement Agreement by rejecting the provision allowing customers who receive the Lifeline discount to purchase up to two vertical services on the basis that it was inconsistent with the Commission's conclusion in the Global Order on this issue. Ordering

⁹ Verizon PA and Verizon North Lifeline 150 credit is a monthly amount equal to their federal subscriber line charge of \$6.38 plus \$1.00 discount off the monthly density cell rate and \$0.75 discount off the local usage package option (where applicable). Lifeline 150 for all other ILECs is each company's federal subscriber line charge, currently capped at \$6.50 plus \$1.75. CLECs provide similar Lifeline credit amounts, regardless of whether or not they designate a federal subscriber line charge on customer bills.

¹⁰ These social assistance programs include: General Assistance (GA), Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF), Food Stamps, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, and Federal Public Housing Assistance. Verizon also includes State Blind Pension as an eligible program.

¹¹ At or below 135% of the FPG is \$24,840 for a family of four.
¹² To be eligible for the NSL free lunch program, a consumer's household income must be at or below 130% of the FPG, which is currently \$23,920 for a family of four. 2003 FPG, 68 Fed. Reg. at 6456-58. In addition, children are automatically eligible to participate in the NSL free lunch program if their household receives Food Stamps, benefits under the Food Distribution Program on Indian Reservations or, in most cases, benefits under the TANF program. <http://www.fns.usda.gov/cnd/About/faqs.htm>.

¹³ The Tentative Opinion and Order became final in accordance with Ordering Paragraph No. 6 that stated: "That if none of the Parties object to the modifications to the Settlement Agreement and Further Settlement Agreement, within the time specified in Ordering Paragraph No. 3 of this Tentative Order, then it is further ordered that this Tentative Opinion and Order shall become final, and a Secretarial Letter shall be issued to that effect, without further action by the Commission." All of the Parties subsequently notified the Commission that they do not object to Settlement and Further Settlement Agreement as modified by the Tentative Opinion and Order.

Paragraph No. 8 of the September 3, 2004 Order also directed Commission staff to submit a recommendation to the Commission within 60 days of the entry date of that Order regarding how the Pennsylvania Lifeline program should be structured as a result of the recent FCC Lifeline Order.

On November 19, 2004, Pennsylvania's legislature passed House Bill 30—an amended version of the original Chapter 30 provisions concerning the regulation of the telecommunications industry. The Governor signed House Bill 30 into law as Act 183, with an effective date of December 1, 2004. Act 183 includes significant changes to Pennsylvania's universal service programs. Specifically, the provisions outlined in Section 3019(F) state the following:

§ 3019(F) Lifeline Service.—

(1) All eligible telecommunications carriers certified to provide local exchange telecommunications service shall provide lifeline service to all eligible telecommunications customers who subscribe to such service.

(2) All eligible telecommunications customers who subscribe to lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services.

(3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of lifeline service twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the lifeline service subscription requirements.

(5) When a person enrolls in a low-income program administered by the department of public welfare that qualifies the person for lifeline service, the department of public welfare shall automatically notify that person at the time of enrollment of his or her eligibility for lifeline service. This notification also shall provide information about lifeline service including a telephone number of and lifeline subscription form for the person's current eligible telecommunications carrier or, if the person does not have telephone service, telephone numbers of eligible telecommunications carriers serving the person's area, which the person can call to obtain lifeline service. Eligible telecommunications carriers shall provide the department of public welfare with lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the department of public welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this

section any new lifeline service discount that is not fully subsidized by the federal universal service fund.

Discussion

A Secretarial letter was issued on September 1, 2004, asking jurisdictional LECs questions about Lifeline service and the impact of the FCC rules. Approximately 42 LECs as well as representatives from the Office of Consumer Advocate (OCA), Community Justice Project in Pittsburgh, Pennsylvania Utility Law Project (PULP) and the AARP replied. After review of the arguments of the parties and the FCC orders, the Commission believes, given the enactment of Act 183 and new FCC mandates, the time has come to revise our Lifeline and Link-Up programs.

The Impact of Act 183

Section 3019(F)(1) requires all ETCs¹⁴ to provide lifeline service to all eligible customers. The Commission's Global Order required all LECs (including non-ETCs) to file Lifeline tariffs and provide this service to eligible customers. The current pool of ETCs consists of all 37 ILECs and three CLECs (MCI Metro Access Transmission Services, Service Electric Telephone, Inc., and RCN Telecom Services of Pa., Inc.) and one wireless company (Nextel Partners, Inc.). In accordance with Section 3019(F)(1), CLECs that are not ETCs are no longer required to provide Lifeline service. The FCC does not permit pure CLEC resellers to seek ETC status. However, these companies are permitted to offer Lifeline by purchasing a discounted Lifeline service from an ILEC such as Verizon. CLECs that are facilities-based may seek ETC status from this Commission. Non-ETC CLECs¹⁵ reported that 587 of their customers received Lifeline 150 service in 2003. As of December 31, 2003 the non-ETC CLECs had 489 Lifeline customers still enrolled in the Lifeline 150 program. The majority of these Lifeline customers were divided between two large CLECs, Comcast (329) and CTSI (140). The remaining 20 Lifeline customers were split among four smaller CLECs.

Therefore, the Commission encourages all CLECs to continue offering Lifeline and Link-Up services and to revise their Lifeline offering to comply with the expanded program set forth in this Order. As per the Global Order, Verizon will continue to provide CLEC resellers discounted rates for Lifeline services. This means that CLEC resellers may continue to provide Lifeline and Link-Up services. The Commission also encourages facilities-based CLECs to seek ETC status so they may provide Lifeline and Link-Up services and be reimbursed from the federal universal service fund. CLECs that choose to remove Lifeline and/or Link-Up provisions from their tariffs shall be required to provide their customers with notice. This notice will advise customers that the CLEC will no longer offer Lifeline or Link-Up service. In addition the notice will provide customers with details on how to migrate their local service to an ETC LEC operating in the same area.

Companies' outreach efforts have generally been limited to sending out an annual bill insert, providing information in their directories, and in some cases, developing their own Lifeline brochures. Generally, Act 183 directs

ETCs to expand their outreach efforts. Section 3019(F)(4) states that ETCs shall inform existing customers of the availability of Lifeline service twice annually by bill insert or message. Under Section 3019(F)(3) whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an ETC, the carrier shall explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service. Automatic notification is also discussed in Act 183. Section 3019(F)(5), states that the DPW shall automatically notify people about Lifeline service when they enroll for qualifying low income programs administered by DPW.

