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PENNSYLVANIA BULLETIN

Volume 35
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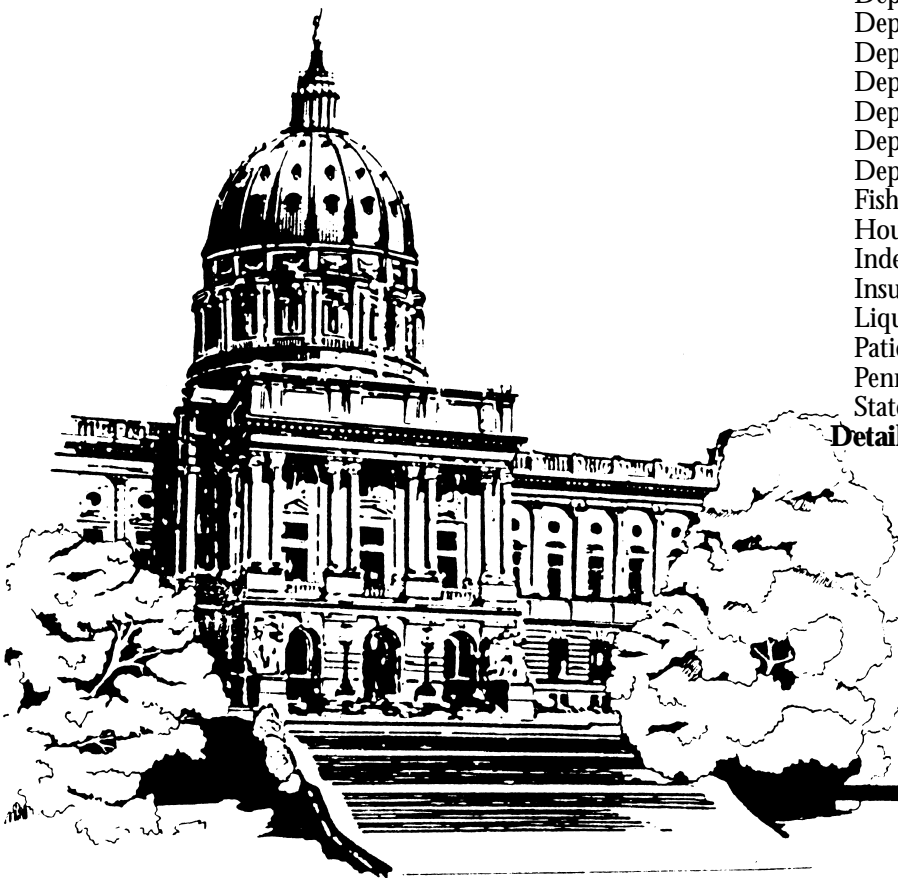
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No. 364, March 2005

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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 GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

March 16, 2005

Whereas, On September 17, 2004, I declared a State of Disaster Emergency in Allegheny, Armstrong, Butler, and Washington Counties due to widespread and unusually severe storms, heavy rain, high winds, and flooding, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, and businesses, and posed other adverse life-safety impacts upon the general population of the counties; and

Whereas, on September 18, 2004, I amended said proclamation to include Beaver, Bedford, Bradford, Centre, Clarion, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Juniata, Lackawanna, Luzerne, Lycoming, Mifflin, Monroe, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Susquehanna, Union, Wayne, Westmoreland, and Wyoming Counties; and

Whereas, on September 19, 2004, I amended said proclamation to include Blair, Bucks, Cameron, Carbon, Greene, Lehigh, Huntingdon, and Somerset Counties; and

Whereas, on September 21, 2004, I amended said proclamation to include Franklin, Lebanon, Montour, Tioga, and York Counties; and

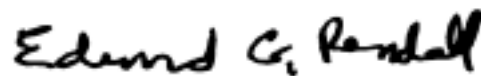
Whereas, on October 6, 2004, I amended said proclamation to include Chester, Crawford, Delaware, Lawrence, Montgomery, Philadelphia, and Sullivan Counties; and

Whereas, on December 16, 2004, I amended said proclamation to extend the period of the state of disaster emergency to March 16, 2005.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of September 17, 2004, as follows:

1. The period of the state of disaster emergency is extended from March 16, 2005, to June 16, 2005.
2. I hereby direct that the other operational provisions of the September 17, 2004, Proclamation that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.
3. This amendment to Proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this sixteenth day of March in the year of our Lord, two thousand and five and of the Commonwealth, the two hundred and twenty-ninth.



Governor

[Pa.B. Doc. No. 05-537. Filed for public inspection March 25, 2005, 9:00 a.m.]

Proclamation of Disaster Emergency

March 11, 2005

Whereas, the weather across the western part of Pennsylvania during the first half of January 2005 consisted of a freeze-thaw cycle, which was further exacerbated by significant precipitation in the form of rain for 12 of the first 16 days of January; and

Whereas, starting on January 5 and lasting through February 1, 2005, there were at least three significant snowstorms throughout the eastern and central part of the state, while the western part of the state had mostly rainfall; and

Whereas, a storm event consisting of a heavy rainfall during a 24-hour period on January 5, 2005, caused 33 catastrophic-type embankment failures causing numerous road closures and lane restrictions in Beaver, Greene, Washington, and Westmoreland Counties and caused economic and other adverse impacts upon the general population of the region; and

Whereas, the serious impact of this storm on both the immediate and long-term economy of this region and the state represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the affected areas of Beaver, Greene, Washington, and Westmoreland Counties. In accordance with the State Emergency Operations Plans, I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, this Proclamation shall serve as the written determination of the basis for the emergency under Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57, § 516. All Commonwealth agencies are authorized to procure supplies, services, and construction in response to this emergency and to dispense with time-consuming bid and contract procedures and formalities, in whatever manner necessary to cope with this emergency situation; and

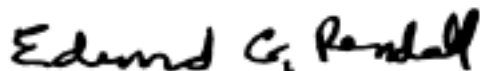
Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster-affected areas are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that have sustained damage from this storm in the disaster affected-area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of real property; and

Further, I have asked the Federal Emergency Management Agency to join with key state, county, and community officials to conduct a more detailed Preliminary Damage Assessment of the storm impact; and

Still Further, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those

time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this eleventh day of March in the year of our Lord, two thousand five and of the Commonwealth, the two hundred and twenty-ninth.



Governor

[Pa.B. Doc. No. 05-538. Filed for public inspection March 25, 2005, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 67]

Amendments to Commonwealth Court Internal Operating Procedures

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT MEDIATION

§ 67.71. Policy.

* * * * *

(b) Tax appeals from orders of the Board of Finance and Revenue, which are now subject to a status conference program, and all pro se matters shall be exempt from the Mediation Program. Mediation shall be offered at no cost to the parties and shall be conducted by a senior [judges] or retired judge of the Court assigned on a periodic basis by the President Judge. [A senior judge selected by the President Judge shall serve as the initial coordinator of the Mediation Program and shall screen cases for mediation and otherwise manage the Mediation Program in cooperation with the Chief Clerk of the Court.]

* * * * *

JAMES G. COLLINS, President Judge

[Pa.B. Doc. No. 05-539. Filed for public inspection March 25, 2005, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Deposit of Escrow—Custodia Legis Funds; President Judge Administrative Doc. No. 01-2005

Order

And Now, this 11th day of March, 2005, it appearing that from time to time, funds are paid into Court and held by the Prothonotary in custodia legis, the Court hereby adopts the following Rules of Court to control the disbursement of funds paid into the court and held by the Prothonotary in custodia legis:

(1) funds paid into the Court and held by the Prothonotary in custodia legis shall be directed for deposit by an Order of the Court. The Order of the Court shall instruct the Prothonotary to deposit in his interest bearing account all such monies deposited in any legal proceeding. Upon deposit, a Receipt, substantially as attached hereto,

will be issued. All accrued interest on such funds will be determined by the Prothonotary on the day the funds are removed from the Office of the Prothonotary by a Court Order releasing the custodia legis funds;

(2) the interest paid by Order of the Court is simple interest. The Prothonotary is not a commercial banking institution and cannot pay compound interest of any kind on funds deposited per Court Order; and

(3) any interest earned in excess of the interest determined to be payable by the Prothonotary on the day of distribution shall be paid to the City Treasurer for the use of the City and County of Philadelphia and its court operations. Any deposit held less than ninety (90) days will not result in the payment of interest on such funds. Any deposit not in excess of Ten thousand (\$10,000.00) Dollars shall not result in the payment of interest, regardless of the length of time said funds are held in deposit by Court Order under the control of the Prothonotary.

This Administrative Order shall become effective immediately. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Administrative Order shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

FREDERICA A. MASSIAH-JACKSON, President Judge,

OFFICE OF THE PROTHONOTARY

vs. : COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: _____ TERM, _____

RECEIPT FOR DEPOSIT OF ESCROW—CUSTODIA LEGIS FUNDS

DATE: _____

AMOUNT: _____

RECEIVED FROM: _____

Pursuant to Court Order of Judge _____ this date of _____, and the terms and conditions set forth therein, the aforesaid amount has been deposited into a designated Court account. The deposited funds shall be retained in said account, as provided by President Judge Administrative Docket No. 01-2005, until further Ordered by the Court for the release of said funds, at which time, the deposited funds, together with accrued simple interest, if any, as determined by the Prothonotary at the time of distribution will

be paid from the Court account. Acceptance and presentation of said funds by Payee(s) will release the Prothonotary from any further claims for principal, interest and/or other costs.

PROTHONOTARY

I hereby acknowledge that I have received, on behalf of _____ a copy of this Receipt.

Date: _____
Print Name Signature

[Pa.B. Doc. No. 05-540. Filed for public inspection March 25, 2005, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 1 of
2005 Rules Doc.

Order of Court

And Now, this 28th day of February, 2005, it is hereby ordered, pursuant to action of the Board of Judges, that the following Local Rule 300.29 affecting the Criminal Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Rule 300.29 Behavior Clinic

The facilities and staff of the Behavior Clinic shall be available for the examination of a defendant in any court case upon the order of an issuing authority or a Judge of this court.

In all cases wherein a defendant is preliminarily arraigned and charged with: Criminal Homicide; Arson; Kidnapping; Sexual Offenses: Rape, Involuntary Deviate Sexual Intercourse, Indecent Exposure, Indecent Assault, Aggravated Indecent Assault; Stalking; Endangering the Welfare of a Child; Corruption of minors (with accompanying sexual offenses); or the Criminal attempt at any of the above, the issuing authority shall make it a condition of bail that the defendant be examined by the Behavior Clinic within 48 hours if the arraignment is held on Monday through Friday, otherwise within 72 hours. When a defendant is charged with Criminal Homicide, the Behavior Clinic shall examine the defendant as promptly as possible and submit a report of the examination to the court.

In court cases other than those enumerated above, an issuing authority may order that a defendant submit to an examination in the offices of the Behavior Clinic as a condition of bail.

Local Rules 300.29 and 300.32 of the Criminal Division of the Court of Common Pleas of Allegheny County are hereby revoked.

[Pa.B. Doc. No. 05-541. Filed for public inspection March 25, 2005, 9:00 a.m.]

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 2 of
2005 Rules Doc.

Order of Court

And Now, to-wit, this 7th day of March 2005, the within new Local Rule 202.1 is adopted by and for the Fifth Judicial District affecting the Criminal Division of the Court of Common Pleas, effective April 4, 2005, and is being submitted for publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Rule 202.1 Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Allegheny County, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants in the following circumstances, wherein the search warrant is relative to the investigation or prosecution of the following criminal offenses:

Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Rule 202.1 shall take effect April 4, 2005.

[Pa.B. Doc. No. 05-542. Filed for public inspection March 25, 2005, 9:00 a.m.]

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 3 of
2005 Rules Doc.

Order of Court

And Now, to-wit, this 7th day of March, 2005, the within new Local Rule 507.1 is adopted by and for the Fifth Judicial District affecting the Criminal Division of the Court of Common Pleas, effective April 4, 2005, and is being submitted for publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Rule 507.1. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Allegheny County, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) shall not hereafter be accepted by any judicial officer unless the criminal complaint and arrest warrant affidavit have the approval of an attorney for the Commonwealth prior to filing.

Rule 507.1 shall take effect April 4, 2005.

[Pa.B. Doc. No. 05-543. Filed for public inspection March 25, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Juvenile Court Records; No. 163 JV 90

Administrative Order No. 8-2005

And Now, this 4th day of March, 2005, it is hereby

Ordered and Decreed that, effective immediately, the Court *Vacates* the following Administrative Order issued October 17, 1990 governing the procedure for microfilming and destroying Juvenile Delinquency and Juvenile Dependency case files and *Directs* that the Juvenile Court Office and Children & Youth Office follow the Record Retention and Disposition Schedule adopted by the Pennsylvania Supreme Court pursuant to Pennsylvania Rule of Judicial Administration 507.

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 Juvenile Court 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, Juvenile Court Office and Children & Youth Office.

By The Court

ROGER N. NANOVIC,
President Judge

Administrative Order

And Now, this 17th day of October, 1990 for the proper disposition of Juvenile Court records, it is hereby

Ordered and Decreed that the following procedure be implemented:

1. All formal Court files containing an adjudication of delinquency or dependency that has been inactive for a period of (5) years, shall be microfilmed.
2. All formal Court files once microfilmed, shall be destroyed.
3. All formal Court files that contain cases that have resulted in a Consent Decree after being inactive for a period of five (5) years shall not be microfilmed, but shall be destroyed.
4. All formal Court files that contain cases that have resulted in a withdrawal of the original petition, or any Court finding other than listed above after being inactive for a period of five (5) years shall not be microfilmed, but shall be destroyed.

[Pa.B. Doc. No. 05-544. Filed for public inspection March 25, 2005, 9:00 a.m.]

CARBON COUNTY

Juvenile Restitution Fee Fund; No. 60 JV 98

Administrative Order No. 9-2005

And Now, this 15th day of March, 2005, pursuant to Title 42 of the *Pennsylvania Consolidated Statutes*, Section 6352(A)(5), it is hereby

Ordered and Decreed that, effective immediately, the Carbon County Court of Common Pleas *Reestablishes* a Juvenile Restitution Fee, previously known as Community Service Fee, be imposed against all juveniles defendants in the amount of Ten (\$10.00) Dollars.

It Is Further Ordered and Decreed that said funds *Shall Be* deposited into a separate county fund to reimburse crime victims for financial losses resulting from delinquent acts. Said disbursements *Shall Be* at the sole discretion of the President Judge.

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 Juvenile Court 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 and Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 05-545. Filed for public inspection March 25, 2005, 9:00 a.m.]

CARBON COUNTY

Juvenile Supervision Fees; No. 59 JV 98

Administrative Order No. 7-2005

And Now, this 4th day of March, 2005, pursuant to Title 42 of the *Pennsylvania Consolidated Statutes*, Section 6323(F) & 6340(C.1), it is hereby

Ordered and Decreed that the Court of Common Pleas *Reestablishes* a Juvenile Supervision Fee imposed against all juveniles in the amount of Ten (\$10.00) Dollars for each informal case and Twenty five (\$25.00) Dollars for each consent decree and each adjudication.

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 Juvenile Court 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 and Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 05-546. Filed for public inspection March 25, 2005, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 2952; No. 05-193

Order

And Now, to wit, this 7th day of March, 2005, it is hereby *Ordered* that Delaware County Local Rule 2952 is hereby *Rescinded*.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 05-547. Filed for public inspection March 25, 2005, 9:00 a.m.]

WASHINGTON COUNTY

Local Civil Rule L-1301—Arbitration; No. 2005-1

Order

And Now, this 3rd day of March, 2005; *It Is Hereby Ordered* that previously-stated Washington County Local Civil Rule be adopted as follows.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

DEBBIE O'DELL SENECA,
President Judge

L-1301 Arbitration

a. Pursuant to Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361 and Pa.R.C.P. 1301, & 11. Civil suits or actions in the court of Common Pleas where the amount in controversy is \$35,000.00 or less shall be first tried by a Board of Arbitrators except:

1. Cases involving title to real estate;
2. Cases where an accounting is demanded;
3. Replevin;
4. Actions requiring equitable or declaratory relief;
5. Actions in mandamus, quo warranto, and mortgage foreclosure.

b. Matters may be transferred to compulsory arbitration by the Court although the demand exceed \$35,000.00.

c. Matters may be placed at arbitration by consent of the parties. 42 Pa.C.S.A. § 7362.

d. Arbitration cases are not routinely assigned and all motions relating to these cases are heard by the Motions Judge.

[Pa.B. Doc. No. 05-548. Filed for public inspection March 25, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Rupert A. Hall, Jr., having been disbarred from the practice of law in the State of New Jersey by Order dated September 28, 2004, the Supreme Court of Pennsylvania issued an Order on March 4, 2005, disbaring Rupert A. Hall, Jr., from the Bar of this Commonwealth, effective April 3, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-549. Filed for public inspection March 25, 2005, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Louis J. Recchione having been disbarred from the practice of law in the State of New Jersey by Order dated September 29, 2004, the Supreme Court of Pennsylvania issued an Order on March 4, 2005, disbaring Louis J. Recchione from the Bar of this Commonwealth, effective April 3, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-550. Filed for public inspection March 25, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 93]

Corrective Amendment to 25 Pa. Code § 93.9l

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9l (relating to Drainage List L) as deposited with the Legislative Reference Bureau and as published at 26 Pa.B. 5370, 5373 (November 9, 1996) and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 266), and as currently appearing in the *Pennsylvania Code*. Some of the amendments made by the Department at 26 Pa.B. 5370, 5373 were never codified.

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 § 93.9l. The corrective amendment to 25 Pa. Code § 93.9l is effective as of January 4, 1997, the date the defective official text was announced in the *Pennsylvania Bulletin*.

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

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 STANDARDS

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania *West Branch Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Bullit Run	Basin	Centre	CWF	None
4—Greens Run	Basin	Centre	CWF	None
4—Lick Run	Basin	Centre	HQ-CWF	None
4—Hunters Run	Basin	Centre	CWF	None
	* * * * *			

[Pa.B. Doc. No. 05-551. Filed for public inspection March 25, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 93]

[Correction]

Amendment to 25 Pa. Code § 93.9f

An error appeared at 35 Pa.B. 1762 (March 19, 2005). The correct version appears in Annex A.

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—Hosensack Creek	Basin	Montgomery	CWF	None
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

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

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CHS. 57 AND 59]

[L-00030160]

Preservation of Records

The Pennsylvania Public Utility Commission (Commission) on January 13, 2005, adopted a final omitted rulemaking order which amends existing regulations regarding the record retention period for jurisdictional electric and gas utilities by inserting a 20-year retention period for “journal vouchers and journal entries” that was inadvertently omitted from the Commission’s previously submitted final rulemaking, which became effective December 6, 2003. The contact person is Patricia Wiedt, Law Bureau (717) 787-5755.

Executive Summary

Section 57.45 of the Commission’s regulations establishes record retention requirements for electric utilities in Pennsylvania, and § 59.45 establishes record retention requirements for gas utilities in Pennsylvania. These regulations require the public utilities to keep their records in conformity with the most recent publication of “Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities,” which is published by the National Association of Regulatory Utility Commissioners (NARUC).¹ See 52 Pa. Code §§ 57.45 and 59.45. The NARUC regulations were last revised in 1985.

¹The National Association of Regulatory Utility Commissioners (NARUC) is a nonprofit organization comprised of governmental agencies that regulate the activities of telecommunications, energy, and water utilities. NARUC’s mission is to serve the public interest by improving the quality and effectiveness of public utility regulation.

By Order entered on March 6, 2003 at Docket No. L-00030160, the Commission adopted a Proposed Rulemaking Order to amend 52 Pa. Code §§ 57.45 and 59.45, consistent with the report and recommendation of the working group established to review the Commission’s current record retention requirements for electric and gas utilities. The Commission agreed that the record retention changes as proposed by the working group will lessen the record retention burden and associated costs for the relevant utilities without compromising the Commission’s ability to adequately regulate those same utilities. See 66 Pa.C.S. § 1501. The Commission added that the proposed changes will facilitate a mandatory, uniform system of recordkeeping for the relevant utilities, consistent with Chapter 17 of the Public Utility Code, 66 Pa.C.S. §§ 1701, et seq.

On April 26, 2003, the Commission’s order initiating the proposed rulemaking was published in the *Pennsylvania Bulletin*, 33 Pa.B. 2064. On or around May 27, 2003, the Commission received comments from four parties: the Energy Association, the Peoples Natural Gas Company d/b/a Dominion Peoples, PPL Electric Utilities Corporation, and the Office of Consumer Advocate. All parties endorsed the proposed amendments to the Commission’s record retention regulations for electric and gas utilities at 52 Pa. Code §§ 57.45 and 59.45 and supported adoption of the amended regulations.

On June 2, 2003, the Independent Regulatory Review Commission (IRRC) issued a letter specifying that it had no objections, comments, or recommendations to offer on the Commission’s proposal to amend the record retention regulations at 52 Pa. Code §§ 57.45 and 59.45. The letter also noted that the proposed amendments would be deemed approved, if the Commission submits a final-form

regulation without revisions and the legislative committees do not take any action. By Order entered on August 14, 2003, the Commission adopted a Final Rulemaking Order to amend 52 Pa. Code §§ 57.45 and 59.45, consistent with the letter from IRRC.

On September 27, 2004, the Energy Association of Pennsylvania (Energy Association) petitioned the Commission regarding an oversight that occurred resulting in the omission of an item from the list of retention periods in §§ 57.45 and 59.45. The Energy Association indicated that a 20-year retention period for “journal vouchers and journal entries” was previously considered and approved during the working group and was inadvertently omitted from the group’s recommendations and as a consequence was omitted from the Final Rulemaking Order. Journal vouchers and journal entries are associated with journals and should logically have the same retention period as journals. Reducing one of these items to a 20-year retention period and not the other would be inconsistent as the NARUC and Commission retention requirements would be different for substantially similar records. This would cause confusion regarding retention for journals and journal vouchers and entries. The Commission believes that the working group discussed a 20-year retention period for “journal vouchers and journal entries” and mistakenly failed to include this item in its recommendations. This Final Omitted Rulemaking would correct this omission and reduce confusion regarding record keeping requirements for journals, journal vouchers and journal entries.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on February 8, 2005, the Commission submitted a copy of this final-omitted rulemaking to IRRC and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure.

On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506) and to the Office of the Budget for fiscal impact. In accordance with section 5(c) of the Regulatory Review Act, this final-omitted rulemaking was deemed approved by the House and Senate Committees. IRRC met on March 10, 2005, and approved this final-omitted rulemaking.

Public Meeting held
January 13, 2005

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli

Final Omitted Rulemaking Order of Amendment of 52 Pa. Code § 57.45 and § 59.45 regarding Preservation of Records; Doc. No. L-00030160

Petition of the Energy Association of Pennsylvania for Amendment, Through Final Form Omitted Rulemaking, of Regulations Annexed to the Final Rulemaking Order; Doc. No. P-00042129

Final Omitted Rulemaking Order

By the Commission

On December 6, 2003, the Commission amended its regulations regarding Preservation of Records for Electric and Natural Gas Utilities at 52 Pa. Code §§ 57.45 and

59.45. On September 27, 2004, the Energy Association of Pennsylvania petitioned the Commission to amend 52 Pa. Code §§ 57.45 and 59.45 to insert a 20-year retention period for “journal vouchers and journal entries,” that was considered and approved by the working group for the Commission, but was inadvertently omitted from the group’s recommendations and resulted in an omission from the final amended regulations. The Commission now reviews this matter for final disposition.

Pursuant to 45 P. S. § 1204(1) of the Commonwealth Documents Law, and as set forth below, the Commission believes that the procedures set forth in Sections 201 and 202 for proposed rulemaking are not appropriate, necessary or beneficial. The matter omitted was inadvertently left out of a previous rulemaking and amending the regulation to correct this omission would provide continuity and clarity to the existing regulations.

Background

In August of 2003, the Commission issued a Final Rulemaking Order adopting regulations at 52 Pa. Code §§ 57.45 and 59.45 for electric and gas utility record retention. Section 57.45 establishes record retention requirements for Electric Distribution Companies (EDCs), while § 59.45 establishes record retention requirements for Natural Gas Distribution Companies (NGDCs). Both of these regulations require public utilities to keep their records in conformity with the most recent publication of “Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities,” which is published by the National Association of Regulatory Utility Commissioners (NARUC). See 52 Pa. Code §§ 57.45 and 59.45. The most recent publication of the NARUC regulations governing record retention was revised in May of 1985.

The Commission has specifically recognized the value of eliminating unnecessary and burdensome reporting requirements whenever possible. At the same time, the Commission has emphasized that the elimination or amendment of existing Commission regulations must not impair the Commission’s ability to meet our statutory responsibility to ensure that all public utilities in the Commonwealth furnish and maintain adequate, efficient, safe, and reasonable service and facilities. See 66 Pa. C.S. § 1501.