Pennsylvania's current Lifeline 150 program restricts the purchase of vertical services to one service. Under Section 3019(F)(2) of Act 183, "[a]ll eligible telecommunications customers who subscribe to lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services." Therefore, the prior restriction to one vertical service is now lifted, and there are no restrictions on the number of vertical services a Lifeline customer can choose.

Default vs. Non-Default State

At the time the Global Order was drafted in September 1999, the Commission determined Pennsylvania was a "default" state based on the language then present in 47 CFR § 54.409 of the FCC's regulations. In 1999, Section 54.409(b) stated:

To qualify to receive Lifeline in states that do not provide state Lifeline support, a consumer must participate in one of the following programs: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; or Low-Income Home Energy Assistance Program.

Now, the same Section 54.409(b) states:

To qualify to receive Lifeline service in a state that does not mandate state Lifeline support, a consumer must participate in one of the following federal assistance programs: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; and Low-Income Home Energy Assistance program.

In 1999, we viewed our state as a default state for the Lifeline 150 program because Pennsylvania did not provide any funding for the program and we did not require LECs to provide additional support for this program. The Commission viewed the Lifeline 150 as a separate program that would be totally funded by federal support. At that time, we did not believe that contributions from BA-PA for its Lifeline 100 program would be viewed by the FCC as state contribution for the Lifeline 150 program. Therefore, Lifeline 150 customers could not qualify based on income alone and would have to participate in qualifying assistance programs.

The companies also viewed Pennsylvania as a default state in 1999 as this is evidenced in the Replies of PTA, BA-PA, and GTE North (now known as Verizon North) to the exceptions of OCA regarding these three Lifeline Compliance Tariffs filed on or about November 30, 1999. At that time BA-PA stated,

The Commission's requirement that Lifeline recipients participate in one of the enumerated programs is completely consistent with the FCC's requirements

¹⁴ Act 183 appears to apply only to ETCs. We interpret Chapter 30, specifically Section 3019 to preclude the Commission from continuing to require non-ETC LECs to provide Lifeline/Link-Up programs because the legislature used the specific term, "ETCs" instead of "LECs." Therefore, the Commission may reasonably infer using statutory interpretation principles that the use of this explicit term means to the exclusion of all non-ETC LECs.

¹⁵ These numbers are based on the 2003 Annual Lifeline Tracking Reports submitted by the following companies: Comcast Phone of Pennsylvania, LLC, CEI Networks, CTSI LLC, IDT Corporation, Penn Telecom, VartecTelecom, Inc., and Z-Tel Communications Inc.

for receiving federal universal service support for eligible Lifeline customers The OCA's interpretation—that Lifeline eligibility can be met through income alone—is flatly inconsistent with the FCC's regulations, and could jeopardize BA-PA's ability to obtain federal universal service fund reimbursement for the Lifeline 150 program.¹⁶

Further evidence that BA-PA once viewed Pennsylvania as a default state was their petition to the FCC for a waiver of one of FCC's rule Section 54.409(b) to permit BA-PA to use Pennsylvania Department of Public Welfare (DPW) database to verify the eligibility of Lifeline subscribers.¹⁷ This petition was granted by the FCC on December 27, 2000. In its order approving the petition, the FCC stated:

Option 2 [Lifeline 150] expands eligibility for support to all subscribers with incomes at or below 150% of the federal poverty level and permits those customers to add vertical services. Because the program is funded entirely from federal support, Commission rules require Bell Atlantic to obtain written certifications of eligibility from subscribers to Lifeline Option 2.

Bell Atlantic seeks a waiver of the written certification requirement for subscribers of the Lifeline Option 2 who are listed in the Pennsylvania DPW database. It asks that, given its four years of successful experience with the DPW database, it be allowed to continue to rely on that database when the database indicates that a customer is eligible for Lifeline Option 2 [Lifeline 150]. Bell Atlantic agrees that if its waiver request is granted, it will continue to require the written certification specified in Section 54.409(b) of the rules where consumers qualify for the program based on their enrollment in the federal public housing assistance or Low-Income Home Energy Assistance programs, because data about participation in those programs is not contained in the DPW database.

We find that Bell Atlantic has demonstrated that good cause exists to waive section 54.409(b) of the Commission's rules.¹⁸

However, despite the prior FCC order, Pennsylvania was not listed as a default state in the FCC's Appendix G of the *FCC Lifeline Order*. Appendix G listed 16 states that are considered to be default states, following the FCC's rules. Arguably then, we are a non-default state. Commission staff was told by the FCC that Appendix G is not necessarily up to date or accurate, but at the same time, there was no dollar contribution amount threshold requirement before a state could be classified as non-default. In Pennsylvania, only Verizon North and Verizon PA are required to provide support to the Lifeline program (Lifeline 100 only). None of the LECs who offer Lifeline 150 are required to provide support for this program. Still, this seems to be enough to now satisfy the FCC's definition that a state that mandates support for a Lifeline program and that contributions other than Federal monies are being made. Further, a representative from the Universal Service Administration Company (USAC) represented that we were a non-default state and

OCA as well as the LECs participating in staff's Lifeline survey all argued that Pennsylvania is a non-default state.

In light of the previous, it appears that the fact that Verizon is mandated to contribute to its Lifeline programs qualifies Pennsylvania as a "non-default" state according to the FCC rules. The significance of being a non-default state is that the Commission or the state legislature can establish rules specific to Pennsylvania and address any issues that may be unique to the Commonwealth.

Pennsylvania is a "state that mandates state Lifeline support" based on the support provided by BA-PA for the Verizon Lifeline 100 program. Universal service goals are furthered even though the state Lifeline support does not apply to all Pennsylvania Lifeline programs. Thus, the Commission has some flexibility pursuant to Section 54.409(a) of the FCC's Lifeline regulations to establish eligibility criteria so long as they are "narrowly targeted qualification criteria that are based solely on income or factors directly related to income." 47 CFR § 54.409(a). As the FCC explained, this flexibility allows states such as Pennsylvania "to consider federal and state-specific public assistance programs with high rates of participation among low-income consumers in the state." *FCC Lifeline Order* par. 5.