In keeping with these dual interests, the Commission directed the formation of a working group to review the Commission’s current record retention regulations for EDCs and NGDCs that included the Law Bureau, the Bureau of Fixed Utility Services and the Bureau of Audits. After completing its review, the working group reported its recommendations to the Commission.

By Order entered March 6, 2003, the Commission adopted the consensus report of the working group dated January 30, 2003 to amend the Commission’s record retention regulations for electric and gas utilities at 52 Pa. Code §§ 57.45 and 59.45.

On April 26, 2003, the Proposed Rulemaking Order of the Commission was published in the *Pennsylvania Bulletin*, 33 Pa.B. 2064. The Commission received comments from four parties: the Energy Association, the Peoples Natural Gas Company d/b/a Dominion Peoples, PPL Electric Utilities Corporation, and the Office of Consumer Advocate. All of these parties endorsed the proposed

amendments to the Commission's record retention regulations for electric and gas utilities at 52 Pa. Code §§ 57.45 and 59.45 and supported adoption of the amended regulations. On December 6, 2003, the amended regulations were published in the *Pennsylvania Bulletin*, 33 Pa.B. 5923.

On September 27, 2004, the Energy Association of Pennsylvania (Energy Association) petitioned the Commission regarding an oversight that occurred resulting in the omission of an item from the list of retention periods at 52 Pa. Code §§ 57.45 and 59.45. The Energy Association indicated that a 20-year retention period for "journal vouchers and journal entries" was previously considered and approved during the working group and was inadvertently omitted from the group's recommendations and as a consequence was omitted from the Final Rulemaking Order.²

The Petition of the Energy Association of Pennsylvania for Amendment, Through Final Form Omitted Rulemaking, of Regulations Annexed to Final Rulemaking Order, P-00042129, was served to all parties on the official service list for PUC Docket No. L-00030160: Rulemaking Re: Amendment of 52 Pa. Code § 57.45 (Electric Service: Preservation of Records) and 52 Pa. Code § 59.45 (Gas Service: Preservation of Records) including: Robert Wilson, Bureau of Fixed Utility Services, Pennsylvania Public Utility Commission; Office of Trial Staff, Pennsylvania Public Utility Commission; William R. Lloyd, Jr., Small Business Advocate; Horace P. Payne, Jr., The Peoples Natural Gas Company; Matthew Totino, Law Bureau, Pennsylvania Public Utility Commission; John Crawford, Bureau of Audits, Pennsylvania Public Utility Commission; Tanya J. McCloskey, Senior Assistant Consumer Advocate; and Paul R. Russell, PPL Electric Utilities Corporation. No answers to this Petition have been filed with the Secretary's Bureau.

Discussion

The working group began by reviewing the provisions listed in NARUC's publication, "Schedule of Records and Period of Retention," and discussed possible changes from there.³ Items 11(a) and 12(a) in NARUC's publication provide for a 50-year retention period for 11(a) journals, general and subsidiary ledgers and a 50-year retention period for 12(a) journal vouchers and journal entries. The Commission agrees that the provision for a 20-year retention period for "journal vouchers and journal entries" was considered and approved by the working group and inadvertently left out of the recommendations of this group. In the Final Rulemaking Order, the Commission adopted a provision for a 20-year retention period for "journals, general and subsidiary."⁴ The Commission recognizes that a 20-year retention period for "journal vouchers and journal entries" would be consistent with this provision. Journal vouchers and journal entries are items contained within journals and should logically have the same retention period as journals. Reducing one of these items to a 20-year retention period and not the other would be inconsistent as the NARUC and Commission retention requirements would be different for substantially similar records. This would cause confusion regarding retention for journals and journal vouchers and entries. Therefore, it does seem apparent that this item was inadvertently omitted from the Final Rulemaking.

² 33 Pa.B. 5923.

³ "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities," National Association of Regulatory Utility Commissioners (Revised ed. May 1985).

⁴ 52 Pa. Code §§ 57.45(11)(a), 59.45(11)(a).

Additionally, the Commission believes that the working group discussed a 20-year retention period for "journal vouchers and journal entries" and mistakenly failed to include this item in their recommendations. Discussions with employees involved in this working group and research into the files from that working group supports that such an item amendment was considered and approved by the working group and inadvertently left out of their recommendations.

Amending §§ 57.45 and 59.45 to include a provision for a 20-year retention period for "journal vouchers and journal entries" would correct this oversight. The language listed in Annex A sets forth this correction at 52 Pa. Code §§ 57.45(12)(a) and 59.45(12)(a).

Accordingly, under sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501; Chapter 17 of the Public Utility Code, 66 Pa.C.S. § 1701 et seq.; sections 201, 202 and 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201, 1202 and 1204) and regulations promulgated there at 1 Pa. Code §§ 7.1, 7.2 and 7.4; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act; and section 612 of The Administrative Code of 1929 (71 P. S. § 232), we find that the amendment omitted previously from the Final Rulemaking Order to 52 Pa. Code §§ 57.45 and 59.45 should be approved as set forth in Annex A attached hereto, *Therefore*,

It Is Ordered That:

1. The Petition of the Energy Association of Pennsylvania for Amendment, Through Final Form Omitted Rulemaking, of Regulations Annexed to Final Rulemaking Order be granted.
2. The amendments to the Commission's regulations in §§ 57.45 and 59.45 are adopted as set forth in Annex A.
3. The Secretary shall submit this order and Annex A for review and approval to IRRC and Legislative Standing Committees in both houses of the General Assembly;
4. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
5. The Secretary shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
6. The regulations of the Commission, 52 Pa. Code Chapters 57 and 59, are amended by amending §§ 57.45 and 59.45 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

7. A copy of this order and Annex A shall be served upon the Energy Association of Pennsylvania, all jurisdictional electric and natural gas utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate.

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order, see 35 Pa.B. (March 26, 2005).)

Fiscal Note: 57-277A. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter D. ACCOUNTS AND RECORDS

§ 57.45. Preservation of records.

Each electric utility shall keep and preserve its records in conformity with the provisions applicable to it in the most recent publication of the National Association of Regulatory Utility Commissioners, entitled "Regulations to Govern the Preservation of Records of Electric Gas and Water Utilities," except as follows when the following retention periods apply:

<i>Item No. and Description</i>	<i>Retention Period</i>
* * * * *	
12. (a) Journal vouchers and journal entries.	20 years

* * * * *

CHAPTER 59. GAS SERVICE
ACCOUNTS AND RECORDS

§ 59.45. Preservation of records.

Each gas utility shall keep and preserve its records in conformity with the provisions applicable to it in the most recent publication of the National Association of Regulatory Utility Commissioners, entitled "Regulations to Govern the Preservation of Records of Electric Gas and Water Utilities," except as follows when the following retention periods apply:

<i>Item No. and Description</i>	<i>Retention Period</i>
* * * * *	
12. (a) Journal vouchers and journal entries.	20 years
* * * * *	

[Pa.B. Doc. No. 05-552. Filed for public inspection March 25, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION
[25 PA. CODE CH. 16]
Corrective Amendment to § 16.61

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 16.61 (relating to special provisions for the Great Lakes System), as deposited with the Legislative Reference Bureau and published at 27 Pa.B. 6817, 6823 (December 27, 1997) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 280 (March 1998)), and as currently appearing in the *Pennsylvania Code*. When the amendment made by the Department at 27 Pa.B. 6817, 6823 was codified, the entry for pentachlorophenol was not accurately reflected in the text.

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 § 16.61. The corrective amendment to 25 Pa. Code § 16.61 is effective as of March 7, 1998, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 16.61 appears in Annex A, with ellipses referring to the existing text of the statement of policy.

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 A. GUIDELINES FOR DEVELOPMENT OF CRITERIA FOR TOXIC SUBSTANCES AND WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES
GREAT LAKES SYSTEM

§ 16.61. Special provisions for the Great Lakes System.

<i>PP</i> <i>NO</i>	<i>Chemical</i> <i>Name</i>	<i>CAS</i> <i>Number</i>	<i>Fish and Aquatic Life Criteria</i>					<i>Human</i> <i>Health</i> <i>Criteria</i> <i>(ug/L)</i>						
			<i>Criteria</i> <i>Continuous</i> <i>Concentrations</i> <i>(ug/L)</i>			<i>Criteria</i> <i>Maximum</i> <i>Concentration</i> <i>(ug/L)</i>								
			*	*	*	*	*							
9A	Pentachlorophenol	00087865	Exp(1.005[pH]-5.134)	@pH= 6.5	7.8	9.0	Exp (1.005[pH]-4.869)	@pH = 6.5	7.8	9.0	Crit = 5.28	19.49	65.10	N/A
			*	*	*	*	*	*	*	*	*	*	*	

[Pa.B. Doc. No. 05-553. Filed for public inspection March 25, 2005, 9:00 a.m.]

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.

(Editor's Note: This document was inadvertently printed as a rulemaking at 35 Pa.B. 1761 (March 19, 2005). It is being reprinted as a statement of policy as set forth 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 POLICYSubchapter 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 test 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. 05-554. Filed for public inspection March 25, 2005, 9:00 a.m.]

NOTICES

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Request for Bids

The Administrative Office of Pennsylvania Courts will be accepting bids for the supply and installation of surveillance cameras and wireless duress alarm systems for 553 Magisterial District Judges Courts. For bid information, specifications and further information, visit the "Site News" section of the Unified Judicial System of Pennsylvania's website at www.courts.state.pa.us.

ZYGMONT A. PINES,
Courts Administrator

[Pa.B. Doc. No. 05-555. Filed for public inspection March 25, 2005, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Interstate/International Quarantine Order; Avian Influenza

Whereas, avian influenza is an infectious disease of poultry;

Whereas, avian influenza is designated a "dangerous transmissible disease" of animals under the provisions of the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389), at 3 Pa.C.S.A. § 2321(d);

Whereas, the Pennsylvania Department of Agriculture (PDA) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases;

Whereas, avian influenza has caused significant loss in the past to the Pennsylvania poultry industry;

Whereas, avian influenza is of particular concern to the entire Pennsylvania poultry industry and may severely limit the market for Pennsylvania product;

Whereas, avian influenza sub-types H5 and H7 are of particular concern due to their potential for developing into a virulent (highly pathogenic) form of disease;

Whereas, avian influenza exists, or is suspected to exist, outside this Commonwealth; and

Whereas, the Domestic Animal Law allows at (3 Pa.C.S.A. § 2329(c)) for the establishment of an Interstate/International Quarantine under the circumstances described above.

Now, therefore, the Pennsylvania Department of Agriculture, pursuant to the authority granted it under the Domestic Animal Law and § 1702 of the Administrative Code of 1929 (71 P. S. § 442), orders the establishment of an interstate/international quarantine with respect to the shipment of live poultry into the Commonwealth. The quarantine restrictions are as follows:

1. Poultry will be defined as all domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat, or as otherwise defined under subpart A of the current version of the National Poultry Improvement Plan (NPIP) and Auxiliary Provisions, and shall be 3 weeks of age or older.

2. Poultry shall only be allowed into the Commonwealth under any of the following circumstances:

a. The poultry originate from a flock that participates in the current version of the National Poultry Improvement Plan and Auxiliary Provisions "U.S. Avian Influenza Clean" program and the shipment is accompanied by a USDA form 9-3 or other NPIP form; or

b. The poultry originate from a flock that participates in a state, foreign nation, or foreign provincial-sponsored avian influenza monitoring program and the shipment is accompanied by a document from the state, nation, or province of origin indicating participation; or

c. The poultry originate from a flock in which a minimum of thirty (30) birds, three (3) weeks of age or older, were tested negative for avian influenza (serology, virus isolation, or real-time reverse-transcriptase polymerase chain reaction (RRT-PCR)) within thirty (30) days of shipment and the shipment is accompanied by the test report; or

d. The poultry originate from a flock that participates in an equivalent testing/surveillance program, as approved by the Pennsylvania State Veterinarian.

3. Poultry from flocks that are serologically positive shall not be imported unless the flock is determined to be free of virus by virtue of a negative virus detection test (virus isolation or RRT-PCR) of oropharyngeal, tracheal and/or cloacal specimens from a minimum of 150 birds.

4. Poultry three (3) weeks of age and older, imported into the Commonwealth, shall meet all other import requirements required under Title 7, PA Code.

5. This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported poultry and/or poultry products.

6. This Order is effective March 9, 2005.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 05-556. Filed for public inspection March 25, 2005, 9:00 a.m.]

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 15, 2005.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-9-05	Willow Grove Bancorp, Inc., Maple Glen, to acquire 100% of the shares of Chester Valley Bancorp, Inc., Downingtown	Maple Glen	Filed

As a result of this transaction, First Financial Bank, Downingtown, a Pennsylvania-chartered commercial bank and the wholly owned subsidiary of Chester Valley Bancorp, Inc., will merge with and into Willow Grove Bank, a Federally chartered savings bank and subsidiary of Willow Grove Bancorp, Inc.

3-10-05	Community Banks, Inc., Harrisburg, to acquire 100% of the voting shares of Pennrock Financial Services Corp., Blue Ball	Harrisburg	Approved
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Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-10-05	Community Banks, Millersburg, and Blue Ball National Bank, Blue Ball Surviving Institution— Community Banks, Millersburg	Millersburg	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-9-05	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	237 North Pottstown Pike Exton West Whiteland Township Chester County	Opened
3-9-05	Affinity Bank of Pennsylvania Wyomissing Berks County	29 North Sixth Street Reading Berks County	Filed
3-14-05	Abington Savings Bank Jenkintown Montgomery County	1111 Easton Road Warrington Bucks County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-7-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 1188 Mae Street Hershey Dauphin County	Effective
		<i>From:</i> 1201 Governor Road Hershey Dauphin County	
3-11-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County		Effective

Consolidation of the
following six branch offices:

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

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Conversions to Community Charters**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-11-05	Callery Credit Union Mars Butler County	Mars	Approved

Conversion from occupational based to community charter will result in an amendment to the credit union's Articles of Incorporation, Article 8, to read: "The members of the Callery Credit Union shall consist of individuals who live, work, worship, and/or attend school within the described areas listed below: the six townships of Cranberry, Adams, Forward, Jackson, Middlesex, and Penn Townships in the southwest corner of Butler County and the boroughs located within these townships, including: Evans City, Marks, Zelenople, Harmony, Callery, Seven Fields, Valencia, and Connequenessing. Furthermore, membership shall include members of their households, members of their immediate family, and immediate family of any credit union member."

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-10-05	New Life Community Development Credit Union Philadelphia Philadelphia County	3955 Conshohocken Avenue Philadelphia Philadelphia County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
3-11-05	CONSOL Employees Credit Union Pittsburgh Allegheny County	Amendment to Article 6 adds Item "F," which adds "Other occupational or associational groups as permitted by law and with the prior written approval of the Department of Banking," to the credit union's field of membership.	Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-557. Filed for public inspection March 25, 2005, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April 2005 is 7%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.39 to which was added 2.50 percentage points for a total of 6.89 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-558. Filed for public inspection March 25, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of William O'Herrick for Reinstatement of Teaching Certificate; Doc. No. RE 05-02

Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of William O'Herrick for reinstatement of his teaching certificate.

On or about December 30, 2004, William O'Herrick filed an application for reinstatement of his teaching certificate under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education, on February 18, 2005, recommended to the Commission that the application be denied. In accordance with the act and

1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in this hearing procedure must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protests shall be filed on or before 4 p.m. on the due date prescribed by this notice with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz, (717) 787-6576 to discuss how the Commission may best accommodate their needs.

FRANCES V. BARNES, Ph.D.,
Secretary

[Pa.B. Doc. No. 05-559. Filed for public inspection March 25, 2005, 9:00 a.m.]

Study and Life Cycle Cost Analysis; Scranton State School for the Deaf

A study and a life cycle cost analysis to determine if the Scranton State School for the Deaf, located in the City of Scranton and the Borough of Dunmore, should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P. S. § 650) will be performed within the next 90 days. This study includes the requirements of 4 Pa. Code Chapter 1, Subchapter Z (relating to life cycle costing). The result from these studies may result in the conversion of the school's coal-fired heating system to a fuel other than coal.

For additional information, contact Merrill Mayenschein, Administrative Officer, Scranton State School for the Deaf, Department of Education, 1800 North Washington Avenue, Scranton, PA 18509-1799, (570) 963-4541, fax (570) 963-4544, mmayensche@state.pa.us.

FRANCIS V. BARNES, Ph.D.,
Secretary

[Pa.B. Doc. No. 05-560. Filed for public inspection March 25, 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

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

<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>
PA0057791	Bela Rossman d.b.a. Rothstein Tract Homeowner Association P. O. Box 950 Doylestown, PA 18901	Bucks County Doylestown Township	Neshaminy Creek	Y

<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>
PA0053937	Gayla and Ralph Johnson 1021 Copland School Road West Chester, PA 19380	Chester County East Bradford Township	Broad Run	Y
PA0050423	Villa Maria House of Studies 1140 King Road Immaculata, PA 19345-0200	Chester County East Whiteland Township	Ridley Creek	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>
PAR10Y554	South Western School District Athletic Fields 225 Bowman Road Hanover, PA 17331	York County Penn Township	UNT West Branch Oil Creek/WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0014567 IW	Jersey Shore Area Joint Water Authority P. O. Box 5046 220 South Main Street Jersey Shore, PA 17740-5046	Clinton County Pine Creek Township	Pine Creek 9A	Y
PA0014575 IW	Jersey Shore Area Joint Water Authority 220 South Main Street P. O. Box 5046 Jersey Shore, PA 17740	Anthony Township Lycoming County	Larrys Creek 10A	Y
PA0028100 Sewerage	Borough of Turbotville P. O. Box 264 Turbotville, PA 17772-0264	Turbotville Borough Northumberland County	UNT Warrior Run 10-D	Y
PA0209147 SP	Centre Hall Potter Sewer Authority P. O. Box 497 Centre Hall, PA 16828-0497	Potter Township Centre County	UNT of Sinking Creek 6A	Y
PA0113221 Sewerage	Youth Challenge International Bible Institute R. R. 2, Box 33 Sunbury, PA 17801-9599	Upper Augusta Township Northumberland County	Shamokin Creek 6-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0101516	Oakland Elementary School— Oil City Area School District P. O. Box 929 Oil City, PA 16301-0929	Oakland Township Venango County	UNT to Two Mile Run	Y

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

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

No. PA0040436, Sewage, **Chadds Ford Investment Company**, 514 McCue Road, Avondale, PA 19311. This facility is located in New Garden Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the Bowling Green of Brandywine sewage treatment plant.

The receiving stream, UNT to East Branch White Clay Creek, is in the State Water Plan watershed 3I White Clay, and is classified for: EV, aquatic life, water supply and recreation. There are no public water supply intakes identified downstream on White Clay Creek.

The proposed effluent limits for Outfall 001, based on a design flow of 9,000 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-01 to 10-31)	20	40
(11-01 to 4-30)	25	50
Total Suspended Solids	20	40
Ammonia (as N) (5-01 to 10-31)	3.0	6.0
(11-01 to 4-30)	9.0	18.0
Total Residual Chlorine	Not Detectable	
Phosphorus (as P)	Monitor and Report	
Fecal Coliform	200/100 ml (Geo Mean)	1,000/100 ml
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

No. PA0040665, Sewage, **Elinor B. Thomforde, Stone Barn Rentals**, 100 Stone Barn Drive, Kennett Square, PA 19348-1132. This facility is located in West Marlborough Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the Stone Barn Rentals sewage treatment plant, serving apartments and a restaurant.

The receiving stream, East Branch White Clay Creek, is in the State Water Plan watershed 3I White Clay, and is classified for: EV, aquatic life, water supply and recreation. There are no public water supply intakes identified downstream on White Clay Creek.

The proposed effluent limits for Outfall 001, based on a design flow of 11,000 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-01 to 10-31)	20	40
(11-01 to 4-30)	25	50
Total Suspended Solids	20	40
Ammonia (as N) (5-01 to 10-31))	3.0	6.0
(11-01 to 4-30)	9.0	18.0
Total Residual Chlorine	0.5	1.17
Phosphorus (as P)	Monitor and Report	
Fecal Coliform	200/100 ml (Geo Mean)	1,000/100 ml
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

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

Application No. PA 0026638, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 710 Old Wyomissing Road, Reading, PA 19611-1513. This facility is located in Reading City, **Berks County**.

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

The receiving stream, Wyomissing Creek, is in Watershed 3-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on the Schuylkill River, approximately 20.6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
Total Suspended Solids	30	40	60
NH ₃ -N (5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Phosphorus	Monitor and Report		
Total Residual Chlorine	0.25		0.84
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,700/100 ml as a geometric average	

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

The EPA waiver is not in effect.

Application No. PA 0247642, Sewage, **Clay Manor Homeowner's Association**, 11 East Manor Drive, Lititz, PA 17543. This facility is located in Elizabeth Township, **Lancaster County**.

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

The receiving stream, Middle Creek, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.011 mgd are:

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

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

The EPA waiver is in effect.

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

PA0030406, Sewage, **State Correctional Institution at Laurel Highlands**, P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501-0631. This application is for renewal of an NPDES permit to discharge treated sewage from SCI at Laurel Highlands STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT East Branch Coxes Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Ohiopyle Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.5 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38	50
Suspended Solids	30	45	60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.0 3.0	3.0 4.5	4.0 6.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
Total Residual Chlorine	.02		.05
Dissolved Oxygen		not less than 5.0 mg/l	
pH		not less than 6.0 nor greater than 9.0	

Other Conditions: The applicant is to notify the Department 6 months in advance of treating any landfill leachate.

The EPA waiver is in effect.

PA0110981, Sewage, **John J. and Rosalyn M. Keslar**, P. O. Box 63, Rector, PA 15677. This application is for renewal of an NPDES permit to discharge treated sewage from Jioio's Restaurant STP in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bens 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: Blairsville Municipal Authority, Indiana County.

Outfall 001: existing discharge, design flow of 0.0018 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	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204048, Sewage, **Conemaugh Township Municipal Water and Sewer Authority**, R. D. 1, Box 206, Saltsburg, PA 15681. This application is for renewal of an NPDES permit to discharge treated sewage from the Tunnelton STP in Conemaugh Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of 0.0095 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)	50,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			
pH	not less than 6.0 nor greater than 9.0			
				3.3

The EPA waiver is in effect.

PA0217115, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Jacksonville STP in Blacklick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Reeds Run, which are classified as a TSF 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: Municipal Authority of Westmoreland County.

Outfall 001: existing discharge, design flow of 0.077 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.4			
(11-1 to 4-30)	8.5			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217123, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Plumville STP in South Mahoning Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Plum 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: Buffalo Township Municipal Authority, Freeport.

Outfall 001: existing discharge, design flow of 0.072 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	6.3	9.5		12.6
(11-1 to 4-30)	18.9	28.5		37.8
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 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252727, Sewage, **Empire Mortgage Inc.**, 11350 McCormick Road, Hunt Valley, MD 21031. This application is for issuance of an NPDES permit to discharge treated sewage from 18 Cherry Valley Road SRSTP in Mt. Pleasant Township, **Washington County**.

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

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	12.0			24.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine				
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.

PA0006343—Amendment No. 3, Industrial Waste, **AK Steel Corporation—Butler Operations**, P. O. Box 832, 210 Pittsburgh Road, Butler, PA 16003-0832. The facility is located in Butler Township and the City of Butler, **Butler 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 the Zelenople Water Works and Connoquenessing Creek located at Zelenople, approximately 20 miles below point of discharge.

The receiving stream, Connoquenessing Creek is in watershed 20-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.341 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Sulfate*	31,690		XX		
Chloride*	35,174		XX		

The proposed effluent limits for Outfall 005 based on a design flow of 2.63 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Sulfate*	31,690		XX		
Chloride*	35,174		XX		

XX—Monitor and report on monthly DMRs.

*—Totals for Outfalls 001 and 005.

This amendment changes the existing sulfate and chloride limits to comply with revisions to 25 Pa. Code § 96.3(d) which were finalized on December 14, 2002. The regulation change moved the point of criteria compliance from the point of discharge to the existing/proposed downstream potable water supply intake.

Note—AK Steel and the Zelenople Municipal Water Works are currently working on an agreement that would result in the removal of the potable water supply intake from Connoquenessing Creek. If and when an agreement is reached between AK Steel and the Zelenople Municipal Water Works, then neither the Sulfate nor Chloride effluent limit would be necessary and these limits will be removed from AK Steel's NPDES permit.

The EPA waiver is not in effect.

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

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

WQM Permit No. 3177401 05-1, Sewerage, **Jesus Ministries, Inc.**, R. R. 1, Box 58-B, Shirleysburg, PA 17260. This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Upgrade to Sewage Treatment Facility.

WQM Permit No. 6705401, Sewerage, **Delta Borough**, P. O. Box 278, 101 College Avenue, Delta, PA 17314. This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of the Delta Ridge Sewage Pumping Station.

WQM Permit No. 6701402, Amendment 05-1, Sewerage, **Lynwood Corporation**, 236 Ebb Point Lane, Annapolis, MD 21401. This proposed facility is located in Codorus Township and Jefferson Borough, **York County**.

Description of Proposed Action/Activity: Construction/Installation of wastewater treatment plant, gravity sewers, force main and a sewage pumping station to serve the Rosewood, the Graystone and the Codorus Estates developments.

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

WQM Permit No. 4704404, Sewage 4952, **Borough of Danville**, 239 Mill Street, Danville, PA 17821. This proposed facility is located in Danville Borough, **Montour County**.

Description of Proposed Action/Activity: The applicant proposes a change in the organic load rating from 5,980 to 9,812 pound per day.

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

WQM Permit No. 3705401, Sewerage, **Ellport Borough Sewer Authority**, 313 Burns Avenue, Ellwood City, PA 16117. This proposed facility is located in Ellport Borough, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the expansion and upgrade of an existing sewage treatment facility.

WQM Permit No. 2005401, Sewerage, **North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in North Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for construction of a new pump station to serve the Pymatuning Village Allotment.

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

NOTICES

1903

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905004	Wayne S. Moyer Moyer Subdivision 40 Lake Warren Road Upper Black Eddy, PA 18972	Bucks	Nockamixon Township	Beaver Creek (EV)
PAI011505015	Wallace Township Alice Park Development 1250 Creek Road P. O. Box 670 Glenmoore, PA 19343	Chester	Wallace Township	East Branch Brandywine Creek (HQ, TSF, MF)
PAI011505015	Cook Brothers Meadow Creek Subdivision 124 Woodview Lane Oxford, PA 19363	Chester	East Nottingham Township	West Branch Big Elk Creek (HQ, TSF, MF)
PAI012305001	International Diversified Investments P. O. Box 1127 Edgemont, PA 19028	Delaware	Edgmont Township	Ridley Creek (HQ, TSF)

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

Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305003	Jim Thorpe Borough 421 North Street Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Lehigh River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505004	Lake Naomi Club Route 423 P. O. Box T Pocono Pines, PA 18350	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025205002	Wallenpaupack Area School District HC 6, Box 6075 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Ave., Suite 400, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041405002	Joshua Glantz 802 Meeks Lane Port Matilda, PA 16870	Centre	Patton Township	UNT Buffalo Run HQ-CWF

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

Armstrong County Conservation District: Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050305012	Worthington-West Franklin Joint Municipal Authority 102 West Main Street Worthington, PA 16262	Armstrong	Worthington Borough and West Franklin Township	Buffalo Creek (HQ-TSF)

Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI056305002	McGuffey School District 117 Main Street P. O. Box 431 Claysville, PA 15323-0431	Washington	Buffalo Township	Buffalo Creek (HQ-TSF)

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.1505504 , Public Water Supply	
Applicant	Honey Brook Borough Authority
Township	Honey Brook
County	Chester
Responsible Official	Michael E. Shuler

Type of Facility	PWS
Consulting Engineer	Spotts, Stevens and McCoy, Inc.
Application Received Date	March 10, 2005
Description of Action	Modification of the Route 10 Booster Station to include adding sodium hypochlorite injection point to provide supplemental disinfection to already treated water.

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

Permit No. 3605504 , Public Water Supply.	
Applicant	DS Waters of America, LP
Municipality	West Earl Township
County	Lancaster
Responsible Official	Gregory Kendig, Plant Manager 1761 Newport Road Ephrata, PA 17522
Type of Facility	Public Water Supply
Consulting Engineer	Gary J. Toplak, P. E. Crouse & Company 400 Penn Center Blvd. Pittsburgh, PA 15235
Application Received Date	2/25/2005

Description of Action	Installation of source water treatment to consists of softening, carbon filters, particle filters and pH adjustment. The treatment will be used for the bottling facility.
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Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4496031-A15 , Public Water Supply.	
Applicant	Tulpehocken Spring Water Company
Township or Borough	Point Township
County	Northumberland
Responsible Official	Gary L. Troutman Vice President Tulpehocken Spring Water, Inc. R. R. 1, Box 114T Northumberland, PA 17857

Type of Facility	Public Water Supply—Construction
Consulting Engineer	Louis Vittorio, P. G. Earthres Group, Inc P. O. Box 468 Pipersville, PA 18947
Application Received Date	December 27, 2004
Description of Action	Add a new raw water source to their Oak Park Bottling Plant. The proposed raw water source to be added is the Group Mountain Springs' Sugarloaf Mountain Spring, located in Sugarloaf and Benton Townships, Columbia County. Group Mountain Springs is a separate operating unit of Tulpehocken Spring Water, Inc.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may

request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Mill Creek, City of Philadelphia, Philadelphia County. Michael Edelman, P.G., Roux Assoc., Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Thomas Kuhar, Mill Creek Phase I, LP, 12 S 23rd St., 6th Floor, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. The site is being redeveloped as residential, thus placing an under utilized property to beneficial use. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on January 28, 2005.

Richter Residence, Plumstead Township, Bucks County. Richard D. Trimpi, CHMM, P.G., Trimpi Assoc., Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Stephen Richter, 5404 Nicholas Court, Pipersville, PA 19847 has submitted a Notice of Intent to Remediate. Soil at the site impacted with No. 2 fuel oil. The spill occurred within the basement of the single-family residence. The intended future use of the property is residential.

Jolly Gardener Prod., Richland Township, Bucks County. John O'Malley Gaia Tech, Inc., 1231 Greenway Dr., Suite 220, Irving, TX 75038 on behalf of Doug Shaw, Jolly Gardener Products Inc., P. O. Box 622348, Oviedo, FL 32762 has submitted a Notice of Intent to Remediate. Groundwater at the site was impacted with iron and inorganics. The AOTC land filled fired and unfired scrap tiles to reclaim 8 acres of the site. The intended future property is nonresidential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Calkins Newspaper Inc.* on February 14, 2005.

Eastern Generator Sales and Service, Chester City, Delaware County. Samuel Kucia, Environmental Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of David Mattocks, Eastern Generator Sales and Service, 304 Baltimore Ave., Folcroft, PA 19032 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with Nos. 4—6 fuel oil. The residual heating oil product was absorbed by the sand and concrete grout material. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on February 11, 2005.

D. G. Development, LLC, City of Philadelphia, Philadelphia County. Robert Terefenko, Center Point Tank Svc., Inc., 536 E. Benjamin Franklin Highway, Douglassville, PA 19518 on behalf of Asher Greenspun,

D.G. Development, LLC, 511 Fordham Pl, Paramus, NJ 07652 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil.

Ford Estates, Honey Brook Township, **Chester County**. Mindy D. Wagaman, Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606 on behalf of Dallas Ford, Ford Estates, 2056 Horseshoe Pike, Honey Brook, PA 19344 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. The future use of the property is to build townhouses.

Flats Redevelopment Site, City of Coatesville, **Chester County**. E. Jean Krack, Redevelopment of Auth of the City of Coatesville, One City Hall Place, Coatesville, PA 19320 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with inorganics and other organics. The site is comprised of several former commercial and industrial parcels. The property is planned to be redeveloped to make way for 1,050 residential units and 120,000 square feet of commercial and retail space.

Elliott Residence, Upper Pottsgrove Township, **Montgomery County**. Heath Brown, Environmental Standards, Inc., 1140 Valley Forge Rd., Valley Forge, PA 19482 on behalf of Dennis Elliott, 567 Evans Rd., Pottstown, PA 19464 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with unleaded gasoline. The property is a single-family residence and will remain residential.

Thorndale Pumping Station, Thorndale Borough, **Chester County**. Kevin Burns, Malcom Pirnie, 300 Freedom Bus Center, Suite 300, King of Prussia, PA 19406 on behalf of Herschel McDivitt, Shell Lubricants, 260 Elm St., Oil City, PA 16301 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 6 fuel oil.

Righters Ferry Rd. Site, Lower Merion Township, **Montgomery County**. Justin Lauterbach, RT Environmental Svc., Inc., on behalf of Sean McCloskey, Footbridge, LP & Bridgehead, LP, c/o Penn Real Estate Group, 4427 Spruce St., Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by with PAH and inorganics. The planned future use of the site is both commercial and residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on February 18, 2005.

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

Oakum Residence, Borough of Girardville, **Schuylkill County**. Natalie Hsueh, Project Engineer, React Environmental Services, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 has submitted a Notice of Intent to Remediate (on behalf of her client, Thomas Oakum, South John Street, Girardville, PA 17935) concerning the remediation of soil and/or groundwater found or suspected to have been contaminated by No. 2 fuel oil. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reportedly published in *The Republican & Herald* on February 14, 2005. The proposed future use of the property is continuation as a private residence.

Jordon Woods, Whitehall Township, **Lehigh County**. Douglas Sammak, P.G., American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Notice of Intent to Remediate (on behalf of his client, Jordon Woods, LLC, 3312 7th Street,

Whitehall, PA 18052) concerning the remediation of soils impacted by lead, arsenic and mercury. The applicant proposes to meet the site-specific standard. A summary of the public notice for the NIR was published December 27, 2004, in the *Morning Call*. The proposed future use of the site is residential apartments.

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

Former Pollock Steel Site, Columbia Borough, **Lancaster County**. ENSR International, 2005 Cabot Boulevard West, Suite 100, Langhorne, PA 19047-8110, on behalf of Norfolk Southern Railway Company, 110 Franklin Road, Roanoke, VA 24042-0013 and Consolidated Rail Corporation, 2001 Market Street, P. O. Box 41416, Philadelphia, PA 1901-1416, submitted a Notice of Intent to Remediate site soils contaminated with metals and PCBs and groundwater contaminated with metals. The applicant proposes to remediate the site to meet the requirements of the Statewide health standard. The current and intended future use of the property is a commercially-viable industrial property.

Hofmann Industries Facility, Sinking Spring Borough, **Berks County**. Synergy Environmental Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, on behalf of Hofmann Industries, Inc., 3145 Shillington Road, Sinking Spring, PA 19608, submitted a Notice of Intent to Remediate site soils contaminated with metals. A former disposal area and adjacent soils will be excavated to demonstrate attainment of the Statewide Health standard. The intended future use of the property will both nonresidential and residential.

Anna E. Kirchoff Property, Manheim Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Anna E. Kirchoff, c/o Judith Hoar, Trout, Ebersole, & Groff, LLP, 1705 Oregon Pike, Lancaster, PA 19601-4200, submitted a Notice of Intent to Remediate site soils contaminated with leaded and unleaded gasoline from an nonregulated underground storage tank. The applicant proposes to remediate the site to meet the requirements of the Statewide health standard. The property is currently used for residential purposes, and there are no plans to change this use in the future.

Chambersburg Mall—Parcel A-20, Greene Township, **Franklin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA16601, on behalf of Pennsylvania Real Estate Investment Trust, 200 South Broad Street, Philadelphia, PA 19120, submitted a Notice of Intent to Remediate groundwater contaminated with leaded and unleaded gasoline resulting from a release from an offsite gas station. The applicant proposes to remediate the site to a background standard. The property is currently vacant, undeveloped land with the possibility to be developed for a commercial business.

Armstrong World Industries—Building 800, City of Lancaster and Manhim Township, **Lancaster County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604-3001, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the requirements of a combination of the Statewide health and site-specific standards. This property will continue to be used as a warehouse to store Armstrong products.

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

Sel-Lo Oil, Muncy Creek Township, **Lycoming County**, Taylor GeoServices, Inc, 938 Lincoln Ave., Springfield, PA 19064 has submitted an amended Notice of Intent to Remediate groundwater, on the portion of the site owned by the Department of Transportation, contaminated with unleaded gasoline constituents. This site is being remediated to meet a site-specific standard.

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

Corry Hiebert Former, City of Corry, **Erie County**. Jeffrey P. Walentosky, Moody & Assoc., 11548 Cotton Rd, Meadville PA 16335, on behalf of Scott Lesnet, HNI Corp., 414 East Third St., P. O. Box 499, Muscatine, IA 52761, has submitted a Notice of Intent to Remediate. Property formerly used for the manufacturing of office furniture and equipment from 1947 to the early 1990s. A vapor extraction and air sparging remediation system is being modified and upgraded. Remediation of Soil contamination has already taken place at the site per Statewide Health Standards.

RESIDUAL WASTE GENERAL PERMITS

Applications Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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 Number WMGR105. Appleton Papers Inc., 100 Paper Mill Rd, Roaring Spring, PA 16673-1480. The application proposes beneficial use of bottom ash from the burning of coal, bark, wood and pulp and paper mill sludge as construction material, antiskid and in reclamation of active and abandoned mines. The application was found to be administratively complete by Central Office on March 9, 2005.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, 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. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101666. North Star Waste, LLC (formerly Allied Septic), HC 2 Box 2944, Jim Thorpe, PA 18229. A permit application for change of ownership was received on January 28, 2005, for this septage transfer

station located in Penn Forest Township, **Carbon County**. The application was determined to be administratively complete in the Regional Office on March 3, 2005.

AIR QUALITY

NOTICE OF INTENT TO ISSUE PLAN APPROVALS AND OPERATING PERMITS

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

The Department has received applications and intends to issue plan approvals and/or operating permits to the following facilities.

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The comments should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. If a hearing is scheduled, notice will be provided to each applicant, protestant or other participants in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, except where the Department determines that notification by telephone will be sufficient. Notice will also be provided to anyone who requests in writing to be notified concerning the scheduling of a hearing.

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

PLAN APPROVALS

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

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

40-301-081: Harman Funeral Home and Crematory, Inc. (P. O. Box 429, Drums, PA 18222) for construction of a crematory and associated air cleaning device at their facility at 669 West Butler Avenue, Sugarloaf, Butler Township, **Luzerne County**.

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

28-03039B: Warrior Roofing Manufacturing of Pennsylvania, LLC (3050 Warrior Road, Tuscaloosa, AL 35404) for installation of a regenerative thermal oxidizer at their existing facility in Greene and Letterkenny Townships, **Franklin County**. The two asphalt roofing lines are subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

28-03049A: Thomas L. Geisel Funeral Home, Inc. (333 Falling Spring Road, Chambersburg, PA 17201) for construction of a human crematory controlled by an afterburner at their funeral home in Guilford Township, **Franklin County**.

34-05001B: Armstrong Cabinet Products (R. R. 2, Box 171C, Thompsontown, PA 17094) for modification of an existing cabinet finishing operation in Delaware Township, **Juniata County**.

36-05099A: McMinn's Asphalt Co., Inc. (P. O. Box 4688, Lancaster, PA 17604) for replacement of an existing aggregate dryer and burner, knock-out box and baghouse for their East Petersburg batch asphalt plant in East Hempfield Township, **Lancaster County**.

36-05129A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for use of alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**.

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

25-501A: Corry Forge Co. (441 East Main Street, Corry, PA 16407) for construction of two new 15.9 mmBtu/hr forge furnaces to replace two existing larger furnaces installed in the late 1970s in the City of Corry, **Erie County**. The facility is a Title V Facility.

10-062C: Slippery Rock University (1 Marow Way, Slippery Rock, PA 16057) plan approval for modification of a 10,367 hp coal-fired boiler to a natural gas fired boiler at Slippery Rock University, in the Borough of Slippery Rock, **Butler County**. Slippery Rock University is a Title V facility.

16-132D: Aconcagua Timber Corp.—Clarion MDF Facility (143 Fiberboard Road, Shippenville, PA 16245) for installation of two value added lines in Paint Township, **Clarion County**. This will allow the facility to better utilize the production capabilities of the plant. This is a Title V facility.

16-132E: Aconcagua Timber Corp.—Clarion MDF Facility (143 Fiberboard Road, Shippenville, PA 16245) for installation of an additional finishing line that will replace part of the existing finishing operations in Paint Township, **Clarion County**. Two fabric filters will control this new finishing line. This is a Title V facility.

25-025H: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Room 9-201, Erie, PA 16531) for installation of three natural gas/No. 2 fuel oil fired boilers (98.6 mmBtu/hr) in Lawrence Park

Township, **Erie County**. The boilers are subject to NSPS 40 CFR Part 60, Subpart Dc. This is a Title V facility.

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

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

40-317-023: Hershey Foods Corp. (125 Reese Avenue, P. O. Box 805, Hershey, PA 17033) for construction of a confectionary manufacturing process and associated air cleaning devices at their facility in the Humboldt Industrial Park in Hazle Township, **Luzerne County**. This facility is not a Title V facility. The new process will result in particulate emissions of less than 1 ton per year and VOC emissions of 28.1 tons per year. The plan approval will include all appropriate restrictions, testing, monitoring, recordkeeping and reporting requirements designed to keep the process operating within all applicable air quality requirements.

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

06-05069F: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536-0147) for construction and modification of various lead/acid battery manufacturing operations at their assembly plants in Richmond Township, **Berks County**. The actions include the following: construction of two lead oxide mills controlled by cyclones, fabric collectors and HEPA filters; construction of two lead grid casters; relocation of concaster from Plant A-3 to A-2 with partial control by a fabric collector and HEPA filter; relocation of battery assembly operations from Plant S-1 to S-1 Annex controlled by fabric collector and HEPA filter; modification of various battery formation operations throughout the facility; construction of battery assembly operation in Plant S-1 controlled by fabric collector and HEPA filter; modification of the S-1 pasting rotocone collector; and modification of S-1 concaster's control method to a fabric collector and HEPA filter. All of the sources, except the formation operations, are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants. The approval will include emission restrictions, testing, monitoring, work practices, reporting and record keeping designed to keep the sources operating within all applicable air quality requirements. The facility is currently covered by the Title V operating permit Application No. 06-05069. The plan approval will be included in the permit.

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

25-501A: Corry Forge Co. (441 East Main Street, Corry, PA 16407) for construction of two furnaces (15.9 mmBtu/hr each) to replace two larger older furnaces at their plant in the City of Corry, **Erie County**. The facility currently has Title V Operating Permit No. 25-00501. This installation will result in an actual decrease of NOx emissions of approximately 4.4 TPY in facility emissions by installing Low NOx burners with regenerative burner technology. The plan approval will include limits on NOx, CO, PM 10 and SO₂. The facility will be

required to keep records of natural gas usage, hours of operation and monthly emissions. The plan approval also restricts the fuel to natural gas only. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

PUBLIC HEARINGS

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

PA-63-00922A: Robinson Power Company, LLC.—Beech Hollow Power Project (P. O. Box 127, 563 Rt. 18, Burgettstown, PA 15021) for correction to Notice of Public Hearing for their facility in Robinson Township, **Washington County**.

This publication provides correction to the notice of public hearing for the Robinson Power Company Beech Hollow Project published at 35 Pa.B. 768 (February 5, 2005) and 35 Pa.B. 1366 (February 19, 2005). The advertisement described a public hearing conducted on March 7, 2005, at the Burgettstown Grange in Bulger, PA. A public hearing is a session in which only testimony is taken from registered participants. To engage in a question and answer session with those in attendance, the Department of Environmental Protection (Department) expanded the forum to a conference. In accordance with 25 Pa. Code § 127.48, the Department may hold a public hearing or a conference.

OPERATING PERMITS

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

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

21-05011: The Frog, Switch and Manufacturing Co. (600 East High Street, Carlisle, PA 17013) for operation of their steel foundry in Carlisle Borough, **Cumberland County**. This is a renewal of the Title V Operating Permit issued in 2000.

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

10-00027: Penreco (138 Petrolia Street, Karns City, PA 16041) for renewal of their Title V Operating Permit in Karns City Borough, **Butler County**. The initial permit was originally issued on May 4, 2000. Penreco owns three boilers, three different Hydrotreater Furnaces, Kerosene Unit Furnace, two Retort Process Heaters, Oleum Process, Alcohol Storage and Handling, Plant Fugitive VOC Emission, Wastewater Treatment, Gasoline Storage, Naphtha Rerun Unit Furnace, Hydrotreater Vent Flare, Kerosene/Naphtha Unit Vent Flare, Process Turn-around and VOC Pumps and Compressors. As a result of potential emissions of NO_x, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The facility is subject to Title V permitting requirements in 25 Pa. Code Chapter 127, Subchapter G. No sources at the facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64. The pro-

posed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

62-00012: Reliant Energy Mid-Atlantic (2325 Pennsylvania Avenue West, Warren, PA 16365) for renewal of their Title V Operating Permit in Conewango Township, **Warren County**. The initial permit was originally issued on May 4, 2000. Reliant Energy Mid-Atlantic own Combustion Turbine. As a result of potential emissions of NO_x, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. No sources at the facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

24-00145: GE Thermometrics, Inc. (967 Windfall Road, St. Marys, PA 15857) for a Title V Operating Permit reissuance to operate their electronic resistor manufacturing facility in the City of St. Marys, **Elk County**.

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

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

15-00013: Huhtamaki Flexibles, Inc. (2400 Continental Boulevard, Malvern, PA 19355) for manufacture of various types of packaging for consumer goods and products at their facility in Tredyffrin Township, **Chester County**. This action is a renewal of their Title V Operating Permit. The initial permit was issued on 4-12-2000. As a result of potential emissions of VOC, 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 in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is subject to a Federally enforceable Plant wide Applicability Limit, which exempts it from Compliance Assurance Monitoring regulations under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

46-00108: Highway Materials, Inc.—Perkiomenville (1750 Walton Road, Blue Bell, PA 19422) in Marlborough Township, **Montgomery County**. The permit is for a non-Title V (State only—Synthetic Minor) facility. The facility's sources include stone crushing plant. The permittee has elected to take an emission restriction of 24.9 ton/year for VOC and NO_x and an emission restriction of 99.9 tons/yr of CO, PM and SO_x, to be compliant with synthetic minor requirements. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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 Act (52 P. S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated before each 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 or 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 same address 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 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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 to the previous, 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 which have requested review of the 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 those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; 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; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires 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	

¹The 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.

30841302. NPDES Permit No. PA0213918, Consolidation Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Humphrey Mine No. 7 in Perry Township, **Greene County** to change post-mining land use for 8.4 surface activity site acres at Bowers Portal from unmanaged natural habitat to industrial/commercial. No additional discharges. Application received February 11, 2005.

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

56890115 and NPDES Permit No. PA0598666. PBS Coals, Inc., 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface-auger mine and limestone/sandstone removal in Brothersvalley Township, **Somerset County**, affecting 346.0 acres. Receiving streams: UNTs to Blue Lick Creek and Blue Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 22, 2005.

32980111 and NPDES Permit No. PA0234885. Kraynak Coal Company, 3124 Firetower Road, Mahaffey, PA 15757, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Green Township, **Indiana County**, affecting 97.6 acres. Receiving streams: UNTs to Dixon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 16, 2005.

56663125 and NPDES No. 0607746. Hilltop Mining, Inc., 126 Bronco Drive, Berlin, PA 15530, permit renewal

for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 310.8 acres. Receiving streams: UNT of Buffalo Creek and Buffalo Creek, classified for the following use: CWF. Application received February 23, 2005.

11673041 and NPDES Permit No. PA0120782, Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Summerhill Township, **Cambria County**, affecting 102.3 acres. Receiving stream: South Fork Little Conemaugh classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 23, 2005.

11803038 and NPDES Permit No. PA0121533. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630 permit renewal for reclamation only of a bituminous surface mine in Adams and Ogle Townships, **Cambria and Somerset Counties**, affecting 1,589.8 acres. Receiving streams: Paint Creek, UNTs to Babcock Creek and to Babcock Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 23, 2005.

56743138 and NPDES Permit No. PA0606511, Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Adams and Ogle Townships, **Cambria and Somerset Counties**, affecting 739.51 acres. Receiving streams: Paint Creek, UNTs to Babcock Creek and to Babcock Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 23, 2005.

32940109 and NPDES Permit No. PA0212954. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Young Township, **Indiana County**, affecting 133.1 acres. Receiving streams: UNTs to Whiskey Run, Whiskey Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005.

11813039 and NPDES Permit No. PA0125474, Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 1,353.0 acres. Receiving streams: UNT to/and Paint Creek; UNT to/and Sulphur Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 23, 2005.

32990110 and NPDES Permit No. PA0235164. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a bituminous surface-auger mine and refuse removal in Young Township, **Indiana County**, affecting 41.3 acres. Receiving streams: UNTs to Harpers Run and Harpers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005.

56040103 and NPDES Permit No. PA0249581. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563-8164, revision in an existing bituminous surface mine to add blasting in Southampton Township, **Somerset County**, affecting 55.8 acres. Receiving streams: UNTs to

North Branch Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 28, 2005.