Lifeline Program Take Rates

Consumer advocates, staff, and our state legislature¹⁹ have all expressed concern about the low levels of participation in Pennsylvania's Lifeline programs. As shown on the chart below, Pennsylvania's customer participation has grown since 2000. Even so, the penetration rates for these programs have been disappointing given the number of eligible consumers and the amount of money Pennsylvania ratepayers²⁰ contribute to the USF. According to the Office of Consumer Advocate and the DPW, there are over a million people who participate in Medicaid living in Pennsylvania. For August 2004, the DPW reports the unduplicated number of persons eligible for Medical Assistance totaled 1,713,023. *Medical Assistance Eligibility Statistics, August 2004*.²¹

End of Year Lifeline Enrollment 2000-2003 Major Telephone Companies²²

<i>Company</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
ALLTEL	1,356	3,388	3,902	4,106
Comcast	NA	NA	NA	329
Commonwealth	694	997	1,195	1,485
MCI Local	45	163	434	555
United	1,083	1,334	1,563	1,913
Verizon North*	3,070	3,794	6,890	6,763
Verizon PA*	46,459	68,630	95,969	118,000
Total *	52,707	78,306	109,953	134,138

*Includes Lifeline and Lifeline 150
N/A not available

Adding the non-major LECs' end-of-year enrollment figures to the major LECs' subtotal of 134,138 yields a total Lifeline enrollment total of about 137,000. Assuming a maximum of 1.7 million households eligible, this calculates the take rate to be possibly as low as 8%.

¹⁹ House Bill 2571, Introduced by State Representative Veon.

²⁰ Some LECs and IXCs collect federal universal service funding as a line item on their monthly bills.

²¹ While the Commission is not completely certain how 1.7 million Medicaid participants translates into number of households which participate in Medicaid, we believe it is likely there are significantly more than 137,000 households that would be considered Medicaid-participating households.

²² These are LECs with 50,000 or more residential customers. Comcast does not have ETC status.

¹⁶ Reply of Bell Atlantic—Pennsylvania To Exceptions of the Office of Consumer Advocate to Lifeline Compliance Tariff, June 12, 2000, pp. 3-4.

¹⁷ See Bell Atlantic—Pennsylvania, Inc., Petition for Waiver of Section 54.409(b) of the Commission's rules and Regulations, filed December 22, 1999.

¹⁸ In the Matter of Federal-State Joint Board On Universal Service, Bell Atlantic Pennsylvania, Inc., Petition for Waiver of Section 54.409(b) of the Commission's Rules and Regulations, CC Docket No. 96-45, December 27, 2000, pp. 2-3.

According to the FCC, Pennsylvania's take rate is 16.2% compared to the nationwide take rate of 33.7%.²³ We have seen an enrollment increase since the Global Order from approximately 35,000 Lifeline customers in September 1999 to 137,000 as of December 31, 2003, but we are still very short of enrolling all consumers who could benefit from the Lifeline credit. If other states act to add the new income-based eligibility criteria of 135% of FPG, to remain unchanged in our policy may result in Pennsylvania incurring increased federal USF responsibility (as the size of the Fund increases) with no improvement in the percentage returned to the Commonwealth in terms of federal USF low-income support.

Pennsylvania is a Net-Contributor to the Universal Service Fund

We are concerned that in 2003, Pennsylvania received \$13.6 million in low income support yet our ratepayers contributed over \$126,408,000 of which approximately \$24 million went towards the low-income federal USF.²⁴ Thus, Pennsylvania is a net-contributor regarding the low-income portion of the federal USF. Last year approximately \$10 million dollars collected here through federal USF charges were not used by our Lifeline customers, but rather this was used by other states' low-income programs. This disparity will only widen as a result of the recent FCC rules changes unless the Commission follows the FCC's lead and broadens its Lifeline 150 eligibility criteria in addition to removing the vertical services restriction barrier to enrollment. The Commission recognizes that in a pooled fund, such as the federal USF, not all states can be net recipients. However, increasing Pennsylvania's participation levels will allow more dollars to remain within the state.

Examination of Other States

An examination of other states similar to Pennsylvania shows that Florida's Public Service Commission recently recognized that even though it is not a default state, "it is in Florida's best interest to also adopt this criterion." *In re: Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs*, Notice of Proposed Agency Action Order Expanding Lifeline Eligibility at 4, Docket No. 040604-TL (Fl.PSC Aug. 10, 2004) (Florida PSC Order). As the Florida PSC stated, "[w]e are concerned that if we do not adopt the 135% criterion for all ETCs, it could result in compounding Florida's status as a net contributor into the USF Low Income Support Mechanism and keep some consumers that would otherwise be eligible out of the program." Florida PSC Order at 4-5. Like Pennsylvania, Florida's LECs already used TANF as an eligibility criterion. *Florida PAA Order* at 1.

In 2003, Kansas (another non-default state) decided to enroll low-income consumers with incomes at or below 150% of FPG. Kansas also enrolls consumers in Lifeline based on eligibility for the Free School Lunch Program. See *In Re: Investigation into the Lifeline Service Program and Methods to Ensure Awareness of the Program*, Docket No. 00-GIMT-910-GIT, Order (KS, SCC, Jan. 21, 2003).

²³ FCC Report, April 29, 2004, FCC 04-87, Table 1.A, Baseline Lifeline Subscription Information (Year 2002).

²⁴ FCC Federal-State Joint Board *Universal Service Monitoring Report*, CC Docket No. 98-202, Table No. 2.4 (rel. Oct. 2004). This table states Pennsylvania received \$13.6 million in low income support. The Commission estimates Pennsylvania ratepayers contributed \$24 million based on the most recent data staff could obtain, from the Universal Service Administrative Company Annual Report of 2002 based upon 2001 data. The Commission also notes that Pennsylvania received a total of \$126,408,000 from the USF in 2001 for the four programs including: 1) low-income, 2) high cost support; 3) Schools and libraries; and 4) rural health care. However, our ratepayers consistently year after year contribute more than what is returned through the USF.

As stated previously, we are still a long way from enrolling all consumers who could benefit from the Lifeline credit, and failing to modify our policy may result in Pennsylvania incurring more of the federal USF debt as other states act to add the new income-based eligibility criteria of 135% of FPG. The FCC has already stated that they have weighed the impact on the federal USF if all states added the new income-based eligibility criteria of 135% of FPG and found that the benefits of "adding new low-income subscribers and retaining existing subscribers outweigh the potential increased costs." *FCC Lifeline Order*, par. 12.

Even though many LECs said that they were unclear whether enrollment in Lifeline service would increase should Pennsylvania make these changes to its Lifeline program, we may logically deduce from the factual information that is currently available to the Commission that the proposed changes would in no way result in lowered enrollment, and could, in fact, result in significant increases in enrollment.

Many consumers in Pennsylvania could be benefiting from the Lifeline/Link-Up credit but are not because they do not qualify under the current two-prong test, or possibly because of lack of awareness of the availability of the program. The Commission believes it is likely that the addition of household participation in NSL as a Lifeline eligibility criterion may increase Lifeline enrollment in Pennsylvania even though the FCC noted that statistics are not available that translate into the number of NSL recipients into a household count. Therefore, the Commission believes it should expand the Lifeline 150 program to include NSL and change the 150% "and" requirement to 135% "or." We would lose no current enrolled customers and would be on more even footing with other states. This change could boost enrollment figures.