32050103 and NPDES Permit No. PA0249734. Amerikohl Mining, Inc., P. O. Bo 427, Acme, PA 15610, commencement, operation and restoration of a bituminous surface mine. The stream encroachment activities consist of mining activities occurring near UNT "A" to Two Lick Creek for the use of an existing stream crossing, on Coke Oven Lane; and mining activities occurring for approximately 2,800 feet along the northern bank of the UNT "B" to Two Lick Creek, in Center Township, **Indiana County**, affecting 61.1 acres. Receiving streams UNTs to Two Lick Creek, Two Lick Creek classified for the following uses: CWF, TSF. There are no potable water supply intakes within 10 miles downstream. Application received March 3, 2005.

32940105 and NPDES Permit No. PA0212806. Keystone Coal Mining Corporation, P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface mine in Center Township, **Indiana County**, affecting 180.0 acres. Receiving streams: UNT to Yellow Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Edison Mission Energy Homer City Generating Station, PWS ID No. 5320802. Application received February 28, 2005.

32050104 NPDES Permit No. PA0249742. Short Brothers, Inc., 15 Rayne Run Road, Marion Center, PA 15759, commencement, operation and restoration of a bituminous surface mine and a stream variance, in West Mahoning Township, **Indiana County**, affecting 126.0 acres. Receiving streams: Carr Run classified for the following use: CWF. there are no potable water supply intakes within 10 miles downstream. application received March 3, 2005. March 11, 2005.

56663112 and NPDES Permit No. PA0606472. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from Reimer, Inc., P. O. Box 260, Friedens, PA 15541, located in Stonycreek Township, **Somerset County**, affecting 431.3 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005.

56840107 and NPDES Permit No. PA0606286. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from NSM Coals, Inc., P. O. Box 260, Friedens, PA 15541, located in Stonycreek Township, **Somerset County**, affecting 407.4 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005.

56813006 and NPDES Permit No. PA0125466. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from NSM Coals, Inc., P. O. Box 260, Friedens, PA 15541, located in Stonycreek Township, **Somerset County**, affecting 929.7 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005.

56813006 and NPDES Permit No. PA0125466 (currently NSM Coals, Inc., P. O. Box 260, Friedens, PA 15541, being transferred to PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541), revision of an existing bituminous surface mine to add permit acreage that is currently included in the following permits: PBS Coals, Inc., SMP No. 56920112 and NPDES PA0212270; NSM Coals, Inc., SMP No. 56840107 and NPDES PA0606286; Reimer, Inc., SMP No. 56663112 and NPDES PA0606472 in Stonycreek Township, **Somerset County**. The purpose of this transaction is to consolidate four permits, valid for reclamation and water treatment only, into one permit, which will be known as 56813006. Areas of the four permits not needed to continued water treatment will be removed from the permitted area. The area included in the four permits presently totals 1,844.7 acres; the area included in the consolidated permit will total 285.9 acres. Receiving streams: UNTs to Clear Run, Clear Run, UNTs to Boone Run and Boone Run, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2005.

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

63980103 and NPDES Permit No. PA0202215. Joseph Rostosky Coal Co. (3578 Country Lane, Monongahela, PA 15063). Revision application for land use change, located in California Borough, **Washington County**, affecting 24.4 acres. Receiving stream: UNTs to Pike Run, classified for the following use: TSF. The public water supply intakes within 10 miles downstream from the point of discharge: Washington township Municipal Authority and the Municipal Authority of the Borough of Belle Vernon. Revision application received: March 4, 2005.

63980101 and NPDES Permit No. PA0202151. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Transfer application from Twilight Industries, Inc. for continued operation and reclamation of an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 173

acres. Receiving stream: UNT to North Branch of Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: March 3, 2005.

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

10990103 and NPDES Permit No. PA 0241610. Ben Hal Mining Company (389 Irishtown Rd., Grove City, PA 16127). Renewal of an existing bituminous surface mine in Slippery Rock Borough and Slippery Rock Township, **Butler County** affecting 9.5 acres. Receiving streams: UNT to Wolf Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received March 10, 2005.

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

54773214R4. B-D Mining Co., (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 50.0 acres, receiving stream: none. Application received February 28, 2005.

54733020R4 and NPDES Permit No. PA0012360. Lehigh Coal & Navigation Company, (P. O. Box 311, Tamaqua, PA 18252), renewal of an existing anthracite surface mine, coal refuse reprocessing, coal refused disposal and coal preparation facility in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Borough, **Schuylkill and Carbon Counties** affecting 7,596.4 acres, receiving streams: Panther Creek and Little Schuylkill River. Application received February 28, 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	909 mg/l
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹The parameter is applicable at all times.

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

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

31020302 and NPDES No. PA0249319. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803, transfer of an existing noncoal surface mine from Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920 located in Morris Township, **Huntingdon County**, affecting 182.1 acres.

Receiving streams: UNT to Frankstown Branch Juniata River classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 28, 2005.

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

5575SM1A3C5 and NPDES Permit No. PA0119555. Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES permit for existing discharge of treated mine drainage from quarry operation in Clifford Township, **Susquehanna County** receiving stream: East Branch of the Tunkhannock Creek, classified as a CWF. Application received March 1, 2005.

45950802. Louis J. Manzie, Inc., (R. R. 2 Box 2034C, Stroudsburg, PA 18360), Stage I and II bond release for a quarry operation in Stroud Township, **Monroe County**

affecting 2.0 acres on property owned by Alden Fetherman and Benning Crowdsdale. Application received March 10, 2005.

49050301. Central Builders Supply Company, (125 Bridge Avenue, Sunbury, PA 17801), commencement, operation and restoration of a quarry operation in Point Township, **Northumberland County** affecting 54.0 acres, receiving stream: none. Application received March 7, 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

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

E36-792: Mennonite Home, 1520 Harrisburg Pike, Lancaster, PA 17601-2697 in City of Lancaster, **Lancaster County**.

To install four outfall pipes and place fill material in the floodway of the Little Conestoga Creek (WWF) for a roadway which will access an existing retirement home

community located just north of the Harrisburg Pike SR 4020 (Lancaster, PA Quadrangle N: 12.3 inches; W: 13.5 inches) in East Hempfield Township, Lancaster County.

E50-227: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Carroll Township, **Perry County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a two span bridge with each span of 86 feet with an average underclearance of 13 feet across Sherman Creek (WWF) and associated improvements on SR 2003, Section 004, Segment 0060, Offset 0185 to improve the traffic safety condition located about 0.90 mile northeast of Shermans Dale Village (Shermans Dale, PA Quadrangle N: 17.2 inches; W: 4.0 inches) in Carroll Township, Perry County.

E50-228: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Penn Township, **Perry County**, ACOA Baltimore District.

To remove the existing structure and then to construct and maintain a two span bridge, with each span of 77 feet with an average underclearance of 10.6 feet across Sherman Creek (WWF) and associated improvements on SR 2002, Section 005, Segment 0120, Offset 0009 to improve the traffic safety condition of the road located about 2.7 miles west of Duncannon Borough (Duncannon, PA Quadrangle N: 1.0 inch; W: 11.5 inches) in Penn Township, Perry County.

E05-229: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Southwest Madison Township, **Perry County**, ACOA Baltimore District.

To rehabilitate and maintain the Bistline Covered Bridge over Sherman Creek (HQ-CWF) on SR 3005, Section 003, Segment 0020, Offset 2314 (Madison Road) by replacing the abutments thereby increasing the span to 96.2 feet, replacing the steel girders and beams thereby providing a minimum underclearance of 9 feet, removing the steel piers, replacing the timber decking and other associated improvements to improve the traffic safety condition located about 1.1 miles south of Andersonburg Village (Andersonburg, PA Quadrangle N: 15.24 inches; W: 13.38 inches) in Southwest Madison Township, Perry County.

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

E59-463. Westfield Township, P. O. Box 61, Westfield, PA 16918. Culvert Maintenance in Westfield Township, **Tioga County**, ACOE Baltimore District (Knoxville, PA Quadrangle N: 6.57 inches; W: 14.22 inches).

To maintain an 8-foot 4-inch high by 12-foot 10-inch wide arch culvert and an adjacent 12-foot 0-inch high by 19-foot 6-inch wide arch culvert by 35-foot long with concrete block headwalls in Jemison Creek along Whittaker Road about 0.2 mile west of the intersection of SR 249 with Whittaker Road in Westfield Township, Tioga County.

The project will not impact wetlands while impacting about 45 feet of waterway with no earth disturbance. Jemison Creek is a WWF stream.

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

E11-307. Cambria County Industrial Development Corporation, P. O. Box 94, 209 South Center Street, Ebensburg, PA 15931. To construct a culvert in Cambria Township, **Cambria County**, Pittsburgh ACOE District. (Nanty Glo, PA Quadrangle N: 13.9 inches; W: 0.8 inch and Latitude: 40° 27' 01"—Longitude: 78° 45' 18"). The applicant proposes to place and maintain fill in 0.10 acre of wetland and to construct and maintain a 182.0-foot long, twin 24-inch culvert in an UNT to Stewart Run (HQ) for the purpose of constructing a wind turbine generator blade manufacturing facility. The project is located south of the intersection of Gateway Drive and Commerce Road. To compensate for wetland impacts, the applicant proposes to make a monetary contribution to the Pennsylvania Wetland Replacement Project.

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

E25-404A. Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Dredging activities at East Avenue Boat Launch, Lampe Marina and East Canal Basin, in the City of Erie, **Erie County**, ACOE Pittsburgh District.

Water Quality Certification Request 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.

E25-696. Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507. West Canal Basin Improvements, in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 2.0 inches; W: 12.2 inches).

The applicant proposes to conduct the following activities within the West Canal Basin, Presque Isle Bay, Lake Erie:

1. To remove the existing wall and to construct and maintain a 260-foot long soldier pile wall on the easterly portion of the south wall of West Dobbins Landing.
2. To fill the former boat hoist area near the midsection of the south wall of West Dobbins Landing and a basin area at the east end of the south wall of West Dobbins Landing. The total area of fill is 0.18 acre.
3. To construct and maintain approximately an 8-foot wide header dock having a length of approximately 530 feet along the south wall of West Dobbins Landing.

4. To remove five existing finger piers along the south wall of West Dobbins Landing.

5. To construct and maintain two approximately 85-foot long finger pier extensions to the existing finger piers that extend north from the north wall of the Presque Isle Yacht Club.

6. To remove the existing wall and to construct and maintain the 250-foot long north vertical wall of the Presque Isle Yacht Club.

7. To remove an approximately 310-foot long sheet pile wall and associated docks and to construct and maintain a 310-foot long revetment slope 6-foot wide header dock having a length of approximately 300 feet along the east side of the Presque Isle Yacht Club in the south portion of the West Canal Basin.

Presque Isle Bay is a perennial body of water classified as a WWF.

E61-273. Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301, SR 3013, Section B00, Pecan Hill Bridge over Sandy Creek in Sandy Creek and Victoria Townships, **Venango County**, ACOE Pittsburgh District. (Polk, PA Quadrangle N: 41° 20' 30"; W: 79° 53' 00").

The applicant proposes to remove the existing structure and to construct and maintain a three-span steel girder bridge having clear spans of 130 feet, 175 feet and 130 feet and approximate underclearance of 40 feet, approximately 2 miles southwest of the intersection of SR 0008 and SR 3013 over Sandy Creek on SR 3013, Section B00. Sandy Creek is classified as a WWF. Project includes a temporary causeway. Project proposes 40 linear feet of stream impact.

ENVIRONMENTAL ASSESSMENTS

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

EA36-012: USDA-NRCS, 1383 Arcadia Road, Room 4, Lancaster, PA 17601-3149, in the city of Lancaster, **Lancaster County**, ACOE Baltimore District.

To construct and maintain an 8-inch outfall from a stormwater basin within the 100-year floodway of an UNT to Peters Creek (HQ-WWF) located on the Burnel Nolt farm (Wakefield, PA Quadrangle N: 7.3 inches; W: 11.7 inches) in Drumore Township, Lancaster County. The basin and outfall are part of a water quality improvement project sponsored by the Natural Resource Conservation Service.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063967 (IW)	Scranton Altoona Terminal, Corp P. O. Box 2621 Harrisburg, PA 17105	Luzerne County, Pittston Township	Collins Creek (5A)	Y
PA-0063908 (Minor Industrial Waste)	Ace-Robbins, Inc. 325 State Route 6 East Tunkhannock, PA 18657	Wyoming County, Tunkhannock Borough	UNT to Tunkhannock Creek (4F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083488 (Sewage)	Stonebridge Health & Rehab Center 102 Chandra Drive Duncannon, PA 17020	Perry County Penn Township	UNT Sherman Creek/7-A	Y
PA0053091 (Industrial Waste—Amendment 04-1)	Giorgio Foods, Inc. P. O. Box 96 Temple, PA 19560	Berks County Maidencreek Township	Willow Creek/3-C	Y
PA0031551 (Sewage)	Chambersburg Elementary School District 435 Stanley Avenue Chambersburg, PA 17201	Franklin County Lurgan Township	UNT/7-B	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>
PA0031810 (Sewage)	Eastern Lebanon County School District—ELCO High School 180 Elco Drive Myerstown, PA 17067-2697	Berks County Jackson Township	UNT Tulpehocken Creek/3-C	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>
PA0096903 Sewage	Paul and Mark Galbraith G & G Mobile Homes Sales 23 Oakridge Heights Drive Oakdale, PA 15071	Washington County Robinson Township	UNT of Little Raccoon Creek	Y

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

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

NPDES Permit No. PA0043818, Industrial Waste, **G.R.O.W.S. Landfill—A Division of Waste Management Disposal Services of PA, Inc.**, 1513 Bordentown Road, Morrisville, PA 19067. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 100,000 gpd of treated leachate from an industrial waste treatment plant.

NPDES Permit No. PA0057584, Industrial Waste, **Sunoco, Inc.**, P. O. Box 1135, Marcus Hook, PA 19061. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to discharge into an UNT in Watershed 3H.

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

NPDES Permit No. PA0080225, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503. This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to East Branch Antietam Creek in Watershed 13-C.

Final Notice of Permit Issuance, NPDES Permit No. PA0020621, Sewage, **Waynesboro Borough**, 57 East Main Street, Waynesboro, PA 17268.

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on March 16, 2005, issued an NPDES Permit.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Conditions relating to stormwater have been added to Part C of the permit.

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

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

NPDES Permit No. PA0000914-A1, Industrial Waste, **United States Department of Energy; Pittsburgh Naval Reactors Office**, 814 Pittsburgh, McKeesport Road, West Mifflin, PA 15122-0109. This proposed facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: Add a new stormwater Outfall 008 discharging from a retention basin which collects runoff from a new Bettis parking lot. Also, this amendment eliminates stormwater Outfall 004 permitted in the previous NPDES.

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

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

WQM Permit No. 3904407, Sewerage, **Upper Saucon Township Municipal Authority**, 550 Camp Meeting Road, Center Valley, PA 18034-9444. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

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

WQM Permit No. 4704403, Sewerage 4952, **Pepper Hills Ltd.**, Box 139, 40 Pepper Hills, Danville, PA 17821. This facility is located in Cooper Township, **Montour County**.

Description of Proposed Action/Activity: Addition of flow equalization, a second clarifier and aerated sludge holding tank to the existing wastewater treatment plant.

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

WQM Permit No. 0285449-A1, Sewerage, **Municipal Authority of the Township of South Fayette**, P. O. Box 171, Morgan, PA 15064. This proposed facility is located in South Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Installation of an emergency overflow structure at Chartiers Creek Pump Station.

WQM Permit No. 1169402-A6, Sewerage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. This proposed facility is located in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Modification of the sewage treatment plant to achieve nitrification, and treat peak wet weather flow.

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

WQM Permit No. 6205401, Sewerage, **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371. This proposed facility is located in Youngsville Borough, **Warren County**.

Description of Proposed Action/Activity: This project is for the Brokenstraw pump station replacement.

WQM Permit No. 1004408, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a new pump station and sewer extension to serve the Union Church Road area.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504058	Lionville Business Center Lionville Business Center's Commercial Development 502 Gordon Drive Exton, PA 19341	Chester	Uwchlan Township	Pine Creek/Pickering Creek (HQ-TSF)
PAI011504087	Ilse H. Munzinger Proposed Munzinger 2-Lot Sbd. 2731 Hill Camp Road St. Peters, PA 19470	Chester	Warwick Township	French Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504005-1	Game Commission 4001 Elmerton Ave. Harrisburg, PA 17110-9797	Monroe	Coolbaugh and Tobyhanna Townships	Trout Creek and Tributaries to Wagner Run HQ-CWF
PAI024504022	Sciota Village Estates, Inc. P. O. Box 245 Sciota, PA 18354	Monroe	Hamilton Township	McMichaels Creek and Lake Creek HQ-CWF
PAI024504028	Pleasant Valley School District Route 115 Brodheads ville, PA 18322	Monroe	Polk Township	Pohopoco Creek HQ-CWF
PAI024503014-1	Arrowhead Sewer Company, Inc. HC 88, Box 305 Pocono Lake, PA 18347	Monroe	Coolbaugh and Tobyhanna Townships	Trout Creek HQ-CWF
PAI024504009	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township	Brodhead Creek HQ-CWF
PAI024504027	Parker Realty Company 320 N. Ninth Street Stroudsburg, PA 18360	Monroe	Stroud Township	Little Pocono Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F088	Carl Bankert S & A Custom Built Homes 501 Rolling Ridge Dr. Suite 200 State College, PA 16801	Centre	Halfmoon Township	Halfmoon Creek HQ-CWF
PAI001403017	Penn State University 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Spring Creek HQ-CWF

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

Greene County Conservation District: 93 East High Street, Room 215, Waynesburg, PA 15370 (724) 852-5278.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053004001	Southwestern Pennsylvania Water Authority 1442 Jefferson Road P. O. Box 187 Jefferson, PA 15344	Greene	Center, Gray and Richhill Townships	South Fork Tenmile Creek (HQ-WWF) Grays Fork of Tenmile Creek (WWF) Dunkard North Fork Dunkard Fork (WWF)

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>
Upper Pottsgrove Township Montgomery County	PAG2004604148	Stern Nester High View II Subdivision 684 Mock Road Pottstown, PA 19464	Sprogels Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Norriton Township Montgomery County	PAG2004605010	Norristown Area School District Burnside Ave. and Ridge Pk. Demo. 401 North Whitehall Road Norristown, PA 19403	UNT Indian Creek/Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Salford Township Montgomery County	PAG2004604147	Michael Evans Evans Builders MJE Project 920 South Broad Street Lansdale, PA 19446	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604115	County Estate Developers Neiffer Woods P. O. Box 559 Pikeland Village, PA 19442	Hartenstine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2011505002	Philip Lombard Street, LP Liberty Court Development 111 West 5th Street New York, NY 10019	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wayne Township Schuylkill County	PAG2005405007	Pioneer Pole Bldg. Inc. 716 S. Route 183 Schuylkill Haven, PA 17972	Plum Creek Upper Little Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
City of Bethlehem Northampton County	PAG2004805005	Livingston Manor Senior Apartments, Inc. 830 Hamilton Blvd. Allentown, PA 18101	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971
Pine Grove Twp Schuylkill County	PAG2005404041	East Stars LTD 1217 Ash Lane Lebanon, PA 17042	Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
East Stroudsburg Borough Monroe County	PAG2004504007	Braeside Apartments, LLC c/o Anthony Maula 1 Empire Plaza Stroudsburg, PA 18360	UNT to Brodhead Creek TSF, MF	Monroe Co. Cons. Dist. (570) 629-3060
Wernersville Borough South Heidelberg Township Berks County	PAG2000605014	Walter Greth Greth Development P. O. Box 305 Temple, PA 19560	Manor Creek Spring Creek/TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Perry Township Berks County	PAG2000605009	Mathew Pettit Zion's Evangelical Reform Church of Perry Township 770 Zion's Church Road Shoemakersville, PA 19555	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (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>
Smithfield Township Huntingdon County	PAG2003104010	Thomas B. Richey Cedar Shopping Center, Inc. 524 Camp Hill Mall Camp Hill, PA 17011	Juniata River/WWF	Huntingdon County Conservation District R. D. 1, Box 7C, Rt. 26 S. Huntingdon, PA 16652 (814) 627-1626 Ext. 107
Antrim Township Franklin County	PAG2002805013	Stone Mill Estates Tex R. Myers 13204 Worleytown Rd. Greencastle, PA 17225	Conococheague Creek/WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Borough of Mont Alto Franklin County	PAG2002805010	Kevin Rock Subdivision 340 West Meadow Drive Mechanicsburg, PA 17055	West Branch Antietam/ CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Antrim Township Franklin County	PAG2002805006	Dean Gearhart 1368 Eryl Deen Lane Waynesboro, PA 17268	UNT to Marsh Run/WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Montgomery Township Franklin County	PAG2002804014	Rick Everett Subdivision 10841 Knob Road Mercersburg, PA 17236	Welsh Run/TSF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Borough of Chambersburg Franklin County	PAG2002805012	Borough of Chambersburg Carl Rundquist 100 South Second St. Chambersburg, PA 17201	Conococheague Creek/WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Antrim Township Franklin County	PAG2002805002	Antrim Meadows Kylea & Associates Tom Mongold 18182 Ft. Davis Road Mercersburg, PA 17236	Paddy Run/WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Borough of Chambersburg Franklin County	PAG2002805011	Summit Health Keystone Pavilion John McElwee 601 Norland Avenue Suite 201 Chambersburg, PA 17201	Falling Spring/CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Quincy Township Franklin County	PAG2002805018	Stephen Rost 8325 Morningstar Lane Waynesboro, PA 17268	West Branch Antietam/ CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Conewago Township York County	PAG2006704047	Dietz Property Timothy Pasch 2645 Carnegie Road York, PA 17402	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAG2006704084	Ore Bank Rd. Pump Station Dillsburg Area Auth. 4 Barlo Circle, Suite E P. O. Box 370 Dillsburg, PA 17019	Fisher Run and Dogwood Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006704137	Keith Rodgers K. E. Rodgers Auto Sales 3180 Grenway Road Dover, PA 17315	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006704112	Lot 3B Mini-Storage Robert Rauhauser Mid-Atlantic Corrosion Control, Inc. 55 S. Forrest Street York, PA 17404	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006704145	Additions to Hayshire Elementary Central York School District 775 Marion Road York, PA 17402	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006704110	Emig Road Central York School District 775 Marion Road York, PA 17402	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<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>
Penn Township York County	PAG2006704130	New Park Office & Environmental Ed. Center Department of Conservation and Natural Resources 435 State Park Road Schellsburg, PA 15559	Lake Marburg WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAG2006704060	Jackson Heights Joseph Myers 160 Ram Drive Hanover, PA 17331	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Tioga County Bloss Township	PAG2005904005	Commonwealth of Pennsylvania 2001 Elmerton Ave. Harrisburg, PA 17110	Johnson Creek CWF Tioga River CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 Ext. 101
Fayette County Franklin Township	PAG2002605004	Dan Guild Gulf Coast, Inc. 406 Court Road Ext. Vanderbilt, PA 15486	Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Fayette County South Union Township	PAG2002605005	Department of Transportation District 12-0 P. O. Box 459 Uniontown, PA 15401	UNT of Coal Lick Run (WWF)	Fayette County CD (724) 438-4497
Indiana County Burrell and West Wheatfield Townships	PAG2003204017	Daniel Cessna Department of Transportation 2550 Oakland Avenue Indiana, PA 15701	Tom's Run, Weirs Run, Roaring Run, UNT to Blacklick Creek (CWF)	Indiana County CD (724) 463-8547
Indiana County Indiana Borough	PAG2003205002	William Calhoun S & T Bank P. O. Box 190 Indiana, PA 15701	Stoney Run (CWF)	Indiana County CD (724) 463-8547
Washington County Hanover Township	PAG2006305011	The Buncher Company 5600 Forward Avenue P. O. Box 81930 Pittsburgh, PA 15217	UNT Tributary to Harmon Creek (WWF)	Washington County CD (724) 228-6774
Lawrence County Neshannock Township	PAR-1037-36R(1)	Lee Gevauden Director of Development Regional Industrial Development Corporation Suite 500 425 Sixth Ave. Pittsburgh, PA 15219	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512
Mercer County French Creek Township	PAG2064304016	Mercer Conservation District 747 Greenville Road Mercer, PA 16137	Powdermill Run WWF	DEP (814) 332-6942

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Packer Township Carbon County	PAG2111304002	Department of Environmental Protection Abandoned Mine Reclamation Bureau 5th Floor Two Public Square Wilkes-Barre, PA 18711-0790	Beaver Creek CWF	Department of Environmental Protection Abandoned Mine Reclamation Bureau 5th Floor Two Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2371
Jenkins Township Luzerne County	PAG2114005003	Department of Environmental Protection Abandoned Mine Reclamation Bureau 5th Floor Two Public Square Wilkes-Barre, PA 18711-0790	Gardner Creek and Mill Creek CWF	Department of Environmental Protection Abandoned Mine Reclamation Bureau 5th Floor Two Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2371