The Commission notes that some additional administrative costs may be incurred by LECs in order to implement revisions allowing NSL and income as eligibility factors, but the benefits to Pennsylvanians outweigh this burden.

Increasing Subscriber Line Charges

The federal USF low-income program is designed to help the low-income consumers' bills remain affordable as the FCC continues to raise the Subscriber Line Charge (SLC), which currently is capped at \$6.50 line-item charge on all monthly phone bills. If our program eligibility is more restrictive than the federal rules, and the SLC continues to increase, we may be doing a disservice to Pennsylvanian low-income ratepayers.

Certification Requirements

Even though we are a non-default state and do not have to enforce the FCC's new Section 54.409(d) certification requirements, the parties are invited to comment on how to proceed with this issue. The responses we received when this was suggested to our jurisdictional LECs were varied. Some LECs annually monitor eligibility, some semi-annually. Verizon was not specific about how frequently, but does verify eligibility when its customers transfer service from one location to another.

Notification Requirements

Section 3019(f)(4) requires ETCs to inform existing customers of the availability of Lifeline service twice annually by bill insert or message. The notice must be conspicuous and must provide appropriate eligibility, benefits and contact information for customers who wish to

learn of the Lifeline service subscription requirements. 66 Pa.C.S. § 3019(f)(4). In keeping with tradition, we will direct our Bureau of Consumer Services to work with the Pennsylvania Telephone Association to develop biannual Lifeline bill inserts or bill messages that are written consistent with the Commission's plain language policy guidelines at 52 Pa. Code § 69.251.

Conclusion

In the Global Order, the Commission implicitly recognized that those eligibility criteria that the FCC has identified as appropriate for use by those states that do not mandate state Lifeline support in 47 CFR Section 54.409(b) also, *prima facie*, meet the narrowly targeted, income-based test of Section 54.409(a). Thus, in the Global Order and subsequent orders approving compliance filings, the Commission did not limit eligibility criteria strictly to those set forth in Section 54.409(b) of the FCC's Lifeline regulations. Instead, the Commission required LEC to add those criteria "to broaden eligibility requirements." *In re Nextlink, Inc.*, 93 Pa.P.U.C. 172, 244 (Sept. 30, 1999). As a result of the *Global Order*, LEC expanded the list of eligibility criteria from the narrow list of Temporary Assistance for Needy Families (TANF), General Assistance (GA), Supplemental Security Income (SSI) and State Blind Pension (Verizon only) to include Medicaid, Food Stamps, Low Income Home Energy Assistance Program (LIHEAP), and federal public housing assistance. See, e.g., *Pa. PUC v. Pa. Telephone Ass'n*, Docket No. P-00991648, P-00991649, Order at 2, 5 (Aug. 17, 2000) (PTA Lifeline Order). *Pa.P.U.C v. Bell Atlantic-Pennsylvania, Inc.* Docket No. P-00991648, P-00991649) (BA-PA Lifeline Order).

The Commission shall again broaden the Lifeline eligibility criteria to benefit low-income Pennsylvania telephone consumers. As the FCC stated in its April 2004 Order, "we believe there is more we can do to make telephone service affordable for more low-income households." *FCC Lifeline Order*. In Pennsylvania 1,842,724 children were enrolled in the National School Lunch Program as of October, 2004. Of that number, 498,604 were eligible to participate in the NSL free lunch program.²⁵ Upon adoption of the NSL program, we will coordinate with the Pennsylvania Department of Education, and Department of Public Welfare, and other organizations to incorporate the program into Pennsylvania's current Lifeline and Link-Up outreach initiatives. Adding the NSL program will benefit Pennsylvania by increasing the number of eligible consumers for the Lifeline and Link-Up programs. We hereby adopt the NSL program for purposes of determining eligibility in the Lifeline and Link-Up programs in Pennsylvania. Accordingly, the Commission will expand the eligibility criteria to include the National School Lunch Free Lunch program (NSL), and a separate income-based eligibility criterion of 135% of FPG. While the proposed changes might increase administrative costs to the ETCs administering the programs, the proposal is consistent with FCC standards.

For ease in comparison, the following is a table comparison between the old and new FCC Lifeline program rules, and the Commission's current Lifeline 150 program and the regime established under the instant Tentative Order.

²⁵ *National School Lunch Program Approved Free and Reduced Applications, Building Data Report for October 2004 Children Eligible*, October, 2004, Sandy Souder, Administrator, National School Lunch Program.

Telephone Universal Service Program Eligibility Requirements

<i>Old FCC Lifeline Program</i>	<i>PA PUC Lifeline 150 Program</i>	<i>New FCC</i>	<i>Tentative Order and Act 183</i>
Medicaid	Medicaid	Medicaid	Medicaid
Federal Public Housing Assistance (Section 8)	Federal Public Housing Assistance (Section 8)	Federal Public Housing Assistance (Section 8)	Federal Public Housing Assistance (Section 8)
Low-Income Home Energy Assistance Program (LIHEAP)	Low-Income Home Energy Assistance Program (LIHEAP)	Low-Income Home Energy Assistance Program (LIHEAP)	Low-Income Home Energy Assistance Program (LIHEAP)
Supplemental Security Income (SSI)	Supplemental Security Income (SSI)	Supplemental Security Income (SSI)	Supplemental Security Income (SSI)
Food Stamps	Food Stamps	Food Stamps	Food Stamps
	Temporary Assistance to Needy Families (TANF)	Temporary Assistance to Needy Families (TANF)	Temporary Assistance to Needy Families (TANF)
	State Blind Pension*		State Blind Pension*
	General Assistance		General Assistance
		National School Lunch Program	National School Lunch Program
No separate income requirement	AND Income at or below 150% of the Federal Poverty Guidelines	OR income at or below 135% of the Federal Poverty Guidelines	OR income at or below 135% of the Federal Poverty Guidelines
No restriction on vertical services	Only allowed one vertical service	No restriction on vertical services	No restriction on vertical services

* Only Verizon North and Verizon PA.

Lifeline enrollment in Pennsylvania will tend to increase if the Commission requires all Pennsylvania LECs to modify their existing Lifeline 150 programs in two ways:

1) Change the current eligibility limitation from the conjunctive “and income at or below 150% of FPG” to a new disjunctive eligibility criterion so Lifeline eligibility may be determined based on participation in a public benefit program “or income at or below 135% FPG.”

2) Add participation in the National School Lunch free lunch program (NSL) as an additional program-based eligibility criterion.

Therefore,

It Is Ordered That:

1. The current income limitation in the Lifeline 150 programs of “and income at or below 150% of Federal Poverty Guidelines” is hereby amended to a new separate eligibility criterion so Lifeline eligibility may be determined based on participation in a public benefit program “or income at or below 135% of Federal Poverty Guidelines.”

2. We hereby adopt the National School Lunch free lunch program (NSL) for purposes of determining eligibility in the Lifeline and Link-Up programs in Pennsylvania.

3. In the event this Tentative Order becomes final, in accordance with 66 Pa.C.S. § 3019(F)(1), ETCs are directed to file tariff revisions within 30 days to: (1) change the current income limitation in the Lifeline 150 programs of “and income at or below 150% of Federal Poverty Guidelines” to a new separate eligibility criterion so Lifeline eligibility may be determined based on participation in a public benefit program “or income at or below 135% of Federal Poverty Guidelines”; and (2) add the National School Lunch free lunch program (NSL) for purposes of determining eligibility in the Lifeline and Link-Up programs in Pennsylvania.

4. In accordance with 66 Pa.C.S. § 3019(F)(2), all ETCs shall permit customers who subscribe to Lifeline service to subscribe to any number of other telecommunications services including vertical services at the tariffed rates for such services.

5. In accordance with 66 Pa.C.S. § 3019(F)(3), each ETC in the Commonwealth shall explicitly advise the customer of the availability of lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

6. The Bureau of Consumer Services work with the Pennsylvania Telephone Association to develop biannual Lifeline bill inserts or bill messages that are written consistent with the Commission’s plain language policy guidelines at 52 Pa. Code § 69.251.

7. LECs offering Lifeline and Link Up services are directed to recertify their Lifeline customers on at least an annual basis.

8. Any non-ETC CLECs that choose to remove Lifeline and/or Link-Up provisions from their tariffs shall be required to provide their customers with 60 days notice of the type described herein, which has been reviewed and approved by the Commission’s Bureau of Consumer Services.

9. Comments to this Tentative Order shall be filed within 30 days of the date the Tentative Order is published in the *Pennsylvania Bulletin*.

10. If no adverse comments are filed to this Tentative Order by the end of the 30-day period, this Tentative Order shall become a Final Order by operation of law.

11. All LECs operating in Pennsylvania, the Pennsylvania Telephone Association, Nextel Partners, Inc., Office of Consumer Advocate, Department of Public Welfare, Pennsylvania Utility Law Project and AARP shall be served with a copy of this Tentative Order.

12. A copy of this Tentative Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

Statement of Commissioner Kim Pizzigrilli

Today, the Commission tentatively revises its Lifeline and Link-Up policy to be consistent with new federal¹ and state law.² Lifeline was established by the Federal Communications Commission (FCC) in 1984 to promote universal telephone service by providing low-income consumers with discounts on the monthly cost of dial tone service. By 1987, the FCC implemented Link-Up America to help low income households pay telephone connection charges. In Pennsylvania, Lifeline was first offered by Verizon Pennsylvania in 1995 and by all local exchange telecommunication companies (LECs) in 1998.³

Act 183 of 2004 became effective December 1, 2004 as the new Chapter 30 to Title 66 of the Pennsylvania Consolidated Statutes. Section 3019(f) requires all “eligible telecommunications carriers” (ETCs) to provide Lifeline service. 66 Pa.C.S. § 3019(f). An ETC is defined by the statute as “a carrier designated by the Pennsylvania Public Utility Commission pursuant to 47 CFR § 54.201 . . . or successor regulation, as eligible to receive support from the Federal Universal Service Fund.” 66 Pa.C.S. § 3012. Prior to this legislation, each local exchange carrier (LEC) was required to file a Lifeline plan regardless of ETC status. Pursuant to federal law, only those LECs designated as ETCs receive federal universal service funding to support their programs.⁴ In Pennsylvania, there are currently 40 LECs and one wireless company certified as ETCs. There are other non-ETC LECs that are currently providing Lifeline service to customers.

The Tentative Order strongly encourages these non-ETC LECs to continue to offer Lifeline and Link-Up Service and to revise their offerings to comply with the expanded program set forth in the Order. However, our Tentative Order ultimately concludes that pursuant to Act 183 non-ETC LECs are no longer required to provide Lifeline service to customers. I am concerned about how this will impact Lifeline consumers of non-ETC LECs especially in light of the stated policy of Act 183 to “maintain universal telecommunications service at affordable rates” 66 Pa.C.S. § 3011. I would encourage interested parties to file comments to the Tentative Order offering recommendations as to how the Commission can appropriately address this issue.

Also, for those LECs which have not been certified as ETCs, the FCC this week announced the adoption of new measures addressing the requirements that telecommuni-

¹ The Federal Communications Commission took action in April 2004 to modify its rules “to improve the effectiveness of the low-income support mechanism, which ensures that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates.” *In the Matter of Lifeline and Link-Up, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 03-109, FCC 04-87 (rel. April 29, 2004), 69 Fed. Reg. 34590 (June 22, 2004).

² Effective December 1, 2004, Act of 2004, P. L. 1398, No. 183 (Act 183) became the new Chapter 30 to Title 66 of the *Pennsylvania Consolidated Statutes*.

³ *Pennsylvania Public Utility Commission v. Bell Atlantic—Pennsylvania, Inc.*, P-00930715, P-0095098, entered August 4, 1995.

⁴ See 47 U.S.C. § 254(e) and 47 U.S.C. § 214(e)

cations carriers must meet to receive this designation.⁵ I would encourage all non-ETC LECs in the Commonwealth to consider seeking this designation so that consumers can continue to receive the benefits of Lifeline and Link-Up services.

[Pa.B. Doc. No. 05-527. Filed for public inspection March 18, 2005, 9:00 a.m.]

Merger

A-311163F0006; A-310213F0008; and A-310258F0005. **SBC Communications, Inc. and AT&T Corporation and its Certificated Pennsylvania Subsidiaries, AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, Inc. and TCG Delaware Valley, Inc.** Joint application of SBC Communications, Inc. and AT&T Corporation and its Certificated Pennsylvania Subsidiaries, AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, Inc. and TCG Delaware Valley, Inc. for approval of a merger between SBC Communications, Inc. and AT&T Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 4, 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.

Applicants: SBC Communications, Inc. and AT&T Corporation

Through and By Counsel: Daniel P. Delaney, Esquire, Kirkpatrick and Lockhart Nicholson Graham LLP, 240 North Third Street, Harrisburg, PA 17101-1507; and Daniel Clearfield, Esquire, Alan C. Kohler, Esquire, Wolf Block Schorr & Solis-Cohen, 212 Locust Street, Suite 300, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-528. Filed for public inspection March 18, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 11, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary

⁵ See *FCC Adopts Additional Requirements for Eligible Telecommunications Carrier Proceedings*, News Release dated February 28, 2005, Report and Order (FCC 05-46)

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-00121559. Shenango Valley Area Ambulance Service, Inc. (1001 Stambaugh Avenue, Farrell, Mercer County, PA 16121), a corporation of the Commonwealth—persons in paratransit service, from points in the County of Mercer, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Robert G. Yeatts, 689 North Hermitage Road, P. O. Box 1024, Hermitage, PA 16148.