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Royersford Borough Montgomery County	PAR230063	Speciality Chemical Systems 400 First Ave Royersford, PA 19030	Schuylkill River—3D Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Warminster Township Bucks County	PAR700016	BP Lubricants USA 1020 Louis Dr. Warminster, PA 18974	UNT to Neshaminy Creek—2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
West Hazleton Borough Luzerne County	PAR232240	Greif Industrial Packaging & Services, LLC 366 Greif Parkway Delaware, OH 43015	Black Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Huntingdon County Shirley Township	PAR233512	Containment Solutions, Inc. US Route 522 South Mount Union, PA 17066-0299	Juniata River/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Douglass Township	PAR603565	A.E. Minotto Used Auto Parts, Inc. 1496 Benjamin Franklin Highway Douglassville, PA 19518	Schuylkill River/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Richmond Township	PAR603542	Village Motors, Inc. 53 Walnuttown Road Fleetwood, PA 19522	UNT to Willow Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County New Providence Township	PAR603572	Buck Auto Sales & Salvage, Inc. 915 Lancaster Pike Quarryville, PA 17566	Conowingo Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Londonderry Township	PAR603569	Jim Sacco Auto Wrecker 2469 Cooksmill Road Hyndman, PA 15545	Wills Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Blair County Antis Township	PAR603548	Robert Forshey Forshey's Garage & Auto Parts R. R. 7, Box 910 Altoona, PA 16601	Little Juniata Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Ephrata Borough	PAR223517	Skyline Corporation Skyline Homes P. O. Box 517 Ephrata, PA 17522-0517	Cocalico Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Taylor Township	PAR603570	Yerty Auto Service & Parts, Inc. 1562 North Route 36 Roaring Springs, PA 16673	UNT to Halter Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Harrisburg City	PAR803638	Turbine Airfoil Designs, Inc. 1400 North Cameron Street Harrisburg, PA 17103	Paxton Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Earl Township New Holland Borough	PAR123509	Zausner Food Corporation 400 South Custer Avenue New Holland, PA 17557	UNT of Mill Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Upper Leacock Township	PAR223518	Skyline Corporation Skyline Homes P. O. Box 220 Leola, PA 17540-0220	UNT of Mill Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Antis Township	PAR603557	Caracciolo Steel & Metal Yard R. D. 1, Box 924 Altoona, PA 16601	UNT to Little Juniata Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Ephrata Township	PAR603546	Laurel Recycling, Inc. 339 East Fulton Street Ephrata, PA 17522	UNT to Cocalico Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR603534	Darrah's Automotive & Recycling 535-545 S. Prospect Street York, PA 17403	UNT to Codorus Creek/TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR603536	First Capital Fibers, Inc. P. O. Box 867 York, PA 17405	Codorus Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Harrisburg City	PAR213511	Pennsy Supply, Inc. P. O. Box 3331 Harrisburg, PA 17106-3331	Paxton Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-4

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Elizabeth Township	PAG046303	John Fuga 1227 Schweitzer Road McKeesport, PA 15134	Gillespie Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Brokenstraw Township, Warren County	PAG048336	John W. McCanna R. R. 1, Box 55 Youngsville, PA 16371-9606	Indian Camp Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township, Warren County	PAG048363	Debra D. and Frederick G. Backhus, III 1948 Jackson Run Road Warren, PA 16365	UNT to Jackson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Upper Providence Township Delaware County	PAG080017	Little Washington Wastewater Co. 762 W Lancaster Ave. Bryn Mawr, PA 19010	Little Washington Wastewater Media STP 635 S. Ridley Creek Rd. Media, PA 19063	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Cumberland County Lower Frankford Township	PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	Robert Brownell Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Lancaster County Manor Township	PAG083556	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Shenk Farm (Star Rock Farm #6)	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Upper Uwchlan Township Chester County	PAG090001	North Star Waste d/b/a Earth Care 2233 Fellowship Rd. Eagle, PA 19480	Earth Care Septic Service Upper Uwchlan Township Chester County	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
South Huntingdon Township Westmoreland County	PAG096113	Adam J. Skokut A-Affordable Sanitation R. D. 1, Box 44 Smithton, PA 15479		Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-12

<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>
Lancaster County West Lampeter Township	PAG123525	Joe Sweeney Rocky Knoll Farm 1266 Gypsy Hill Road Lancaster, PA 17602	UNT Big Spring Run/7J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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).

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

Permit No. 4804504, Public Water Supply.

Applicant	Rivers Edge Mobile Home Park 2129 Riverton Road Bangor, PA 18103-5049
Borough or Township	Lower Mount Bethel Township
County	Northampton
Type of Facility	PWS
Consulting Engineer	Brian D. Swanson, P. E. Swanson Engineering, P. C. 435 Green Ridge Street Scranton, PA 18509
Permit to Construct Issued	March 9, 2005

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

Permit No. 0604518, Public Water Supply.

Applicant	Pennsylvania-American Water
Municipality	Amity Township

County	Berks
Type of Facility	Premanufactured below grade booster pumping station to provide potable water and fire service at the required pressures to the Amity Township distribution system.
Consulting Engineer	Michael J Daschbach, P. E. Entech Engineering Inc. 4 South Fourth Street Reading, PA 19603
Permit to Construct Issued:	3/10/2005

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	City of DuBois
Township or Borough	Sandy Township
County	Clearfield
Responsible Official	Ronald Trzyna, Manager City of DuBois 16 West Scribner Avenue DuBois, PA 15801
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Charles Meier, P. E. The EADS Group, Inc. 15392 Route 322 Clarion, PA 16214
Permit Issued Date	3/9/2005
Description of Action	Rehabilitation of the existing 240,000-gallon backwash water storage tank at the DuBois Filtration Plant.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fountain Hill Borough	Borough Hall 941 Long St. Fountain Hill, PA 18015-2660	Lehigh

Plan Description: The approved plan provides for a gravity collection and conveyance system to serve fourteen existing properties in the Star Village area, which are experiencing problems with on-lot sewage disposal systems. The project consists of five precast concrete manholes, approximately 1,240 feet of new 8-inch PVC gravity sewer pipe and street laterals to the frontage of the properties. The new sewer extension will connect to the existing borough system at a manhole in Warren Street. Additional conveyance and treatment facilities will be provided by the City of Bethlehem. The new sanitary sewer system will be owned and operated by Fountain Hill Borough. The estimated project cost is \$187,000.

Funding for the project will be a combination of a Community Development Block Grant, Borough Capital and a bank loan. Lower Saucon Authority provides public water to the existing residences.

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>
Hampden Township	230 S. Sporting Hill Road Mechanicsburg, PA 17055	Cumberland

Plan Description: The approved plan provides for the extension of public sewers within the next 5 years to the Pine Run, Trindle Road and Good Hope Road areas as defined in the Plan, abandonment of the Pinebrook WWTP, an upgrade of the Roth Lane WWTP and construction of a pump station and force main to divert flow from existing facilities to the Roth Lane WWTP, expansion of selected pump stations and force mains and interceptors as identified in the Plan, and continuing work to identify and remove excessive infiltration and inflow from the sewer system. In addition, the Plan provides for the implementation of an onlot sewage disposal system management program. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Earl Township	157 West Metzler Road Brownstown, PA, 17508	Lancaster

Plan Description: The approved plan provides for the extension of public sewers within the next 5 years to the Village of Talmage and Oregon Pike areas as defined in the Plan. The Conestoga View area as defined in the Plan is in a 10-year sewer service area. The Plan also provides for an onlot sewage disposal system (OLDS) management program for the remainder of the township and a requirement to complete preliminary hydrogeologic studies for subdivision and new land development plans proposing OLDS. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Guilford Township	115 Spring Valley Rd. Chambersburg, PA 17201	Franklin County

Plan Description: The approved plan entitled Guilford Springs Road Extension provides for a sewer extension to serve eight existing residential dwellings with flows of 3,200 gallons per day, located on the south side of Guilford Springs Road, 0.2 mile east of Molly Pitcher Highway. The extension will be constructed, owned and operated by the Guilford Township Authority. The Department's review of the sewage facilities planning module has not identified any significant environmental impacts

resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the owners.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	P. O. Box 5625 Belleville, PA 17004	Mifflin

Plan Description: The approved plan provides for the elimination and replacement of the Valley View Retirement Community pump station and force main with a gravity sewer through the Spicher Dairy Farm and a new gravity sewer service area crossing Kishacoquillas Creek along South Kishacoquillas Street. The Department's review of the minor 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.

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.

Eastern Generator Sales and Svc., City of Chester, **Delaware County**. Samuel Kucia, Environmental Consulting, Inc., 500 E. Washington, St., Norristown, PA 19401 on behalf of David Mattocks, Eastern Generator Sales and Svc., 304 Baltimore Ave., Folcroft, PA 19032 has submitted a Final Report concerning remediation of site soil contaminated with no. 4, no. 5 and no. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Jolly Gardener Prod., Richland Township, **Bucks County**. John O'Malley, Gaia Tech, Inc., 1231 Greenway Dr., Suite 220, Irving, TX 75038 on behalf of Doug Shaw, Jolly Gardener Prod., Inc., has submitted a Final Report concerning remediation of site groundwater contaminated with iron and inorganics. The report is intended to document remediation of the site to meet the Background Health Standard.

Richter Residence, Plumstead Township, **Bucks County**. Richard D. Trimpi, CHMM, P. G., Trimpi Assoc., Inc., 1635 Old Plains Rd, Pennsburg, PA 18073 on behalf of Stephen Richter, 5404 Nicholas Ct, Pipersville, PA 19847 has submitted a Final Report concerning remediation of site soil contaminated with no 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Mill Creek, City of Philadelphia, **Philadelphia County**. Michael Edelman, Roux Assoc., Inc., 1222 Forest Pkwy, Suite 190, West Deptford, NJ 08066 on behalf of Thomas Kuhar, Mill Creek Phase I, LP, 12 S. 23rd St., 6th Floor, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

ACME Store No. 7721 Site, Phoenixville Borough, **Chester County**. David Volz, Sovereign Consulting, Inc., 111-A North Gold Dr., Robbinsville, NJ 08691 on behalf of Doug Kasefang, Albertsons, Inc., 250 Parkcenter Blvd., Boise, ID 83726 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Delcroft Shop Ctr., Folcroft Borough, **Delaware County**. Michelle Harrison, REACT Env, 6901 Kingsessing Ave., Philadelphia, PA 19142 on behalf of Lee Brahin, Garnet Assoc., LLC, 1533 Chestnut St., Philadelphia, PA 19102 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.

Gentle Touch Car Wash, City of Philadelphia, **Philadelphia County**. Natalie Hsueh, React Env. Svc., Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142 on behalf of Guy Shmuel, Wash Inc., Inc., 45 Longview Lane, Newtown Square, PA 19073 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 Statewide Health Standard.

Trigg Residence, Birmingham Township, **Delaware County**. James F. Mullan, P. E., Hocage Consulting, Inc., 987 Haddon Ave., Collingswood, NJ 08108 has submitted

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

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

Henny Penny Farm (Route 715), Chestnuthill Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of their client, Henny Penny Farms, Inc., R. R. 4, Box 4287, Saylorsburg, PA 18353) concerning the remediation of site soil and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents. The report was submitted to document attainment of the Statewide health standard.

Scot Truck Stop, Sterling Township, **Wayne County**. Mr. Kevin McAllister, P.G., URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034 has submitted a Remedial Investigation Report and Cleanup Plan (on behalf of his client, Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Avenue, Towson, MD 21204) concerning the remediation of soils and groundwater found or suspected to have been impacted by petroleum products as the result of historic operations. The reports were submitted in partial fulfillment of the Site-specific standard.

The Preserve at College Hill, Forks Township, **Northampton County**. David B. Farrington, P.G., President, Walter B. Satterthwaite Associates, Inc., 720 Old Fern Road, West Chester, PA 19380 has submitted a Final Report (on behalf of property owners, John and Constance Panovec, Mitman Road, Easton, PA 18040 and developer Jack Calahan Inc., P. O. Box 1511, Bethlehem, PA 18016) concerning the remediation of certain soils on the property found or suspected of having been contaminated with lead, arsenic and/or other inorganics. The report was submitted in order to document attainment of the residential Statewide health standard.

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

Former West Fairview Borough Building Property, East Pennsboro Township, **Cumberland County**. ENSR International, 2005 Cabot Boulevard West, Suite 100, Langhorne, PA 19047-1810, on behalf of East Pennsboro Township, 98 South Enola Drive, Enola, PA 17025-2796 and The SICO Company, P. O. Box 302, Mount Joy, PA 17552, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with BTEX. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific standards.

Armstrong World Industries—Building 800, City of Lancaster and Manheim Township, **Lancaster County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604-3001, submitted a Final Report concerning remediation of site soils contaminated with solvents. The report is intended to document remediation of site soils to the Statewide Health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Newdeck Residence, East Whiteland Township, **Chester County**. Daniel Erdman, Keystone E-Sciences Group, Inc., 967 E. Swedesford Road, Suite 300, Exton,

PA 19341 on behalf of William Newdeck, 41 Beechwood Ave., Malvern, PA 19355 has submitted a Low Risk Property Final Report that was approved by the Department on March 14, 2005.

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

Palmer Town Center (former Bethlehem Corporation and Young Volkswagen Mazda), Palmer Township, **Northampton County**. HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted a Final Report (on behalf of his client, Easton Center LLC, 424 Park Lane, Hudson, WI 54016) concerning the characterization and remediation of site groundwater. The report documented attainment of the site-specific standard for groundwater and was approved on March 10, 2005.

Morrissey Property (Poplar Valley Road), Stroud Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their client, Gertrude Morrissey, R. R. 1, Stroudsburg, PA 18360) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental release from a home heating oil tank. The report demonstrated attainment of the residential Statewide health standard and was approved on March 8, 2005.

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

Shenandoah Recycling Inc., Loyalsock Township, **Lycoming County**. Marshall Miller & Assoc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Final Report concerning soil contaminated with fuel oil. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 3, 2005.

Rosedale Transportation Vehicle Accident, Lawrence Township, **Tioga County**. Environmental Solutions TM Remediation Services, 67 Frid Street, Unit 5, Hamilton, ON L89 4M3 has submitted a Final Report concerning soil and groundwater contaminated with diesel fuel. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 10, 2005.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued 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.

General Permit Registration Number WMGR097R-002. The **Pennsylvania State University**, 101P Physical Plant Building, University Park, PA 16802. Registration to operate under General Permit No. WMGR097R002 authorizing research and development activities to support the beneficial use or processing prior to beneficial use of residual and/or municipal waste. The registration was issued by Central Office on March 14, 2005.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

23-310-016GP: Joseph F. Cappelli and Sons, Inc. (P. O. Box 934, Concordville, PA 19331) on March 14, 2005, to operate a portable concrete crusher in Upper Chichester Township, **Delaware County**.

AQ-SE-0016: Allan A. Myers, LP (1805 Berks Road, P. O. Box 98, Worcester, PA 19490) on March 14, 2005, to operate a portable crusher and screening unit in Springfield Township, **Montgomery County**.

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

35-302-115GP1: Temple-Inland (301 Greenridge Street, Scranton, PA 18509) on March 8, 2005, to construct and operate a 350 horsepower Superior Boiler to be fueled by natural gas at their facility in Scranton, **Lackawanna County**.

45-310-035GP3: Gerald B Gay (R. R. 5, Box 5138A, Stroudsburg, PA 18360) on March 9, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility at the intersection of Routes 209 and 209 Business, Smithfield Township, **Monroe County**.

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

GP3-28-03048: National Earth Services, Inc. (245 Bulter Avenue, Lancaster, PA 17601) on March 8, 2005, to operate a portable nonmetallic mineral processing plant under GP3 in Antrim Township, **Franklin County**.

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

GP3-63-00903: K and P Asphalt (79 Skyline Drive, Hickory, Pa 15340) on March 8, 2005, to operate their portable nonmetallic mineral processing plant at Langeloth Plant in Smith Township, **Washington County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; George Monasky, 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**.

GP-10-325: VA Medical Center—Butler (325 New Castle Road, Butler, PA 16001) on February 28, 2005, to operate a natural gas fired boiler in Butler, **Butler County**.

GP-62-032: Ellwood National Steels (One Front Street, Irvine, PA 16329) on February 28, 2005, to operate a natural gas fired boiler in Brokenstraw Township, **Warren County**.

GP-16-139: Texas Keystone, Inc.—Holden Compressor Station (State Route 16009, Clarion, PA 16214) on February 24, 2005, to operate a natural gas fired compressor engine in Limestone Township, **Clarion 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.

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

40-399-038C: Fairchild Semiconductor Corp. (125 Crestwood Drive, Mountaintop, PA 18707) on March 3, 2005, to install air cleaning devices to capture emissions from the FAB 8 production line at their facility in Wright Township, **Luzerne County**.

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

36-05119B: Signature Custom Cabinetry, Inc. (434 Springville Road, Ephrata, PA 17522) on March 8, 2005, for wood cabinet manufacturing coating spray booths at their facility in Ephrata Township, **Lancaster County**.

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

10-281F: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) on March 8, 2005, for post construction plan approval of four 1,200 horsepower emergency generators at their Saxonburg facility in Clinton Township, **Butler County**.

33-033C: Owens Brockway Glass Containers (Cherry Street, Brockport, PA 15823) on March 11, 2005, to modify Plan Approval 33-033B for the three decorating ACL Lehrs in the Borough of Brockway, **Jefferson County**. The facility is a Title V 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.

46-0032B: SPS Technologies, Inc. (Highland Avenue, Jenkintown, PA 19046) on March 8, 2005, to amend their operation of a vapor super heater in Abington Township, **Montgomery County**.

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

28-03045: Dominion Transmissions, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on February 28, 2005, to construct two natural gas fired gas turbine driven natural gas compressors to back up existing electric compressors and an emergency generator at their Chambersburg Station in Hamilton Township, **Franklin County**. This facility is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. This plan approval was extended.

36-05005B: Wellborn Holdings, Inc. (215 Diller Avenue, New Holland, PA 17557) on March 10, 2005, for their manufacturing plant in New Holland Borough, **Lancaster County**. This plan approval was modified to reflect a change of ownership from Viking Cabinetry Group, LLC.

38-03035A: V and S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207-2509) on January 29, 2005, to construct a surface preparation and coating operation in Union Township, **Lebanon County**. This plan approval was extended.

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

41-399-026: Penn Recycling, Inc. (2525 Trenton Avenue, Williamsport, PA 17701) on March 9, 2005, to operate an automobile/metal shredding system and associated air cleaning devices (a foam injection system and cyclone collector) on a temporary basis until July 7, 2005, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

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

32-00206B: AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650) on March 4, 2005, for Coal Preparation Plant at Clymer Tipple in Cherryhill Township, **Indiana County**. This Plan Approval was extended.

32-00291A: EME Homer City Generation, LP (1750 Power Plant Road, Homer City, PA 15748) on March 3, 2005, for Bituminous Coal Processing at Coral Tipple in Burrell Township, **Indiana County**. This Plan Approval was re-issued due to transfer of ownership.

30-00099A: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on March 4, 2005, for Units Nos. 1—3 boilers at Hatfield Power Station in Monongahela Township, **Greene County**. This Plan Approval was extended.

26-00534A: Fayette Thermal LLC (755 Opossum Lake Road, Carlisle, PA 17013) on March 10, 2005, to modify their plan approval at Fayette Thermal LLC in Luzerne Township, **Fayette County**. 26-00534A has been modified to revise the existing emission rates, based on stack test data, and for consistency with the recently issued Greensburg Thermal, LLC sister facility, 65-00966A.

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

61-007B: IA Construction Corp.—Franklin Plant (Route 8 and Route 62, Franklin, PA 16323) on February 3, 2005, to modify existing permit 61-007A by replacing

burner, dryer, baghouse, including exhaust fan and automatic damper at the Franklin Hot Mix Asphalt Plant in Sugar Creek Township, **Venango County**. The plant will increase rated capacity from 180 tons to 400 tons per hour. Alternative fuels: Reprocessed Fuel No. 5, No. 2 Fuel Oil, Liquid Propane and Natural Gas will be burned.

43-290B: Winner Steel, Inc. (277 Sharpsville Avenue, Sharon, PA 16146), on February 28, 2005, to install a new No. 3 Continuous Steel Strip Galvanizing Line Furnace in the City of Sharon, **Mercer County**. This is a State Only facility.

24-083D: Carbone of America—Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on February 28, 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.

36-05117: Dart Container Corp. (110 Pitney Road, Lancaster, PA 17602) on March 7, 2005, to operate their expandable polystyrene cup manufacturing facility in East Lampeter Township, **Lancaster County**.

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

10-00001: AK Steel Corp. (Route 8 South, Butler, PA 16003) on March 11, 2005, for a Title V Operating Permit to operate a steel manufacturing facility in Butler, **Butler County**.

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

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

23-00049: PPL Interstate Energy Co. (214 Shoemaker Road, Pottstown, PA 19464) on March 10, 2005, to operate a Synthetic Minor Operating Permit in Lower Chichester Township, **Delaware County**.

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

42-00192: IA Construction Corp.—McKean Plant (7024 Highway 59, Lewis Run, PA 16738) on March 7, 2005, a Synthetic Minor Permit to operate a hot mix asphalt plant located in Lafayette Township, **McKean County**. The significant sources are hot mix batch plant; fugitives from transfer points and propane storage tank (30,000 gallons). The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

61-00193: National Fuel Gas Supply Corp. (Township Route 300, Stoneboro, PA 16153) on March 8, 2005, to issue Natural Minor operating permit for their Henderson natural gas compressor station in Mineral Township, **Venango 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.

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

03-00199: Refractory and Industry Supply Group, Inc. (R. R. 1 Box 279, Adrian, PA 16210-9631) on March 2, 2005, revised State Only due to transfer from Kittanning Brick Company to Refractory Industrial Supply Group, Inc. in Washington Township, **Armstrong County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

56663135 and NPDES Permit No. PA0605921. Zubek, Inc., 173 House Coal Road, Berlin, PA 15530, surface mining permit renewal in Stonycreek Township, **Somerset County**, affecting 128.2 acres. Receiving stream: to Schrock Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Boro Municipal Authority Stonycreek Surface Water Intake. Application received December 10, 2004. Permit issued: March 3, 2005.

56693103 and NPDES Permit No. PA0608017. Diamond T Coal Company, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, surface mining permit renewal in Stonycreek Township, **Somerset County**, affecting 828.8 acres. Receiving streams: UNT to Lamberts Run, Lamberts Run; UNTs to Grove Run, Grove Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 1, 2004. Permit issued: March 7, 2005.

32040103 and NPDES Permit No. PA0249572. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 145 acres. Receiving streams: three UNTs to Neal Run and Neal Run to Reeds Run to

Aultmans Run classified for the following uses: CWF and trout stock fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 15, 2004. Permit issued: March 8, 2005.

56890111 and NPDES Permit No. PA0598577. Duppsstadt Coal, 2835 Stutzman Road, Somerset, PA 15501, SMP transfer and surface mining permit renewal to Ritchie Trucking and Excavating, Inc., 19709 Winner View Terrace, Frostburg, MD in Elk Lick Township, **Somerset County**, affecting 66.3 acres. Receiving streams: Tub Mill Run, UNTs to Tub Mill Run, unnamed tributaries to Casselman River and Casselman River classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2004. Permit issued: March 8, 2005.

56990101 and NPDES Permit No. PA0235008. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, surface mining permit renewal in Paint Township, **Somerset County**, affecting 54.3 acres. Receiving streams: UNTs to/and Kaufman Run classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stoney Creek surface water withdrawal. Application received December 21, 2004. Permit issued: March 10, 2005.

11743043 and NPDES Permit No. PA0120863. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, SMP and NPDES Permits to be renewed for reclamation only in Portage Township, **Cambria County**, affecting 50.4 acres. Receiving streams: UNT to Bens Creek and Bens Creek classified for the following uses: CWF and EV-CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 24, 2005. Permit issued: March 10, 2005.

07850103 and NPDES Permit No. PA0597091. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, SMP and NPDES Permits to be renewed for reclamation only in Logan Township, **Blair County**, affecting 114.0 acres. Receiving streams: UNT to Kittanning Run and Kittanning Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Altoona City Authority—Blair County PWS and Crystal Pine Bottled Water—Michael Washko. Application received January 24, 2005. Permit issued: March 10, 2005.

56920101 and NPDES Permit No. PA0599395. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit revision—land use change on Richard and Robert Sanner property from forest to unmanaged natural habitat in Summit Township, **Somerset County**, affecting 21 acres. Receiving streams: UNT to/and Casselman river and Shaffer Run classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received on January 12, 2005. Permit issued: March 10, 2005.

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

26040103 and NPDES Permit No. PA0250589. Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15610). Revision to permit for auger mining to an existing bituminous surface mine, located in German Township, **Fayette County**, affecting 201.4 acres. Receiving streams: UNTs to Cat's Run. Revision application received January 12, 2005. Revision permit issued: March 7, 2005.

03000105 and NPDES Permit No. PA0202771. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal permit for reclamation only of an existing bituminous surface mine, located in Cowanshannock Township, **Armstrong County**, affecting 87.2. Receiving streams: UNTs to Huskins Run. Renewal application received: February 2, 2005. Renewal permit issued: March 9, 2005.

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

33960108 and NPDES No. PA0227315. Opal Industries, Inc. (P. O. Box 980, Latrobe, PA 15650). Transfer of an existing bituminous strip operation from MSM Coal Company, Inc. in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: UNTs to Painter Run. Application received: September 21, 2004. Permit Issued: March 8, 2005.

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

Government Financed Construction Contract

17-04-06. Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847). The Moshannon District Mining Office, for the Department of Environmental Protection awarded a Government Financed Construction Contract to Larson Enterprises, Inc. on March 7, 2005, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 6 acres. The site is located in Cooper Township, **Clearfield County**. Under the terms of the contract, no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department of Environmental Protection which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received: October 14, 2004. Permit issued: March 7, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901.

54890102R3 and NPDES Permit No. PA0594504. White Pine Coal Company, Inc. (P. O. Box 119, Ashland, PA 17921), renewal of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Reilly, Foster and Cass Townships, **Schuylkill County** affecting 729.78 acres, receiving stream: Muddy Branch Creek. Application received August 11, 2004. Renewal issued March 7, 2005.

40663024C8. Coal Contractors (1991), Inc. (P. O. Box 639, Nuremberg, PA 18241), correction to an existing anthracite surface mine to relocate Hazle Creek in Hazle Township, **Luzerne County** affecting 925.0 acres, receiving stream: none. Application received December 16, 2004. Correction issued March 7, 2005.

Noncoal Permits Actions

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

1579601C3 and NPDES Permit No. PA0119181. Lynn Hanaway (151 North Church Street, Parkesburg, PA 19365), renewal of NPDES Permit for discharge of treated mine drainage from a quarry in Parkesburg Borough, **Chester County**, receiving stream: tributary to Buck Run. Application received January 18, 2005. Renewal issued March 8, 2005.

8274SM4A2C5. Rohrer's Quarry, Inc. (70 Lititz Road, Lititz, PA 17543), depth correction to an existing quarry operation in Penn and Warwick Townships, **Lancaster County** affecting 168.2 acres, receiving stream: unnamed tributary of Little Conestoga Creek. Application received January 22, 2004. Correction issued March 8, 2005.

8274SM4A2C6 and NPDES Permit No. PA0010111. Rohrer's Quarry, Inc. (70 Lititz Road, Lititz, PA 17543), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn and Warwick Townships, **Lancaster County**, receiving stream: UNT of Little Conestoga Creek. Application received February 1, 2005. Renewal issued March 8, 2005.

74740303A4C5 and NPDES Permit No. PA0594334. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), stream variance for an existing quarry operation to replace and maintain the quarry access road bridge in Lower Mt. Bethel Township, **Northampton County** affecting 358.1 acres, receiving stream: Delaware River. Application received January 24, 2005. Correction issued March 9, 2005.

15830602C5 and NPDES Permit No. PA0614203. Allan A. Myers, LP d/b/a Independence Construction Materials (1085 Berks Road, P. O. Box 98, Worcester PA 19490), renewal of NPDES Permit for discharge of treated mine drainage from a quarry in Charlestown Township, **Chester County**, receiving stream: unnamed intermittent tributary to Pickering Creek. Application received January 24, 2005. Renewal issued March 10, 2005.

58040828. Sheila A. Ely (R. R. 6 Box 6176, Montrose, PA 18801), commencement, operation and restoration of a Small Noncoal Quarry (bluestone and shale) operation in Springville Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Meshoppen Creek. Application received May 3, 2004. Permit issued March 10, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

65054001. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690). Blasting activity permit for seismic survey shot hole, located in South Huntingdon Township, **Westmoreland County**, with an expected duration of 6 months. Permit issued: March 7, 2005.

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

28054008. Geological Technologies, Inc. (P. O. Box 70, Falling Waters, WV 25419), construction blasting for a basement at 7000 Rhinestone Hill Road in Antrim Township, **Franklin County** with an expiration date of April 30, 2005. Permit issued March 7, 2005.

48054101. Rock Work, Inc. (1257 Dekalb Pike, Blue Bell, PA 19422), construction blasting for Portland Industrial Park in Portland Borough and Upper Mt. Bethel Township, **Northampton County** with an expiration date of March 15, 2006. Permit issued March 7, 2005.

15054104. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Creek View Development in East Coventry Township, **Chester County** with an expiration date of March 7, 2006. Permit issued March 8, 2005.

06054006. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Rosewood Housing in Spring Township, **Berks County** with an expiration date of April 8, 2006. Permit issued March 9, 2005.

28054007. Charles E. Brake Company, Inc. (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting at WCN Warehouse in Guilford Township, **Franklin County** with an expiration date of October 31, 2005. Permit issued March 11, 2005.

45054003. Ed Wear Drilling & Blasting, Inc. (112 Ravine Road, Stewartsville, NJ 08886), construction blasting at Timber Hill Estates Lot 507 in Paradise Township, **Monroe County** with an expiration date of April 10, 2006. Permit issued March 11, 2005.

48054003. West End Drilling & Blasting, Inc. (P. O. Box 1646, Brodheads ville, PA 18322), construction blasting at Willow Ridge Subdivision in Allen Township, **Northampton County** with an expiration date of April 14, 2006. Permit issued March 11, 2005.

06054102. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Tri-County Mall in Caernarvon Township, **Berks County** with an expiration date of March 7, 2006. Permit issued March 11, 2005.

36054111. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Jacob Smoker Animal Waste Facility in Warwick Township, **Lancaster County** with an expiration date of August 30, 2005. Permit issued March 11, 2005.

40054101. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for a rock ledge behind a home in Plymouth Township, **Luzerne County** with an expiration date of December 31, 2005. Permit issued March 11, 2005.

40054102. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for State Police Dispatch Center in Pittston Township, **Luzerne County** with an expiration date of March 4, 2006. Permit issued March 11, 2005.

46054105. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Knights Crest Development in Franconia Township, **Montgomery County** with an expiration date of March 7, 2006. Permit issued March 11, 2005.

66054101. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Clinton Township, **Wyoming County** with an expiration date of December 31, 2005. Permit issued March 11, 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 con-

struction 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.

E22-484: East Hanover Township, 8848 Jonestown Road, Grantville, PA 17028 in East Hanover Township, **Dauphin county**, ACOE Baltimore District.

To construct and maintain: (1) seven sanitary sewer line crossings of unnamed tributaries to Bow Creek (WWF); (2) 1 sanitary sewer line crossing of Bow Creek (WWF); (3) 13 sanitary sewer line crossings of associated wetlands along Bow Creek and its tributaries; (4) temporary road crossings at all sanitary sewer line stream and wetland crossings; (5) 8 manholes located within wetlands; (6) 3 permanent road crossing of UNTs to Bow Creek and associated wetlands; and (7) 1 outfall to Bow Creek all for the purpose of constructing the 1.96-mile long Bow Creek Interceptor and the Dairy Lane Wastewater Treatment Facility located on the west side of SR 0743 and situated north and south of SR 0022 (Hershey, PA Quadrangle N: 17.80 inches; W: 2.65 inches) in East Hanover Township, Dauphin County. The project will permanently impact 0.12 acre of wetland and the permittee is required to provide a minimum of 0.17 acre of replacement wetlands.

E67-763: William P. Eichelberger, 124 West Church Street, P. O. Box 459, Dillsburg, PA 17109-0459 in Carroll Township, **York County**, ACOE Baltimore District.

To construct and maintain a road crossing of Fishers Run (CWF) and associated palustrine forested wetlands consisting of a 50-foot long by 32-foot wide by 9-foot high Con/Span Bridge and five 42-inch culvert pipes (in the wetland) measuring approximately 100 feet in length and construct and maintain an 8-inch sanitary sewer line and an 8-inch water line crossing of Fishers Run for the purpose constructing a residential development on 51.64 acres in Carroll Township, York County (Dillsburg, PA Quadrangle N: 22.5 inches; W: 1.5 inches). The road crossing will permanently impact 0.30 acre of palustrine forested wetlands. The wetland replacement requirement will be met by participating in the Wetland Replacement Fund Project.

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

E63-567. Washington County Commissioners, 100 West Beau Street, Suite 701, Washington, PA 15301-4432. To construct two fire hydrant intakes in Cross Creek and Hopewell Townships, **Washington County**, Pittsburgh ACOE District. (Site No. 1 Avella, PA Quadrangle N: 1.2 inches; W: 3.6 inches; and Latitude: 40° 15' 48"—Longitude: 80° 23' 50") (Site No. 2 West Middletown, PA Quadrangle N: 22.2 inches; W: 5.9 inches and Latitude: 40° 14' 53"—Longitude: 80° 24' 57"). To construct and maintain two dry fire hydrant intakes in Cross Creek Lake (HQ) to be used by local fire companies.

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

E42-295, Minard Run Oil Company, P. O. Box 18, 609 South Avenue, Bradford, PA 16701. Music Mountain Project Access Road, Lafayette Township, **McKean County**, ACOE Pittsburgh District.

To conduct the following activities associated with oil and gas operations known as the Music Mountain Project east of SR 219 approximately 3 miles north of SR 59 in Lafayette Township, McKean County:

1. Construct and maintain a 13-foot wide, 30-foot long steel beam bridge providing a clear span of approximately 12 feet across Lewis Run on an existing roadway to serve as access for oil and gas operations.

2. Install and maintain utility line stream crossing consisting of a 6-inch diameter water carrier pipe, a 4-inch diameter crude oil carrier pipe and a 4-inch diameter natural gas carrier pipe across Lewis Run immediately upstream of the access road bridge.

E43-318, Mercer County, 503 Mercer County Courthouse, Mercer, PA 16137. County Bridge 2323 T-423 Hogback Road Across Hogback Run, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 12.55 inches; W: 8.2 inches).

To remove the existing bridge and to construct and maintain a 36-foot long precast concrete arch having a span of 32 feet and a rise of 12 feet across Hogback Run on T-423 Hogback Road approximately 0.8 mile east of Frampton Road.

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
05-02-024	Monark Student Transportation Corp. West Allegheny Bus Garage 1380 Pittsburgh Road Valencia, PA 16059	Allegheny	North Fayette Township	2 ASTs storing diesel and gasoline	22,000 gallons total

SPECIAL NOTICES

Categorical Exclusion

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reynoldsville Borough	460-5 Main Street Reynoldsville, PA 15851	Jefferson

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Reynoldsville Sewage Authority proposes to undertake improvements to its sewage collection system as part of a Long-Term Control Plan to mitigate combined sewer overflows during wet-weather events. The Department's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

Availability of Final Total Maximum Daily Loads (TMDLs)

The Department of Environmental Protection (Department) has developed Total Maximum Daily Loads (TMDLs) for the following watersheds. The TMDL sets the pollutant loading amounts for impaired waters that are allocated among

the sources in the watershed. These TMDLs have been approved by the Environmental Protection Agency and satisfies the Department's obligations under section 303(d) of the Federal Clean Water Act.

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Moon Run	Allegheny	Metals, pH and Suspended Solids
Huskins Run	Armstrong	Other Inorganics, Metals and pH
Limestone Run	Armstrong	Other Inorganics, Metals and pH
Blacks Creek	Butler	Metals and pH
Seaton Creek	Butler	Other Inorganics, Metals and pH
McGourvey Run	Clarion	Other Inorganics, Metals and pH
Brubaker Run	Cambria	Other Inorganics, Metals and pH
Big Run	Clearfield	Metals and pH
Surveyor Run	Clearfield	Metals and pH
Little Surveyor Run	Clearfield	Metals and pH
Newmyer Run	Fayette	Metals and pH
UNT to Conemaugh River	Indiana	Sediment and Nutrients
Conestoga Headwaters	Lancaster and Berks	Nutrients
Cucumber Run	Somerset	Metals and pH
Cucumber Run	Somerset	Metals and pH
Oven Run	Somerset	Other Inorganics, Metals and pH
Union Run	Westmoreland	Metals, pH and Suspended Solids
McCune Run	Westmoreland	Metals, pH and Suspended Solids

To request a copy of a TMDL, contact the Division of Water Quality Assessment and Standards, Department of Environmental Protection, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, rnaugle@state.pa.us or access the TMDL through the Department's website: www.dep.state.pa.us/watermanagement_apps/tmdl/ (choose a stream under "Select By TMDL Name:").

[Pa.B. Doc. No. 05-561. Filed for public inspection March 25, 2005, 9:00 a.m.]

Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring and Technical Workgroup Meeting

The Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring and the Technical Workgroup will meet at 9:30 a.m. on March 30, 2005, in the Second Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting will address comments on the draft version of Revision 8 of the Continuous Source Monitoring Manual.

For further information, contact Greg Parrish (717) 783-9479.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-562. Filed for public inspection March 25, 2005, 9:00 a.m.]

Hybrid Electric Vehicle/Alternative Fuel Vehicle Rebate Program Guidance

The Department of Environmental Protection (Department) will offer an opportunity to residents of this Commonwealth to apply for a rebate to assist with the incremental cost for the purchase of a new hybrid, bi-fuel, dual-fuel or dedicated alternative fuel vehicle (AFV). The rebate amount for calendar year 2005 is \$500. The rebate will be offered throughout the calendar year as long as funds are available. Rebates will be offered on a first come, first served basis. Rebate applications must be submitted no later than 6 months after the purchase.

The rebate is a reimbursement to assist with the incremental cost for the purchase of a new hybrid, bi-fuel, dual-fuel or dedicated AFV.

To qualify for the rebate on the purchase of a new bi-fuel, dual-fuel, dedicated AFV or hybrid vehicle, it must be registered in this Commonwealth at the time of purchase and operated primarily within this Commonwealth.

To claim a rebate, the purchaser must submit a completed rebate form no later than 6 months after purchasing the vehicle. The submission must also include all of the following:

(1) A copy of a valid Pennsylvania vehicle registration. The name appearing on the vehicle registration card must appear on the dealer invoice. A Pennsylvania certificate of title for a vehicle is not acceptable.

(2) A copy of dealer invoice. For AFVs only, the alternative-fuel components must be clearly identified.

(3) Proof of the vehicle purchase. This can be a copy of the front and back of a canceled check, the finance agreement or a dealer invoice indicating a zero balance due and receipt of payment in full.

Reporting

Residents of this Commonwealth who receive a rebate under this program are not required to submit reports to the Department.

Rebate Requests and Submittal

A rebate form may be obtained at www.dep.state.pa.us (DEP Keyword: Alternative Fuels) or by contacting Cleo Arp, Grant Officer, (717) 772-8912. Failure to submit all documentation will result in the rebate form being returned. This could result in a rebate not being issued. Rebate documentation should be submitted to the Department of Environmental Protection, HEV AFV Rebate, P. O. Box 8772, Harrisburg, PA 17105-8772. Questions

should be directed to Cleo Arp, (717) 772-8912, carp@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-563. Filed for public inspection March 25, 2005, 9:00 a.m.]

Proposed General Plan Approval and/or General Operating Permit for Landfill Gas-Fired Simple Cycle Turbines; BAQ-GPA/GP-22

The Department of Environmental Protection (Department) proposes to issue the landfill gas-fired simple cycle turbines general plan approval and/or operating permit (General Permit or BAQ-GPA/GP-22) containing predetermined Best Available Technology (BAT) and other regulatory requirements.

This General Permit authorized under section 6.1(f) of the Air Pollution Control Act (35 P. S. § 4006.1(f)) and implementing regulations in 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits) will apply to the construction, operation and modification of landfill gas-fired turbines using landfill gas produced as a result of anaerobic decomposition of organic wastes. This new General Permit will also include an abbreviated authorization schedule for installation of a new turbine core (combustor with, or without, compressor and turbine section) where there is no increase in capacity of the landfill gas-fired turbines and there has been no change in the BAT requirements for landfill gas-fired turbines since issuance of this General Permit.

The proposed general plan approval and/or operating permit, BAQ-GPA/GP-22, contains conditions that prescribe applicable emission limits, compliance demonstration, monitoring, recordkeeping and reporting requirements.

Prior to operating under this General Permit, the owner or operator of the source must notify the Department and receive prior written approval from the Department before commencing to operate the affected facility. Notification of the facility's intent to use the General Permit and/or plan approval must be submitted on a form provided by the Department. Permittees operating under this General Permit shall comply with the terms and conditions of the general plan approval and/or general operating permit.

This landfill gas-fired turbine General Permit has been established in accordance with 25 Pa. Code Chapter 127, Subchapter H. If the landfill gas-fired turbines at the facility cannot be regulated by the requirements of this General Permit, a plan approval and/or an operating permit issued in accordance with 25 Pa. Code Chapter 127, Subchapter B or Subchapter F (relating to plan approval requirements; and operating permit requirements) will be required, or if the facility is a Title V facility, a Title V operating permit issued under 25 Pa. Code Chapter 127, Subchapter F and Subchapter G (relating to Title V operating permits) will be required.

The General Permit includes emission standards for particulate matter, SO₂, NO_x, CO and nonmethane organic compounds. These requirements shall be verified through stack testing.

The Department also reserves the right to require an additional verification of emission rates, which may in-

clude source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) or portable exhaust gas analyzers approved by the Department.

The permittee must maintain comprehensive accurate records of hours, fuel used and emissions test results. These records must be retained for a minimum of 5 years and made available to the Department upon request.

The Department proposes to establish application and permit renewal fees for this General Permit.

The landfill gas-fired turbines General Permit establishes a \$1,000 application fee and renewal fee payable every 5 years if no equipment changes occur.

Authorization to operate the sources under this General Permit will be issued for a term of 5 years. Within 30 days of the expiration date of the authorization to operate under the general plan approval and/or general operating permit, the permittee must renew the authorization if the facility intends to continue to operate under this General Permit.

A complete copy of this proposed General Permit may be obtained by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users should telephone the Department through the AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the General Permit at www.dep.state.pa.us, (DEP Keyword: Air Quality).

The Department requests written comments on the proposed General Permit. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency, the States of Delaware, Maryland, New Jersey, New York, Ohio and West Virginia and the Commonwealth of Virginia. Interested persons may submit written comments, suggestions or objections to John Slade, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed general plan approval and operating permit. Public comments must be submitted to the Department within 45 days of the date of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-564. Filed for public inspection March 25, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, March 30, 2005, from 8 a.m. to 12 p.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120.

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 Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA at (717) 787-5251, 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. 05-565. Filed for public inspection March 25, 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):

William Penn Care Center
Walton and Ader Roads
Penn Township, PA 15644
FAC ID 312402

Sena Kean Manor
17083 Route 6
Smethport, PA 16729
FAC ID 195402

Oil City Presbyterian Home
10 Vo Tech Drive
Oil City, PA 16301
FAC ID 424402

Manchester Presbyterian Lodge
6351 West Lake Road
Erie, PA 16505
FAC ID 075602

Presbyterian Lodge
2628 Elmwood Avenue
Erie, PA 16508
FAC ID 80202

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

Madlyn and Leonard Abramson Center for Jewish Life
1425 Horsham Road
North Wales, PA 19454-1320
FAC ID 09130200

Frederick Mennonite Community
P. O. Box 498
Frederick, PA 19435-0498

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.36(h) and 205.38(b) (relating to bathing facilities; and toilet facilities):

Scranton Health Care Center
2933 McCarthy Street
Scranton, PA 18505

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 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 address or phone numbers listed previously, 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. 05-566. Filed for public inspection March 25, 2005, 9:00 a.m.]

Requests for Exception to 28 Pa. Code § 551.21(d) to Perform Ambulatory Surgical Procedures Included on the List of Medicare Approved ASC Procedures

Under 28 Pa. Code § 51.33 (relating to requests for exception), the Department of Health (Department) gives notice that the following ambulatory surgical facilities are seeking an exception to 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery) to perform ambulatory surgical procedures included on the List of Medicare Approved ASF Procedures:

Center for Same Day Surgery
CHS Ambulatory Surgical Center
Fairgrounds Surgical Center
Hamot Surgery Center
Susquehanna Surgery Center
The Summit Surgical Center
The Reading Hospital SurgiCenter at Spring Ridge
West Shore Surgery Center
Exeter Surgery Center
Holy Redeemer Ambulatory Surgery Center
Regional Ambulatory Surgery Center
Mount Nittany Surgical Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so should contact the Division at the previously listed address, phone number 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. 05-567. Filed for public inspection March 25, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program; Prior Authorization List

The purpose of this notice is to announce that the Department of Public Welfare (Department) will add an item to the Medical Assistance (MA) Program's list of items and services requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization for prescriptions, including refills, of brand name single source Substance P/Neurokinin 1 Receptor Antagonists and Selective 5-HT₃ Receptor Antagonists anti-nausea medications that are greater than the quantity limits established by the Department, dispensed on and after March 28, 2005. The specific medicines in these classes are Anzemet, Emend, Kytril and Zofran, and the quantity limits are as follows. The Department will require prior authorization for additional medicines in these classes, as they become available that exceed quantity limits established by the Department.

Drug	Quantity Limit
Anzemet (dolasetron)	
50 mg	14 tabs per 30 days
100 mg	14 tabs per 30 days
Emend (aprepitant)	
80 mg	5 tabs per 30 days
125 mg	5 tabs per 30 days
Trifold	2 packs per 30 days
Kytril (granisetron)	
1 mg	14 tabs per 30 days
2 mg/10ml	60 ml per 30 days
Zofran (ondansetron)	
4 mg	36 tabs per 30 days
8 mg	21 tabs per 30 days
24 mg	7 tabs per 30 days
4 mg/5ml	150 ml per 30 days
4 mg ODT	36 tabs per 30 days
8 mg ODT	21 tabs per 30 days

Fiscal Impact

The fiscal note was prepared under the authority of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harris-

burg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent changes to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-414. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-568. Filed for public inspection March 25, 2005, 9:00 a.m.]

Payments to Nursing Facilities—Proposed Rates for State Fiscal Year 2004-2005

This notice announces the Department of Public Welfare's (Department) intent to make changes in the payment rates for Medical Assistance (MA) nursing facility providers for State Fiscal Year 2004-2005 (FY 04-05).

Under the Department's case-mix payment methodology, the Department establishes a new case-mix per diem payment rate for each MA nursing facility provider once for each fiscal year. Each provider's annual case-mix per diem rate is comprised of four cost components: (i) resident care; (ii) other resident related; (iii) administrative; and (iv) capital. For each quarter of the fiscal year, the Department adjusts the resident care cost component of each provider's rate by multiplying the resident care cost component by the provider's MA Case Mix Index for the appropriate picture date as follows: July 1 rate—February 1 picture date; October 1 rate—May 1 picture date; January 1 rate—August 1 picture date; and April 1 rate—November 1 picture date. See 55 Pa. Code § 1187.96 (relating to price and rate setting computations). The Department pays the provider for nursing facility services provided to MA recipients during that quarter using the provider's adjusted quarterly per diem rate.

The Department has calculated new annual case-mix per diem payment rates for FY 04-05 for MA nursing facility providers. The Department is proposing to adopt and make payments to MA nursing facility providers using these rates. For purposes of calculating these proposed rates, the Department assumed that the Metropolitan Statistical Area (MSA) regulations, which were published as proposed at 34 Pa.B. 4465 (August 14, 2004), will be adopted in final-form without further change and effective July 1, 2004.

The proposed FY 04-05 annual per diem rates are available on the Office of Medical Assistance Programs' (OMAP) website, www.dpw.state.pa.us/omap. The proposed FY 04-05 annual per diem rates are also available at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Care Programs, (717) 705-3705.

The Department has also calculated adjusted quarterly rates for the July, October, January and April quarters of FY 04-05 for each MA nursing facility provider. These adjusted quarterly rates are also available on OMAP's website, at local county assistance offices and from Tom Jayson.

The database that the Department used to calculate the rates is available on OMAP's website. Since some of the

audited cost reports in the database relate to fiscal periods beginning prior to January 1, 2001, the Department revised the audited costs in the database as specified in 55 Pa. Code § 1187.91(1)(iv)(D) (relating to database) to disregard certain audit adjustments disallowing minor movable property or linen costs. The criteria that the Department used to make these revisions are available on OMAP's website or by contacting Tom Jayson.