A-00121547. Stephen E. Campanella, Jr. (137 King Street, East Stroudsburg, Monroe County, PA 18301)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Monroe, Luzerne and Lackawanna, and from points in said counties, to points in Pennsylvania, and return.

A-00121546. Kevin McWilliams (75 Pocono Heights Road, Tobyhanna, Monroe County, PA 18466)—persons, upon call or demand, in the County of Monroe.

A-00121543. McGonigle Ambulance Service, Inc. (1090 E. State Street, Sharon, Mercer County, PA 16146), a corporation of the Commonwealth—persons, in paratransit service, between points in the Cities of Sharon, Farrell and Hermitage, the Boroughs of Sharpsville, Wheatland and West Middlesex and the Townships of Pymatuning and Shenango, all located in Mercer County, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Christie M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-00121551. Luxury Limousine of Harrisburg LLC (2205 Forest Hills Drive, Harrisburg, Dauphin County PA 17112)—persons, in limousine service, between points in the Counties of Dauphin, York, Cumberland and Lancaster, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* J. Bruce Walter, Rhoads & Sinon LLP, One South Market Street, P. O. Box 1146, Harrisburg, PA 17108-1146.

A-00121545. Sanford Donn Bowles t/a Frackville Cab (104 E. Mahanoy Avenue, Girardville, Schuylkill County, PA 17935)—persons, upon call or demand, in the Borough of Frackville, Schuylkill County, and within an airline distance of 10 statute miles.

A-00121549. Elsie Jeanette Yoder (4322 E. Main Street, Belleville, Mifflin County, PA 17004) (717) 935-5519—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania, and return.

A-00120555, Folder 2. Nasser Limousine, LLC (1015 Electric Street, Scranton, Lackawanna County, PA 18509), a limited liability company of the Commonwealth—persons, in limousine service, between points in the Counties of Lackawanna, Wayne and Wyoming, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* W. Boyd Hughes, 1421 E. Drinker Street, Dunmore, PA 18512.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

A-00120050, Folder 1, Am-A. Pocono Cab Company, LLC t/d/b/a Pocono Cab Company (307 Rachel Road, Stroudsburg, Monroe County, PA 18360), a limited liability company of the Commonwealth—which grants the right, inter alia, to transport, persons, upon call or demand in the Townships of Hamilton and Stroud and the Boroughs of East Stroudsburg and Stroudsburg, Monroe County: *So As To Permit* the transportation of persons upon call or demand in the County of Monroe. *Attorney:* Craig A. Doll, 25 West Second Street, P. O. Box 403, Hummelstown, PA 17036.

Applications 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 each application.

A-00121532. LCCR, Inc. (10 Duff Road, Suite 203, Pittsburgh, Allegheny County, PA 16057), 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-00113169 to ABC Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

A-00121563. Barton Enterprises, LLC (2521 Yellow Springs Road, Malvern, Chester County, PA 19355), a limited liability company 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-00111258, F.2 issued to Hermes Transportation Co., Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

A-00121560. Aramis Limousine Company (1938 Beech Lane, Bensalem, Bucks County, PA 19020), 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-00109072 to Comfort Limousine, Ltd., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

A-00121567. J. C. Limo, LTD t/a Your Professional Driver (3777 Derry Street, Harrisburg, PA 17036), a limited liability corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the right authorized under the certificate issued at A-00118348 to Chocolate Town Inn t/d/b/a Days Inn of Hershey, subject to the same limitations and conditions. *Attorney:* Darrin Dinello, 5405 Jonestown Road, Harrisburg, PA 17112.

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 the application.

A-00114297, Folder 4. Limo Today.Com, Inc. t/a Hollywood Limo & Transportation (1415 Wrightstown

Road, Newtown, Bucks County, PA 18940)—persons, in group and party service (11-15), including the driver, between points in the County of Bucks, and from points in said county, to points in Pennsylvania and return.

Application of the following for *amendment* to the 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-00104227, Folder 1, Am-A. Fiamingo Moving & Storage, Inc. (2044 E. Roosevelt Highway, Mansfield, Tioga County, PA 16933), a corporation of the Commonwealth—inter alia, households goods in use, between points in the County of Bradford, and from points in said county, to points in Pennsylvania, and vice versa: *So As To Permit* the transportation of household goods in use: (1) from points within 10 miles by the usually traveled highways of the limits of the Borough of Honesdale, Wayne County, to other points in Pennsylvania, and vice versa; (2) between points in the County of Wayne; (3) between points in the Borough of Honesdale, Wayne County, and within 10 miles by the usually traveled highways of the limits of said borough; and (4) from points in the Borough of Honesdale, Wayne County, and within 10 miles by the usually traveled highways of the limits of said borough, to points within 40 miles by the usually traveled highways of the limits of said borough, and vice versa; provided no haul shall exceed a distance of 40 miles from point of origin to point of destination; which is to be a transfer of all the rights authorized under the certificate issued at A-00098375 to Herzog Trucking Company, Inc., subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

Applications of the following for *amendment* to the certificate of public convenience approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-00112823, Folder 2, Am-A. John Salaki t/a Private Limo & Red Sled Cab (527 Blue Mountain Road, Schuylkill Haven, Schuylkill County, PA 17972)—abandon/discontinue the right to transport, as a common carrier by motor vehicle; persons upon call or demand, in Schuylkill County, which is held at A-00121823, F.2. *Attorney:* Michael P. Halcovage, 240 Sunbury Street, Minersville, PA 17954.

A-00119129, Folder 2. Woodward Bus Service, Inc. (R. R. 2, Box 18, Canton, Bradford County, PA 17724)—certificate of public convenience to abandon/discontinue the right to transport, as a common carrier by motor vehicle; persons in paratransit service, between points in Bradford County, and from points in said county to points in Pennsylvania, and return, which is held at A-00119129.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-529. Filed for public inspection March 18, 2005, 9:00 a.m.]

Tentative Order

Public Meeting held
March 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

*PF.Net Network Services Corp. (2003.0034.01); Doc. No.
A-311047*

Tentative Order

By the Commission:

PF.Net Network Services Corp. (PF.Net) has failed to pay its Pennsylvania Universal Service Fund contributions totaling \$897.96 plus late fees which are being charged at the rate of .0005% per day until payment is received. Of this amount, \$673.47 is 90 days or more past due.

Failure to pay the monthly contributions violates provisions of 47 U.S.C. § 254(f), granting the Commission the regulatory authority to establish and enforce a universal service fund, as well as the Commission's regulations governing the Pennsylvania Universal Service Fund which are found at 52 Pa. Code §§ 63.161—63.171. Specifically, 52 Pa. Code § 63.171 provides that:

A telecommunications service provider that fails to pay, in a timely manner, any contribution required under this subchapter may be prohibited from providing service in this Commonwealth and be subject to other penalty as authorized under law.

PF.Net's latest receipt of this delinquency occurred by certified mail delivered October 25, 2004. PF.Net responded by letter dated October 28, 2004 that PF.Net was merged into PF.Net Corp. on August 21, 2003 and a certificate of merger was filed with the secretary of state of Delaware—essentially contending that this company/entity no longer exists. However, the Company never filed an application to abandon service in Pennsylvania.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301.

PF.Net was granted a certificate of public convenience by the Commission on April, 19, 2001 at A-311047. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke PF.Net's certificate without the necessity of first filing a formal complaint. We are not aware that PF.Net has any current customers in Pennsylvania, and the Company is not assigned any NXX codes.

For these reasons, we tentatively conclude that revocation of PF.Net's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take our appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if PF.Net seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. PF.Net Network Services Corp.'s certificate of public convenience is hereby tentatively revoked.

2. A copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. Absent the filing of adverse public comment 30 days after the publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by PF.Net at A-311047 shall be revoked, and the Company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. A copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-530. Filed for public inspection March 18, 2005, 9:00 a.m.]

Tentative Order

Public Meeting held
March 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

QAI, Incorporated (2003.0034.01); Doc. No. A-310337

Tentative Order

By the Commission:

QAI, Incorporated (QAI) has failed to pay its Pennsylvania Universal Service Fund contributions totaling \$672.38 plus late fees which are being charged at the rate of .0005% per day until payment is received. Of this amount, \$511.64 is 90 days or more past due.

Failure to pay monthly contributions violates provisions of 47 U.S.C. § 254(f), granting the Commission the regulatory authority to establish and enforce a universal service fund, as well as the Commission's regulations governing the Pennsylvania Universal Service Fund which are found at 52 Pa. Code §§ 63.161—63.171. Specifically, 52 Pa. Code § 63.171 provides that:

A telecommunications service provider that fails to pay, in a timely manner, any contribution required under this subchapter may be prohibited from providing service in this Commonwealth and be subject to other penalty as authorized under law.

Law Bureau Prosecutory Staff has unsuccessfully attempted telephone contact with QAI and also attempted contact through certified mail, which has been returned as "not deliverable."

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa. C.S. §§ 504, 505, 506, and 3301.

QAI was granted a certificate of public convenience by the Commission on November 30, 1995 at A-310337. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke QAI's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that QAI has any current customers in Pennsylvania, and QAI is not assigned any NXX codes.

For these reasons, we tentatively conclude that revocation of QAI's certificate pursuant to 66 Pa.C.S. § 1102(a) (2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if QAI seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. QAI, Incorporated's certificate of public convenience is hereby tentatively revoked.
2. A copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.
3. Absent the filing of adverse public comment 30 days after the publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.
4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by QAI, Incorporated at A-310337 shall be revoked, and the Company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.
5. A copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-531. Filed for public inspection March 18, 2005, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Drame M. Lamine; Doc. No. 31959-45-99

On February 11, 2005, Drame M. Lamine, unlicensed, of York, York County, was assessed a civil penalty in the amount of \$500 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. 05-532. Filed for public inspection March 18, 2005, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Joy Lynn Martin; Doc. No. 0912-45-04

On February 11, 2005, Joy Lynn Martin, unlicensed, of Wilkes-Barre, Luzerne County, was assessed a civil penalty in the amount of \$1,000 for practicing as a manicurist without a license and for maintaining a manicuring shop without a license.

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. 05-533. Filed for public inspection March 18, 2005, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

Bureau of Professional and Occupational Affairs v. Michael A. Chipman; Doc. No. 0121-65-05

On January 26, 2005, Michael A. Chipman, license no. PT-005190-L, of Wexford, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated December 10, 2004, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the final order by writing to Herbert Abramson, Senior Counsel in Charge, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Physical Therapy (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.

CHARLES E. MEACCI, P.T.,
Chairperson

[Pa.B. Doc. No. 05-534. Filed for public inspection March 18, 2005, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 6, 2005	Preston J. Raymond (Purchase of Multiple Service Credit)	1 p.m.
April 14, 2005	William J. Beardsley (D) (Death Benefit)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,
Secretary

[Pa.B. Doc. No. 05-535. Filed for public inspection March 18, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

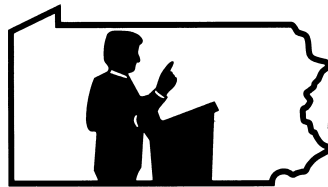
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

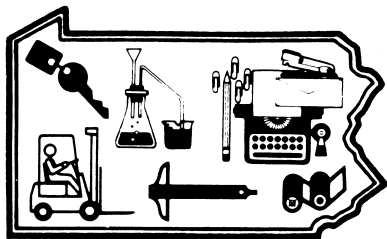
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer



Commodities

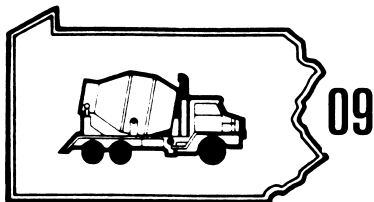
#2004-03 Thaddeus Stevens College of Technology is soliciting proposals to purchase a FADEL EMC machine for use in its Machine Technology Department.

Department: State
Location: 750 E. King St., Lancaster, PA 17602
Duration: Bid Opening 4/13/05 - 9:00 a.m.
Contact: Nancy Froeschle, (717) 299-7787

13354-04 Exterior and Interior Doors for New Construction Projected located at SCI-Muncy. All doors must be Security Hollow Metal to meet HHMA specifications #863.

Department: Corrections
Location: State Correctional Institution at Muncy, Route 405, P.O. Box 180, Muncy, PA 17756
Duration: 3-6 Months
Contact: Cindy Lyons, (570) 546-3171, ext 373

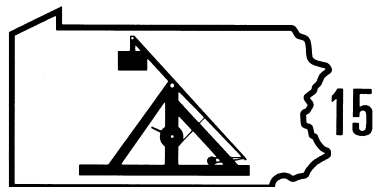
SERVICES



Construction & Construction Maintenance

cn00013602 Excavate and construct a 16 foot circular concrete pad and install a 14 foot diameter x 20 foot high water storage tank on this pad. Tank and accessories to be supplied and delivered to site by Mid Atlantic Storage Inc. Contractor must be certified by Mid Atlantic Storage Inc. prior to performing work.