Fiscal Impact

The estimated increase in annual aggregate expenditures for MA nursing facility services for FY 04-05 is \$176.975 million (\$81.285 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding the proposed FY 04-05 rates to the Department within 30 days of this notice to Department of Public Welfare, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department will publish a notice announcing final rates for FY 04-05 once the MSA final rules are adopted. In setting final rates for FY 04-05, the Department will review and consider any comments received in response to this notice. In addition, the Department will make adjustments to the final rates as may be necessary depending on the outcome of the MSA rulemaking process when final rates for FY 04-05 are adopted.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-415 (1) General Fund; (2) Implementing Year 2004-05 is \$81,285,000; (3) 1st Succeeding Year 2005-06 is \$88,674,000; 2nd Succeeding Year 2006-07 is \$88,674,000; 3rd Succeeding Year 2007-08 is \$88,674,000; 4th Succeeding Year 2008-09 is \$88,674,000; 5th Succeeding Year 2009-10 is \$88,674,000; (4) 2003-04 Program—\$588,528,000; 2002-03 Program—\$777,084,000; 2001-02 Program—\$761,877,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds for Fiscal Year 2004-05 payments have been included in the 2004 General Appropriation Act. Funds for 2005-06 are reflected in the proposed budget for the Department.

[Pa.B. Doc. No. 05-569. Filed for public inspection March 25, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department located in Bloom Township along SR 219, Clearfield County. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Department of Transportation, Kevin R. Kline, P. E., District Execu-

tive, Engineering District 2-0, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-570. Filed for public inspection March 25, 2005, 9:00 a.m.]

Finding Forest County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to replace the West Hickory Bridge, which carries SR 0127 over the Allegheny River between the Village of West Hickory and SR 0062 in Forest County.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR 771.117(d), Item 3 (relating to categorical exclusions) as published in the August 28, 1987, *Federal Register*.

The bridge is listed in the National Register of Historic Places and is, therefore, a Section 2002/Section 4(f) resource. Removal of the existing bridge will constitute a use of the Section 2002/Section 4(f) resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation/Programmatic Section 4(f) Evaluation and the Memorandum of Agreement between the FHWA and the State Historic Preservation Officer.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 05-571. Filed for public inspection March 25, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designation

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guide-

lines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At its next meeting on April 25 and 26, 2005, the Commission will consider adding Quaker Lake, Susquehanna County, to the list of waters regulated and managed under 58 Pa. Code § 65.10 (relating to Early Season Trout Stocked Waters Program), effective January 1, 2006. The Commission, at this time, is soliciting public input concerning this designation. Persons with comments, objections or suggestions concerning the designation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, by 4 p.m. on April 22, 2005. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 05-572. Filed for public inspection March 25, 2005, 9:00 a.m.]

HOUSING FINANCE AGENCY

Program to Reimburse Homeowners Without Title Insurance for Costs Incurred Associated with Litigation Arising from Certain Native American Tribal Land Claims

The Housing Finance Agency (Agency) announces the opening of an application period for reimbursement for landowners without title insurance for costs incurred by them associated with litigation arising from claims under section 12 of the former act of March 3, 1799 (1 Stat. 743), known as the Trade and Intercourse Act of 1799, involving the alienation of native American tribal lands.

This reimbursement program was created by the Agency under a specific appropriation provided for in the Fiscal Year 2004-2005 General Appropriations Act (act of July 4, 2004, No. 7A, Section 240), which provided as follows:

For transfer to the Pennsylvania Housing Finance Agency for a program to reimburse homeowners without title insurance for costs associated with litigation arising from claims pursuant to section 12 of the former act of March 3, 1799 (1 Stat. 743).

State appropriation \$50,000

Applications for reimbursement will be accepted by the HFA from January 1, 2005, through May 31, 2005, and must be sent to the Housing Finance Agency, Attention: Chief Counsel, 211 North Front Street, P. O. Box 8029, Harrisburg, PA 17105-8029.

Applications must be received by 5 p.m. on May 31, 2005, to be considered for reimbursement. The application form can be found on the Agency's website at www.phfa.org.

The Agency reserves the right to fund all, some or none of the applications submitted and also reserves the right to prorate the amounts reimbursed based upon:

- The number of applications received and amounts for which reimbursement is requested versus the amount of funds available for reimbursement
- The volume of the land owned by the applicant
- The number of applicants per application

The Agency also reserves the right to extend the application period or to delay reimbursement until it is certain that all reimbursable costs have been incurred.

For further information or assistance, contact John F. Goryl, Associate Counsel, (717) 780-3880, jgoryl@phfa.org.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 05-573. Filed for public inspection March 25, 2005, 9:00 a.m.]

2005 Homeownership Choice Programs and Mandatory Preapplication Seminars

The Housing Finance Agency (Agency) has set aside funds to continue the PHFA Homeownership Choice Programs (HCP).

In 2005, HCP will fund development of new single family homes for purchase in urban communities through (HCP-HCI). In addition, the Agency is providing continued funding for Neighborhood Revitalization Initiative (HCP-NRI), which offers funding for the substantial rehabilitation of vacant housing and construction of in-fill homes as a part of a municipality's comprehensive approach to increase the net investment in housing in urban areas while building mixed-income communities and encouraging diversity of homeownership (HCP-NRI). In addition, the Agency is continuing its mixed use facility financing in commercial corridors of this Commonwealth (HCP-MUFFI).

To date, approved proposals for funding under each of these initiatives have combined HCP funds with many various municipal, State and Federal program funding, as well as private moneys and commercial development activities.

This year, the Agency has three separate, but related, Requests for Proposals (RFPs) inviting applications for HCP. All HCP proposals must be based upon the requirements set forth in the specific RFP for HCP-HCI, HCP-NRI or HCP-MUFFI. Note that the criteria for each of the programs has been slightly changed from last year's RFP. All RFPs include specific instructions for applicants, outline the goals of the various initiatives and provide specific timelines for program submissions. The complete RFPs are available on Agency's website at www.phfa.org.

At least one member of the principal sponsor of each HCP application must attend an informational seminar at the offices of the Agency at 211 N. Front Street, Harrisburg, PA. Any proposed application which is not represented at one of the preapplication seminars will be rejected. The seminars will be held on May 26, 2005, June 7, 2005, and June 15, 2005, as follows:

HCP-MUFFI
HCP-HCI
HCP-NRI

1 p.m.—3 p.m.
9:30 a.m.—11:30 a.m.
9:30 a.m.—11:30 a.m.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 05-574. Filed for public inspection March 25, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 10, 2005, and announced the following:

Regulations Approved

Pennsylvania Public Utility Commission #57-227A: Regarding Preservation of Records (amends 52 Pa. Code Chapters 57 and 59)

Pennsylvania Public Utility Commission #57-232: Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunications Companies (adds 52 Pa. Code Chapter 63, Subchapter N)

Department of Corrections #19-6: Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs (amends 37 Pa. Code Chapters 91, 93 and 94)

Coal and Clay Mine Subsidence Insurance Board #7-389: Mine Subsidence Fund (amends 25 Pa. Code Chapter 401)

Regulation Disapproved

Environmental Quality Board #7-394: Storage, Handling and Use of Explosives (amends 25 Pa. Code §§ 211.101, 211.111, 211.113 and 211.115)

Approval Order

Public Meeting held
March 10, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by phone

Pennsylvania Public Utility Commission—Regarding Preservation of Records; Regulation No. 57-227A

On February 8, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapters 57 and 59. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation adds a 20-year retention period for “journal vouchers and journal entries” for electric and natural gas distribution companies. This requirement was inadvertently omitted from the PUC’s final amended regulation #57-227; Electric and Gas Utilities Record Retention (IRRC #2339). This amendment will

make the PUC’s recordkeeping requirements consistent with the recommendations of the original working group.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa. C.S.A. §§ 501(b) and 1501) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 10, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by phone

Pennsylvania Public Utility Commission—Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunications Companies; Regulation No. 57-232

On March 18, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds 52 Pa. Code Chapter 63, Subchapter N. The proposed regulation was published in the April 3, 2004 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on October 15, 2004. On November 17, 2004, the PUC withdrew the final-form regulation. On February 8, 2005, the PUC resubmitted the final-form regulation with further revisions.

The final-form regulation establishes procedures and standards to be followed when a local service provider exits the market.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S.A. §§ 501(b) and 1501) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 10, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by phone

Department of Corrections—Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs; Regulation No. 19-6

On June 2, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Corrections (Department). This rulemaking amends 37 Pa. Code Chapters 91, 93 and 94. The proposed regulation was published in the June 12, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 4, 2005.

This regulation amends existing provisions relating to the operation and administration of state correctional institutions and facilities and release and prerelease programs.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 186) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 10, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by phone

Coal and Clay Mine Subsidence Insurance Board—Mine Subsidence Fund; Regulation No. 7-389

On February 25, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Coal and Clay Mine Subsidence Insurance Board (Board). This rulemaking amends 25 Pa. Code Chapter 401. The proposed regulation was published in the March 6, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 4, 2005.

This final-form regulation removes dynamic provisions of an insurance policy, such as coverage limits, premium surcharges and policy durations, from the regulations because those provisions are included in the individual insurance policies. It also adds and amends definitions and revises the effective date of the insurance coverage.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. § 3219) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Disapproval Order

Public Meeting held
March 10, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by phone, dissenting

Environmental Quality Board—Storage, Handling and Use of Explosives; Regulation No. 7-394

On February 8, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code §§ 211.101, 211.111, 211.113 and 211.115. Notice of proposed rulemaking was omitted for this regulation.

This regulation amends the procedures, requirements and standards for explosive storage facilities to deter the theft of explosives. It is being promulgated as a result of the combined efforts of the Department of Environmental

Protection (DEP), Pennsylvania State Police and Governor's Office of Homeland Security.

We commend these agencies for recognizing the need to improve security and taking the lead to address this issue. We agree there is a need to augment security to protect the public. Regrettably, this regulation fails to meet several of the criteria set forth in the Regulatory Review Act.

Direct costs to the private sector (71 P. S. § 745.5b(b)(1)(i))

This regulation will impose large costs directly on the regulated industries, without allowing them sufficient time to budget for those costs. The Board projects total costs of about \$5.7 million to construct the security measures. It did not estimate recurring costs for requirements such as daily inspections. The regulated industry contends that construction costs will be \$34 million and annual recurring costs will be between \$7 and \$40 million.

It is impossible for us to accurately predict the economic and fiscal impacts of this regulation since the universe of potential "alternatives" is uncharted and unknown. The Board needs to further clarify the criteria that will be used to approve alternatives so that licensees can select cost-effective means of compliance.

Adverse effects on prices of goods and services and competition (71 P. S. § 745.5b(b)(1)(ii))

The significant costs of this regulation will be passed on to the users of explosives and fireworks, resulting in an adverse effect on the prices of goods and services. The added costs of this regulation are likely to place Pennsylvania businesses at a competitive disadvantage with similar businesses in other states that are not subject to similar requirements. Therefore, the Board should consider revisions to the regulation to mitigate these costs.

Desirability and feasibility of setting lesser standards of compliance for small business (71 P. S. § 745.5b(b)(1)(v))

We believe the Board should consider lower standards for compliance for the fireworks industry. Many manufacturers and distributors of fireworks in Pennsylvania are either small businesses or hobbyists who produce holiday displays for small towns. The costs of the strict security measures may prove to be prohibitive for many of them. The black powder used in their products entails only a minimal security risk when compared to explosives used in the construction or mining industries. Furthermore, black powder is readily available for purchase from retail stores. In contrast, the relatively small quantity of black powder contained in most fireworks can only be retrieved after a great deal of effort. The Board should revisit this issue and adopt lesser standards that will still preserve the balance between the safety of the public and promotion of small business.

Protection of the public health, safety and welfare (71 P. S. § 745.5b(b)(2))

This regulation may have an inadvertent but detrimental impact on the public health, safety and welfare. If the cost of storing explosives or fireworks in Pennsylvania becomes unaffordable, transportation of explosives may increase. Licensees may strive to reduce costs by either reducing the number of storage sites or moving out-of-state. This could necessitate shipment of this material across state lines or for longer distances. In turn, a greater threat to the public safety could result from an increased vulnerability to theft and risk of accidents.

We also find that the required barriers may present a safety hazard to employees. In the event of a fire or other catastrophic event, employees must have several avenues of escape. However, if they could not reach the access point, the concertina razor wire would be impassable. The Board needs to consider both of these safety concerns as it revises the regulation.

Clarity and lack of ambiguity (71 P. S. § 745.5b (b)(3)(ii))

Sections 211.115(d)(3) and (d)(4) state that the security system "shall obstruct, to the greatest extent possible" unauthorized access by wheeled vehicles or by unauthorized persons (relating to inner barriers for high explosives and detonators). To meet this standard, the regulation prescribes specific physical requirements for two barriers including concertina razor wire for the inner barrier. The regulation also gives DEP the discretion to approve alternatives that are equivalent to these specific requirements.

The regulation does not establish criteria for acceptable alternatives. Hence, regulated parties have no notice of what other security measures DEP will approve in lieu of the prescriptive measures. Without clear and unambiguous standards, licensees are left without guidance or direction in developing equivalent site protection.

For instance, the regulation relies almost exclusively on physical measures. Electronic surveillance or intrusion detection systems provide a different type of security. Unlike physical barriers, such as boulders and concertina wire, electronic systems do not "obstruct" unauthorized entry. However, they can be designed to immediately alert the appropriate parties of an attempted theft. There is no indication in the regulation of how DEP will evaluate electronic systems and determine whether they provide an equivalent or greater level of security compared to physical barriers designed to "obstruct" entry.

Also, the determination of what constitutes "the greatest extent possible" is subjective and, therefore, completely within the discretion of DEP. Regulated parties have no advance notice of what is financially or technically possible in order for their plans to pass muster. DEP touts this language as "flexible." We find it vague, since it could be applied inconsistently.

If electronic surveillance or intrusion detection systems would be acceptable alternatives, then the basic terms, standards and prerequisites for them should be included in the regulation. This would not only provide the regulated community with clear direction but, more importantly, would enable it to comply with the new requirements in both an expeditious and cost-effective manner.

Reasonableness of requirements, implementation procedures and timetables for compliance (71 P. S. § 745.5b(b)(3)(iv))

Although there is a definite need for security in the storage of explosives and black powder, we question the reasonableness of this regulation. The Board claims that this regulation is necessary to prevent thefts of explosives. To support this claim, the Board cites nine explosive thefts between March and December of 2003, based on statistics from the Bureau of Alcohol, Tobacco and Firearms, United States Department of Justice (ATF). According to these figures, Pennsylvania had the highest

number of thefts of any of the 50 states during this period. However, the regulation would not have prevented five of those thefts, which resulted from employee theft and poor inventory control. Only four of the nine thefts involved forced entry (breaking of locks or doors).

Currently no perimeter barriers are mandated for high explosive storage facilities. This regulation will require two perimeter barriers. We note that neither the ATF nor other states have any similar requirements for one or two physical barriers on the perimeters of explosives storage sites. Also, DEP is not aware of any draft regulations proposed by ATF or neighboring states with similar requirements for physical barriers. We believe a one-perimeter barrier would be sufficient to impede intrusion by both vehicles and humans.

We also question why the implementation schedule in this regulation is based on the date a plan is submitted. The date a plan is submitted starts the time periods for implementation specified in Section 211.115(e) which include 180 days to implement either outer or inner perimeter security requirements. However, there is no time limit placed on DEP to approve the plan during this 180-day period. Furthermore, if a licensee requests an alternative, even more lead time for implementation could be lost. We recognize that there is a provision for a time extension, but that request must be filed with the initial plan. To insure that licensees have a reasonable amount of time to comply, the time period for implementation should begin with DEP approval of the plan, not the date the plan is submitted.

We have determined this regulation is consistent with the statutory authority of the Board (73 P. S. § 161 and 71 P. S. § 751-35) and the intention of the General Assembly. However, after considering all of the other criteria of the Regulatory Review Act discussed previously, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

This regulation is disapproved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-575. Filed for public inspection March 25, 2005, 9:00 a.m.]

Notice of Filing of Final Rulemakings

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

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-489	State Board of Funeral Directors Continuing Education	3/11/05
16A-4614	State Board of Dentistry Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia	3/11/05

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-4615	State Board of Dentistry Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II	3/11/05
16A-5313	State Board of Osteopathic Medicine Continuing Medical Education	3/11/05

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-675	State Board of Occupational Therapy, Education and Licensure Oral Orders	3/11/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-576. Filed for public inspection March 25, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania; Access Care II Community Rated Group; Rate Filing

On March 15, 2005, Blue Cross of Northeastern Pennsylvania submitted rate filing No. 940-ACHCR-HOSP-07/05 requesting the Insurance Department's (Department) approval to increase the current approved rates for the Blue Cross Community Rated Program. The proposed increase is 33.87%.

The projected number of contracts during the July 1, 2005, to September 30, 2006, period is approximately 18,225. The proposed increase will generate additional annual revenue of \$16.7 million. An effective date of July 1, 2005, is requested.

Blue Cross of Northeastern Pennsylvania also proposes to make the following benefit changes: Skilled Nursing Facility, Hospice, Home Health Care and Home Infusion, Private Duty Nursing, Family Deductible and Coinsurance and Deductible Carryover, Bony Impacted Wisdom Teeth, and Inpatient Rehab Long-Term Therapy, Emergency Room Copay options. Included in these changes are:

- Changing Skilled Nursing Facility from 100 to 60 days/calendar year.
- Changing Home Health Care from unlimited visits to 100 days/calendar year.
- Changing from a 2x to 3x family deductible and coinsurance.
- Removing Bony Impacted Wisdom Teeth.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance

Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-577. Filed for public inspection March 25, 2005, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Employer Group Size 2-50 Community Group; Rate Filing

On March 14, 2005, the Insurance Department (Department) received a filing from Blue Cross of Northeastern Pennsylvania to increase the current approved hospital rates by 11.99% for the Blue Cross Community Rated Product. The proposed effective date is July 1, 2005. This filing will impact approximately 12,000 contracts and generate additional revenue of \$4.54 million.

Unless formal administrative action is taken prior to June 8, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions, or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-578. Filed for public inspection March 25, 2005, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Major Medical Community Rated Group; Rate Filing

On March 15, 2005, Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield submitted rate filing No. 939-MMCR-07/05 requesting the Insurance Department's (Department) approval to increase the current approved rates for the Community Rated Major Medical Program. The proposed changes are 10.16% for the Major Medical Program which includes the pharmacy benefit and 14.64% which excludes the pharmacy benefit.

The projected number of contracts during the July 1, 2005, to September 30, 2006, period is approximately 14,920. The proposed increase will generate additional annual revenue of \$3.2 million. An effective date of July 1, 2005, is requested.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-579. Filed for public inspection March 25, 2005, 9:00 a.m.]

Viatical Settlement Broker License Testing Requirements for Licensed Life Insurance Producers; Notice 2005-04

Under section 11(3) of the Viatical Settlements Act (40 P. S. § 626.11(3)) to "establish appropriate licensing requirements," the Insurance Department (Department) issues this notice with regard to the prelicense testing requirements for licensure as a viatical settlement broker. In light of the National Association of Insurance Commissioners' June 2004 adoption of the Model Viatical Settlement Regulation, the Department will amend its current licensing requirements for certain individuals seeking licensure as viatical settlement brokers.

Specifically, this notice is issued to advise that, effective April 1, 2005, the Department will no longer require separate testing to obtain a viatical settlement broker license if the applicant is licensed by this Department as a resident or nonresident insurance producer with Life line of authority as defined in section 601-A of The Insurance Department Act of 1921 (40 P. S. § 310.1), and has been licensed with a Life line of authority in this or any other state for at least 1 full year immediately prior to applying for the viatical settlement broker license.

Although licensed life insurance producers will no longer be required to take a prelicensing examination to obtain a viatical settlement broker license, they are still required to apply for and obtain a viatical settlement broker license before engaging in the business of viatical settlements as a viatical settlement broker. The Department will approve or deny a completed viatical settlement broker application that is submitted electronically by a qualified licensed life insurance producer within 30-calendar days of receipt of the application, or the application shall be deemed approved. The Department will begin accepting viatical settlement broker license applications electronically through SIRCON at www.sircon.com in May 2005. Until that time, applications must be submitted in hard copy format.

The Department will implement this testing exemption for all applications for licensure as a viatical settlement broker received after April 1, 2005, and applicants wanting to take advantage of the testing exemption should ensure that they complete the most recent version of the viatical settlement broker application form containing a section for indicating that the applicant possesses a valid resident or nonresident insurance producer license issued

by the Department with a Life line of authority. This modified application form will be posted on the Department's website at www.insurance.state.pa.us upon publication of this notice.

Questions regarding this notice should be addressed to Jack Yanosky, Director, Bureau of Procedure Licensing, Insurance Department, 12th Floor, Strawberry Square, Harrisburg, PA 17120.

RONALD A. GALLAGHER, Jr. P. E.,
*Deputy Insurance Commissioner for the
Office of Consumer and Producer Services*

[Pa.B. Doc. No. 05-580. Filed for public inspection March 25, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Luzerne County, Wine & Spirits Shoppe #4002, Wilkes-Barre.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space north of Route 309 and west of Scott Street, Wilkes-Barre.

Proposals due: April 15, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Matthew L. Sweeney, (717) 657-4228
JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-581. Filed for public inspection March 25, 2005, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), announces a meeting of the Authority's 11 member board on Monday, April 4, 2005, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 05-582. Filed for public inspection March 25, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Request for Proposals to Conduct a Stratified Management and Operations Audit; Doc. Nos. D-05MGT002, D-05MGT003 and D-05MGT004

The Pennsylvania Public Utility Commission (Commission) will soon be seeking a consulting firm to conduct the Stratified Management and Operations Audit (Management Audit) of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company (collectively the FirstEnergy companies operating in this Commonwealth). Management Audits are periodically required of certain utility companies under 66 Pa.C.S. § 516(a) (relating to audits of certain utilities). The Commission's general administrative power and authority to supervise and regulate all public utilities in this Commonwealth is in 66 Pa.C.S. § 501(b) (relating to general powers).

A Request for Proposals (RFP) will be prepared and issued by the Commission in the very near future and will be posted on the Commission's website at www.puc.state.pa.us under the Announcement section. It is anticipated that the Management Audit will begin in July 2005 and that the consultant's final report will be completed by April 2006. A bidders' conference will be held to answer specific questions about the project and may be scheduled as early as the beginning of April 2005. The exact date of the bidders' conference will be announced in the RFP cover letter to be posted on the Commission's website. Questions related to the release of the RFP should be directed to George Dorow, (412) 820-2600, fax (412) 820-2607, gdorow@state.pa.us.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-583. Filed for public inspection March 25, 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 18, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00121579. Classy Cab Company, Inc. (Sheraton Hotel/Northwest, 910 Sheraton Drive, Mars, Butler

County, PA 16046), a corporation of the Commonwealth—persons, upon call or demand, in the City of Pittsburgh, Allegheny County; subject to the following conditions: that no right, power or privilege is granted to provide service from points in the Cities of McKeesport and Duquesne, the Boroughs of White Oak, Versailles, East Pittsburgh, East McKeesport, Wilmerding and Wall and the Townships of North Versailles, Allegheny County, and the Cities of New Kensington, Arnold and Lower Burrell, Westmoreland County, to the City of Pittsburgh, Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00117078 to Personal Transport, Inc. t/d/b/a PT Transport, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Application of the following for approval to begin operating as common carriers for the transportation of persons as described under the application.

A-00107205, F.3 (Corrected). Gold Cross Limousine of Pa., Inc. (26 Sexton Street, Struthers, OH 44471)—persons in group and party service, using vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Lawrence and Mercer, and from points in said counties to points in Pennsylvania, and return. *Attorney:* John A. Pillar, Esquire, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-584. Filed for public inspection March 25, 2005, 9:00 a.m.]

Telecommunications

A-310752F7001. Verizon North Inc. and MCI Metro Access Transmission Services LLC. Joint petition of Verizon North Inc. and MCI Metro Access Transmission Services LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and MCI Metro Access Transmission Services LLC, by its counsel, filed on February 23, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and MCI Metro Access Transmission Services LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-585. Filed for public inspection March 25, 2005, 9:00 a.m.]

Telecommunications

A-310547F7000. Verizon Pennsylvania Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove). Joint petition of Verizon Pennsylvania Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove) for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-586. Filed for public inspection March 25, 2005, 9:00 a.m.]

Telecommunications

A-311103F7000. Verizon Pennsylvania Inc. and TelCove Investment, (LLC f/k/a Adelpia Business Solutions Investments, LLC.) Joint petition of Verizon Pennsylvania Inc. and TelCove Investment, (LLC f/k/a Adelpia Business Solutions Investments, LLC) for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TelCove Investment, LLC (f/k/a Adelpia Business Solutions Investments, LLC), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and TelCove Investment, LLC (f/k/a Adelpia Business Solutions Investments, LLC) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-587. Filed for public inspection March 25, 2005, 9:00 a.m.]