Department: Public Welfare
Location: Youth Forestry Camp #3, RR #1, Box 175, James Creek, PA 16657
Duration: Unknown
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Environmental Maintenance Service

OSM 04(1259)101.1 Abandoned Mine Reclamation Project, Fallston. The principal items of work and approximate quantities include the Demolition, Removal, and Disposal of seven (7) Mine Facilities and Mine Seal Construction of 3 Mine Openings. This project issues on March 18, 2005 and bids will be opened on April 12, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

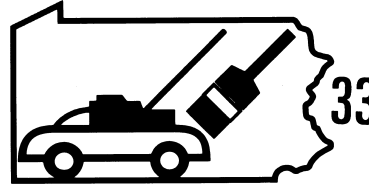
Department: Environmental Protection
Location: Fallston Borough, Beaver County
Duration: 120 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820

BF 442-101.1 Abandoned Mine Land Reclamation Project, T&T Clay Company, Mining Permit Nos. 17900126-01, 02, 03. The principal items of work and approximate quantities include Dewatering Impoundments, 84,000 cubic yards of Grading and 12 Acres of Seeding. This project issues on March 18, 2005 and bids will be opened on April 12, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received.

Department: Environmental Protection
Location: Boggs Township, Clearfield County
Duration: 270 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820

BF 493-101.1 Abandoned Mine Land Reclamation Project, Thompson Brothers Coal Company, Mining Permit No. 17803054-01. The principal items of work and approximate quantities include 62,500 cubic yards of Grading, 12 acres of Selective Grading, 1,575 cubic yards of Ditch Excavation, 575 square yards of High Velocity Erosion Control Mulch Blanket, 1,300 square yards of Rock Lining, 170 linear feet of Smooth Interior Corrugated Polyethylene Pipe, 670 linear feet of Subsurface Drain, 42 acres of Seeding and 54.5 acres of Tree Planting. This project issues on March 18, 2005 and bids will be opened on April 12, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received.

Department: Environmental Protection
Location: Graham and Morris Townships, Clearfield County
Duration: 210 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



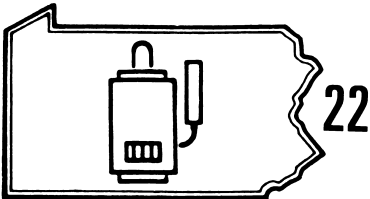
Property Maintenance



Financial and Insurance Consulting

2005-01 The Pennsylvania Health Care Cost Containment Council, an independent state agency that collects, analyzes and disseminates health care cost and quality-related information, seeks to obtain legal and consultative services on a retainer basis. Interested parties are requested to contact the Council office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by calling or e-mailing Cherie Elias at (717) 232-6787 or celias@phc4.org for copies of the Request For Proposal. A pre-proposal conference will be held on March 23, 2005, at 10:00 a.m. at the Council office at the address listed above. Proposals are due to Council office no later than 5:00 p.m. on April 20, 2005. The Council will make the award at the public Council meeting on May 5, 2005, at 10:00 a.m. at the Council office.

Department: PA Health Care Cost Containment Council
Location: 225 Market Street, Suite 400, Harrisburg, PA 17101
Duration: 1 year - option to renew for 2 additional FY periods
Contact: Cherie Elias, (717) 232-6787



HVAC Services

SPC-05-001 Vendor to provide service and repairs on an "on-call/as-needed" basis to the electrical system requirements at the Gino J. Merli Veterans Center. Detailed specifications may be requested via fax at (570) 961-4400 or by e-mail to bpartyka@state.pa.us.

Department: Military Affairs
Location: Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 2005 through June 30, 2008 with renewal option
Contact: Barbara J. Partyka, (570) 961-4354

CPC 05.088 Includes but is not limited to, on-site oiling, studio cleaning, adjustment and general maintenance, condition assessment and documentation for the Capitol historic wall and mantle clocks. A "Mandatory Pre proposal Conference and Detailed Site Review" will be held at the Capitol Preservation Committee Office, Room 630 Main Capitol Building, March 23, 2005 @ 9:30 am prevailing time. Bids may be picked up at the Capitol Preservation Committee, Room 630 Main Capitol Building, Harrisburg, PA 17120 beginning March 16, 2005 at 9:00 am. A one-hundred dollar (\$100.00) deposit fee is required for bid package. Proposal Receipt Date and Time is April 13, 2005 at 2:00 p.m. prevailing time. All Proposals are to be returned to Room 630, CPC Office.

Department: PA Capitol Preservation Committee
Location: Capitol Complex Buildings
Duration: June 1, 2005 through June 31, 2010
Contact: Tara Pyle, (717) 783-6484

CPC 03-078 Disassembly, removal, refinishing and reinstallation of existing exterior free standing and wall mounted ferrous and bronze railings. Cleaning of granite steps, paving and balustrade to remove staining. Tread alignment and surface repair and repointing. Miscellaneous paving installation and associated concrete and masonry work. The project documents will be available for pickup in room 630 Main Capitol Building on the 16th of March 2005 and a deposit of one hundred dollars (\$100) is required (check or cash only). A mandatory proposal conference is scheduled for the 23rd of March 2005 at 2 p.m. prevailing time. Receipt of proposals by the Pennsylvania Capitol Preservation Committee shall be the 13th of April 2005 at 2 PM prevailing time.

Department: PA Capitol Preservation Committee
Location: Harrisburg; Capitol Complex
Duration: 6th of July 2005 through the 19th of September 2005
Contact: David L. Craig, (717) 783-6484

CPC 04.083 Includes but is not limited to, the cleaning, repair, preparation, preservation/restoration and full documentation of the Capitol historic wall and mantle clocks. A "Mandatory Pre proposal Conference and Detailed Site Review" will be held at the Capitol Preservation Committee Office, Room 630 Main Capitol Building, March 23, 2005 @ 9:30 am prevailing time. Bids may be picked up at the Capitol Preservation Committee, Room 630 Main Capitol Building, Harrisburg, PA 17120 beginning March 16, 2005 at 9:00 am. A one-hundred dollar (\$100.00) deposit fee is required for bid package. Proposal Receipt Date and Time is April 13, 2005 at 2:00 p.m. prevailing time. All Proposals are to be returned to Room 630, CPC Office.

Department: PA Capitol Preservation Committee
Location: Capitol Complex Buildings
Duration: June 1, 2005 through June 31, 2010
Contact: Tara Pyle, (717) 783-6484

[Pa.B. Doc. No. 05-536. Filed for public inspection March 18, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