Telecommunications

A-310378F7000. Verizon Pennsylvania Inc. and TelCove of Eastern Pennsylvania f/k/a PECO Adelpia Communications, f/k/a PECO TelCove). Joint petition of Verizon Pennsylvania Inc. and TelCove of Eastern Pennsylvania (f/k/a PECO Adelpia Communications, f/k/a PECO TelCove) for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TelCove of Eastern Pennsylvania (f/k/a PECO Adelpia Communications, f/k/a PECO TelCove), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and TelCove of Eastern Pennsylvania (f/k/a PECO Adelpia Communications, f/k/a PECO TelCove) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-588. Filed for public inspection March 25, 2005, 9:00 a.m.]

Telecommunications

A-310470F7000. Verizon Pennsylvania Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelpia Business Solutions of Pennsylvania, Inc.) Joint petition of Verizon Pennsylvania Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelpia Business Solutions of Pennsylvania, Inc.) for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelpia Business Solutions of Pennsylvania, Inc.), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon Pennsylvania Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelpia Business Solutions of Pennsylvania, Inc.) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-589. Filed for public inspection March 25, 2005, 9:00 a.m.]

Telecommunications

A-310923F7000. Verizon Pennsylvania Inc. and TelCove Operations, Inc. (f/k/a Adelpia Business Solutions Operations, Inc.) Joint petition of Verizon Pennsylvania Inc. and TelCove Operations, Inc. (f/k/a Adelpia Business Solutions Operations, Inc.) for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TelCove Operations, Inc. (f/k/a Adelpia Business Solutions Operations, Inc.), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and TelCove Operations, Inc. (f/k/a Adelpia Business Solutions Operations, Inc.) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-590. Filed for public inspection March 25, 2005, 9:00 a.m.]

Water Service

A-212285F0121. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Lehman Township, Pike County, and Middle Smithfield Township, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 11, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company
Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-591. Filed for public inspection March 25, 2005, 9:00 a.m.]

Water Service

A-212285F0122. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Big Beaver Borough, Beaver County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 11, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company
Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-592. Filed for public inspection March 25, 2005, 9:00 a.m.]

Water Service

A-212955F0015. Superior Water Company, Inc. Application of Superior Water Company, Inc. for approval to: 1) acquire the public water system assets of JRP Development Ltd. in the Ivy Ridge Development; and 2) begin to supply water service to the public in a portion of Upper Frederick Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 11, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Superior Water Company, Inc.
Through and By Counsel: Louise A. Knight, Esquire, and David P. Zambito, Esquire; Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-593. Filed for public inspection March 25, 2005, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Natalie DiCianno; Doc. No. 0967-45-01

On March 11, 2005, Natalie DiCianno, license no. CB-098246-L, of Philadelphia, Philadelphia County, was suspended for violating a lawful order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 05-594. Filed for public inspection March 25, 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

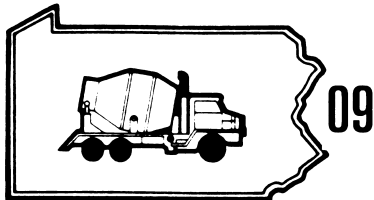
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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

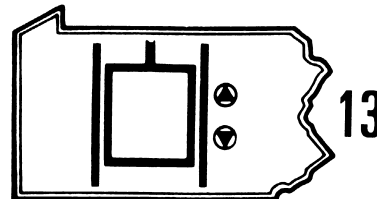
SERVICES



Construction & Construction Maintenance

MI-892 Diehm South Parking Lot - Rebid Millersville University of the PASSHE. BRIEF DESCRIPTION: modification and expansion to an existing parking area to create a new parking layout with additional spaces. Work includes, but is not limited to parking/traffic control; demolish a portion of existing pavement; mill a portion of existing pavement; excavation and re-grading; above-ground detention pond; new storm water utilities; new asphalt pavement and overlay; concrete and bituminous cubing; concrete sidewalks, line marking; new electrical conduit and wiring; installation of new light poles; site restoration. ESTIMATED RANGE: \$177,750 TO \$197,500. General Construction and Electrical Construction. BIDDING DOCUMENTS REQUEST will be accepted on-line at http://muweb.millersville.edu/~purchasecurrent_bid_opportunities.html. The cost is \$60.00 per set non-refundable, payable to: Millersville University. The requestor is responsible for the cost of special mailing requests of the bidding documents. PRE-BID/SITE VISIT 04/05/05, 10:00 a.m., Palmer Building PROPOSAL DUE DATE 04/21/05, 2:00 p.m.

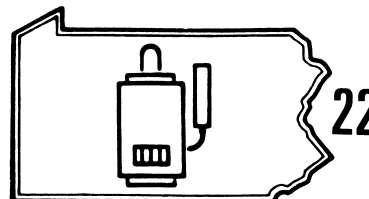
Department: State System of Higher Education
Location: <http://muweb.millersville.edu/~muonline/direction.html>
Duration: 60 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman, (717) 871-5622 fax



Elevator Maintenance

CN00013825 Elevator Maintenance Service. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing the Procurement Agent below or by calling 570-587-7292. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Bid Packages cannot be faxed.

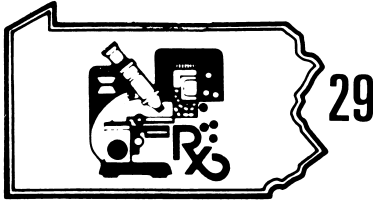
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 1, 2005 through June 30, 2010
Contact: Barbara Masko, (570) 587-7292



HVAC Services

CN00013826 Refrigeration and Air Conditioning Services. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing the Procurement Agent below or by calling 570-587-7292. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Bid packages cannot be faxed.

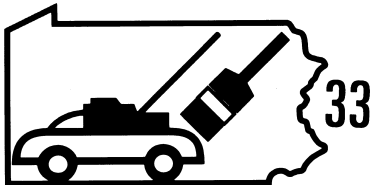
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 1, 2005 through June 30, 2010
Contact: Barbara Masko, (570) 587-7292



Medical Services

12766 Seeking medical treatment and care for our approximately 350 residential students at S.S.V.C. This service is required when students are on campus (mid August through the first week in June). Services include, but are not limited to, providing daily "sick call" visits to campus Monday through Friday; providing physical examinations, particularly for athletes; performs minor surgery; provides on-call examinations, particularly for athletes; performs minor surgery; provides on-call service and assistance to our registered nurses concerning medical care, if necessary. Contract will be a four-year option to renew by mutual agreement.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: July 1, 2005 - June 30, 2006 (with a 4-year renewal option)
Contact: Marion E. Jones, (717) 264-7187, Ext. 661



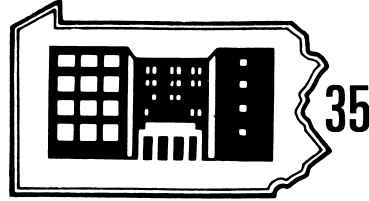
Property Maintenance

CN00013828 Window Washing Services. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing the Procurement Agent below or by calling 570-587-7292. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 1, 2005 through June 30, 2010
Contact: Barbara Masko, (570) 587-7292

62-0105 West Chester University of the State System of Higher Education is soliciting sealed bids for Carpet Replacement, South Campus Apts. The work consists of replacing approximately 23,900 sq. ft. of broadloom carpet and cove base in 32 apartments.

Department: State System of Higher Education
Location: 846 S. Campus Drive, West Chester, PA 19383
Duration: Work to be completed between May 9, 2005 and August 14, 2005
Contact: Barb Cooper, (610) 436-2706



Real Estate Services

(1) 098472; **(2) 098473** N/A Contemplated Sale of Land No Longer Needed for Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. 513(e)(7), intends to sell certain land owned by it. The following properties are available for sale by the Department. 1) Allegheny Township, Blair County. Parcel #1 contains 7258 square feet of unimproved land situated at the intersection of Pound Lane and Old Route 220 North Business, Duncansville, PA 16635. Estimated fair market value is \$4,200.00. 2) Allegheny Township, Blair County. Parcel #2 contains 33,051 square feet of unimproved land situated at 2290 Old Route 220, North Business, Duncansville, PA 16635. Estimated fair market value is \$200,000.00. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Thomas E. Prestash, P.E., District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

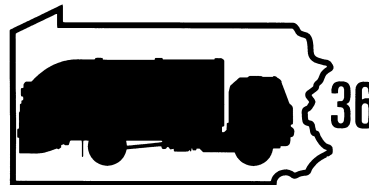
Department: Transportation
Location: District 9-0. 1620 North Juniata Street, Hollidaysburg, PA 16648
Duration: N/A
Contact: Barry E. Clancy, (814) 696-7211

93820 LEASE OFFICE/LAB SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Education with 5,077 useable square feet of Office/Lab space in Dauphin County, PA. with a minimum parking for 31 vehicles, within 10 miles of the City of Harrisburg. Downtown locations will be considered. For more information on SFP #93820 which is due on April 11, 2005 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP document or call (717) 787-0952.

Department: Education
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952

93798 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 33,513 useable square feet of office space in Lancaster County, PA. with a minimum parking for 0 vehicles, within the following boundaries: North: King Street; South: Lancaster City Line; East: Queen Street; West: Lancaster City Line. Downtown locations will be considered. For more information on SFP #93798 which is due on April 25, 2005 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP document or call (717) 787-0952.

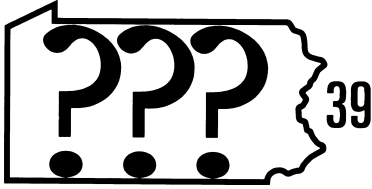
Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952



Sanitation

CN00013827 Sludge Removal Services. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing the Procurement Agent below or by calling 570-587-7292. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 1, 2005 through June 30, 2010
Contact: Barbara Masko, (570) 587-7292



Miscellaneous

#2004-05 Thaddeus Stevens College of Technology is soliciting proposals to have the reconditioning of football helmets and shoulder pads and the cleaning and repairing of uniforms after football games in the 2005 season.

Department: State System of Higher Education
Location: 750 E. King St., Lancaster, PA 17602
Duration: Bid Opening 4/18/05 9:00am
Contact: Nancy Froeschle, (717) 299-7787

0240-030705 Storage and distribution services for the PHMC Book Store publications. Services will include but not limited to the following: inventorying, warehousing, electronic order processing, selection and order fulfilling, packing and mailing publications. All proposals are due Monday, April 4, 2005 at 2:00 p.m. Bid opening will be held at the PHMC, The State Museum Building, 300 North Street, Room 529, Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Archives and History, Division of Publications and Sales, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120
Duration: July 1, 2005 to June 30, 2008 with two one-year renewal options.
Contact: Suzanne Schmitt, (717) 787-9085

13355-04 Conduct particulate Emission, Nox Emission, Opacity and Particle size testing on three (3) Coal fired boilers located at the State Correctional Institution at Muncy, according to EPA/DEP requirements of 40 EFR, Part 60, Appendix A., reference test method 5. A mandatory Site visit will be required for bidding. Questions on bid specifications can be directed to Mr. Gerald Hering at (570) 546-3171, ext: 264.

Department: Corrections
Location: State Correctional Institution at Muncy, Route 405, P.O. Box 180, Muncy, PA 17756
Duration: 1-3 months
Contact: Cindy Lyons, (570) 546-3171, ext 373

[Pa.B. Doc. No. 05-595. Filed for public inspection March 25, 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

NOTICES

DEPARTMENT OF PUBLIC WELFARE

Nursing Facility Assessment Program

The act of September 30, 2003 (P. L. 169, No. 25) (Act 25),¹ known as the Nursing Facility Assessment Law, directs the Department of Public Welfare (Department) to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007. See sections 802-A and 815-A of Act 25 (62 P. S. §§ 802-A and 815-A).

Act 25 was enacted to enable the Department to continue to assure the availability of long-term care facility services to indigent persons under the Medical Assistance (MA) Program. Since 2001, the number of individuals eligible for MA services in this Commonwealth has grown dramatically. The Department projects that 1.8 million persons will be enrolled in the MA Program in the next fiscal year compared to 1.4 million in Fiscal Year (FY) 2001-2002, an increase of 29%. The average cost of MA benefits has also climbed at an alarming rate. In the past 3 years, costs have risen by approximately \$500 million per year, due principally to the cost of medical services rendered to the elderly and disabled populations. Although the elderly and disabled represent only 1/3 of the MA population, the MA long-term care services provided to these individuals now consume more than 70% of the \$15 billion MA Program budget. The Department expects that long-term care costs will continue to rise in future years.

The increase in the cost of publicly funded healthcare has outpaced the growth in State revenue. To compensate for the lack of general fund revenue, the Commonwealth has aggressively pursued alternative sources of funding for the MA Program. One source to which the Department has traditionally turned to supplement general revenue funds has declined and will soon be depleted. Since 1991, the Department has used Intergovernmental Transfer (IGT) funds to claim approximately \$6.778 billion in additional Federal matching grants to support the MA Program. The Commonwealth's ability to use the IGT mechanism to offset MA Program spending requirements was curtailed in 2000 when Congress amended Federal law to require states to phase out their IGT Programs. As a direct result of these amendments, the Commonwealth's IGT revenues have been reduced by more than 50%, from \$820 million in FY 2001-2002 to \$405 million in FY 2005-2006. By FY 2008-2009, the Commonwealth's existing IGT Program will be phased out entirely and this revenue source will be exhausted.

Given the significant increases in eligible recipients and service costs coupled with the sharp declines in traditional funding sources, the Department estimated a shortfall of available funding for MA nursing facility services of \$320.407 million in FY 2003-2004 and \$315.208 million in FY 2004-2005. The Department also projected continuing shortfalls in future fiscal years. Therefore, absent a new source of revenue to address the significant ongoing funding crisis, the Department determined that it would be necessary to restrict eligibility for long-term care services, decrease benefit levels or reduce nursing facility and other provider payment rates. In June 2003, the Department announced its intent to reduce nursing facili-

ty payment rates by approximately 12% effective July 1, 2003. To forestall rate reductions and to avoid significant changes in eligibility or covered services, or both, the General Assembly passed Act 25 to enable the Commonwealth to qualify for a new source of increased Federal funds.

The express purpose of Act 25 is to ensure that MA recipients "have access to medically necessary nursing facility services" by generating additional State and Federal matching funds. See section 802-A of Act 25. To achieve this purpose, Act 25 requires that all State and Federal revenues collected under the Assessment Program be deposited into a restricted account and used exclusively to maintain and increase MA payments to MA nursing facility providers. See sections 806-A and 813-A of Act 25 (62 P. S. §§ 806-A and 813-A).

Act 25 specifies that the Department implement an Assessment Program "only to the extent that the revenues generated therefrom will qualify as the State share of [MA] program expenditures eligible for Federal financial participation." See section 803-A of Act 25 (62 P. S. § 803-A). To guarantee that the assessment amounts qualify for matching Federal funds, Act 25 directs the Department to seek waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as may be necessary to implement the Assessment Program in conformity with Federal law. See section 812-A of Act 25 (62 P. S. § 812-A).

Generally, under Federal law, for the state revenue collected under an assessment program to qualify for Federal matching funds, a state must implement its program on both a uniform and a broad-based basis, that is, all nonpublic entities must be assessed in the same amount or at the same rate. See 42 CFR 433.68 (relating to permissible health care-related taxes after the transition period). Federal law permits the CMS to waive the uniform and broad-based requirements so long as a state demonstrates that its assessment program meets certain mathematical formulas specified in Federal regulations and that the program does not hold assessed entities indirectly or directly harmless. See 42 CFR 433.72 (relating to waiver provisions applicable to health care-related taxes).

As authorized by Act 25, the Department submitted a request to the CMS on September 30, 2003, seeking a waiver of both the uniform and broad-based requirements. In this initial submission, the Department requested approval to implement an Assessment Program that would have: (i) exempted all nursing facilities that are not MA nursing facility providers and all public nursing facilities from payment of the assessment; and (ii) assessed all other nursing facilities at varying rates depending upon their MA occupancy.

The CMS advised the Department that it would not approve the Department's proposed Assessment Program or any other proposal that would completely exempt non-MA facilities or private-pay days or private-pay revenues from the assessment. Thereafter, the Department engaged in extended discussions with the CMS over 15 months, during which time the Department developed and evaluated multiple alternative assessment models. Throughout this process, the Department's goal was to design an Assessment Program that would comply with applicable State and Federal law within two basic parameters: First, the Assessment Program must result in

additional State and Federal funding essential to ensure that MA recipients continue to have access to medically necessary nursing facility services as required by law. Second, the Assessment Program should minimize the number of nursing facilities adversely impacted by the assessment and the extent of the impact.

In developing the various alternative models, the Department reviewed and considered the methodologies and exemptions included in other state provider tax or assessment programs the CMS had already approved. The Department also compared the projected assessment costs that would be imposed under each model with the estimated additional payments that would be made from the assessment revenues collected on both an individual nursing facility and aggregate basis. Among the various alternative models, the Department evaluated the consequences of assessing nursing facilities on a broad-based and uniform basis. The Department determined that a broad-based and uniform program would result in a greater negative financial impact to the nursing facility industry overall and would adversely affect more facilities on an individual facility basis than a model that accounted for different classes of nursing facilities.

Ultimately, the Department developed an Assessment Program that addressed all of the concerns raised by the CMS and that also met the Department's basic design parameters. First, under the Assessment Program, the Department will raise sufficient revenue to maintain MA case-mix payment rates and to provide additional payment increases to MA nursing facility providers in the form of supplemental payments. While not every licensed nursing facility participates in the MA Program, MA nursing facility providers account for 94% of all licensed nursing facility beds operating and provide 96% of the days of care delivered to nursing facility residents in this Commonwealth. The Department determined that, by maintaining and increasing MA payment rates to facilities that provide the vast majority of nursing facility services to Commonwealth residents, the Assessment Program, as designed, will not only assure that MA recipients will continue to have access to medically necessary nursing facility services but will also benefit the consumers, the nursing facility industry and this Commonwealth as a whole.

Second, under the Assessment Program, the Department will recognize distinctions among nursing facilities by including provisions similar to those included in other approved state programs. These provisions allow for varying assessment rates depending on the size of the nursing facility or whether it is part of a licensed continuum of care. The Department determined that by varying the assessment rates to account for these differences, the Assessment Program, as designed, will minimize the overall and individual adverse financial consequences to nursing facilities while still conforming to the Federal requirement that assessed facilities may not be directly or indirectly held harmless from the effects of the Assessment Program.

On January 5, 2005, the CMS approved the Department's assessment proposal, including its request for waiver of the uniformity and broad-based requirements.

After receiving the CMS's approval, the Department published a notice in the *Pennsylvania Bulletin* announcing the details of the Assessment Program that the CMS had approved. See 35 Pa.B. 808 (February 5, 2005). In addition, as required by Act 25, the Department also announced its proposed aggregate assessment amount, methodology and assessment rates for FY 2003-2004 and

FY 2004-2005 and invited interested persons to provide comments regarding the proposed Assessment Program. See section 804-A of Act 25 (62 P. S. § 804-A).

Public Comment on the Proposed Assessment Program

Ninety-one commentators submitted comments in response to the Department's notice published at 35 Pa.B. 808. The Department received comments from consumers, family members, representatives of nursing facilities and the four major trade associations that represent nursing facility constituents.

The trade associations were generally supportive in their comments about the Assessment Program. For example, the Pennsylvania Health Care Association, which represents for-profit nursing facilities in this Commonwealth, endorsed the Department's proposed Assessment Program, the assessment methodology, the assessment rates and the amounts as published in the proposed notice. In addition to this general support, however, the Department received comments that opposed the Assessment Program for various reasons or that requested additional clarification or information from the Department. Although the Department has decided, with the approval of the Governor, to implement the Assessment Program as approved by the CMS, the Department considered and took into account all of the public comments it received regarding the Assessment Program. The following is a summary of those comments and the Department's responses.

Comment. Several commentators objected generally to the nursing facility Assessment Program. Chief among those general objections were the assertions that the Assessment Program is unfair to nursing facilities that do not participate in the MA Program and that the Assessment Program is unfair to non-MA eligible individuals residing in nursing facilities.

As to the nonparticipating facilities, the commentators stated that these facilities will not receive any MA payment to offset their assessment costs and cannot enroll in the MA Program to receive any MA payments, due to the Department's current MA enrollment policies, which the commentators characterize as a "moratorium" on nursing facility beds in this Commonwealth. The commentators suggest that the combination of the Assessment Program and the Department's enrollment policies will create a substantial negative financial impact on nonparticipating nursing facilities and will effectively place MA nursing facilities in a better market position. The commentators also suggested that the negative financial impact may bankrupt private nursing facilities or cause them to close operations.

As to the private-pay nursing facility residents, the commentators expressed great concern that nursing facilities will inevitably pass the cost of the assessment to the residents or their families. One commentator noted that the increased resident costs will result in a more rapid depletion of the residents' resources, which, in turn, will result in the residents qualifying earlier for MA. Consequently, according to the commentator, the Department's MA costs will increase as a result of the assessment.

Response. The Department recognizes that a few non-MA nursing facilities and some MA nursing facilities with low MA occupancy rates may have significant assessment liabilities; however, the Department disagrees with the commentators' view that the Assessment Program is unfair.

As previously noted, the Department initially proposed to exempt all non-MA nursing facilities from payment of the assessment. Unfortunately, the CMS viewed this

proposal as creating an illegal "hold harmless" provision. Subsequently, the Department developed various models that included assessment levels with different numbers of beds, different assessment amounts and different exemptions. After considering alternative models, the Department chose the model previously described because it results in the best overall outcome for the Commonwealth.

Although the Assessment Program does not exempt the 105 private licensed nursing facilities that do not participate in the MA Program, the Assessment Program, as designed by the Department and approved by the CMS, minimizes the effect on those facilities by placing the majority of nonparticipating facilities into the lower assessment rate level. Under the Assessment Program, the Department will assess 234 nursing facilities at the lower rate level of \$1.50 per non-Medicare resident day. Of these 234 nursing facilities, 98 are non-MA nursing facilities. The Department will assess the remaining 474 nonexempt nursing facilities at the higher assessment rate level of \$15.91 per non-Medicare resident day. Of these 474 nursing facilities, only 7 are nursing non-MA nursing facilities.

The Department also disagrees with the commentators' suggestions that the Department's enrollment policies do not permit nursing facilities to mitigate the adverse financial effects of the Assessment Program. MA nursing facility providers may increase their MA occupancy levels by admitting more day-one MA eligible recipients. Private nursing facilities that have historically chosen not to provide services to MA recipients may submit an exception request to the Department for approval to enroll in the MA Program, as permitted under 55 Pa. Code § 1187.21a (relating to nursing facility exception requests-statement of policy). Although it is the Department's general policy to limit increases in MA institutional services, the Department enrolls new nursing facility providers whenever the Department determines that there is an MA Program need for additional institutional services.

The Department recognizes that the Assessment Program may ultimately result in some nursing facility residents qualifying for MA nursing facility services earlier if nursing facilities pass along the assessment costs to them through increased private pay rates. The Department does not expect, however, that the increased MA Program costs that may result from the earlier MA conversions will remotely approach the additional revenues and associated benefits to MA recipients that will be achieved through the Assessment Program.

Comment. Several commentators asserted that the assessment structure violates the Uniformity Clause of the Pennsylvania Constitution and is an impermissible retroactive tax.

Response. The plain language and expressed intent of Act 25 make clear that the assessments are not taxes, and therefore, the Assessment Program is not subject to the constitutional uniformity requirements or constitutional restraints on retroactive taxes. The assessment is in the nature of a narrowly structured license fee that ensures that MA recipients have access to medically necessary nursing facility services. The assessment is obtained only from a specific class (nursing facilities), the assessment amounts are placed in a restricted account, and the amounts cannot be used for the general public or to cover the general expenses of the Commonwealth. Once the amounts are collected and the matching Federal financial participation is received, the collected funds will

be redistributed to the vast majority of nursing facilities upon which the assessment is imposed, along with additional Federal matching funds.

Comment. One commentator asserted that the assessment structure violates Title XIX of the Social Security Act (Title XIX).

Response. Although the commentator generally claimed that the Assessment Program violates Title XIX, the commentator did not state how or why the Assessment Program conflicts with the Federal law. For this reason, the Department cannot respond specifically to the commentator's concerns. The Department notes, however, that the CMS is the Federal agency that implements and interprets Title XIX. As previously noted, the CMS worked extensively with the Department in developing the Assessment Program and approved the model described in this notice. Having approved the Department's Assessment Program, the CMS necessarily determined that the Assessment Program complies with Title XIX.

Comment. One commentator requested that the Department specifically commit to use the additional Federal funds for supplemental payments to nursing facilities out of concern that the funds may be used for other purposes.

Response. Act 25 specifically provides that the assessments may be imposed only to the extent that they qualify for Federal matching funds and that moneys from the assessment must be placed in a restricted account and used only to maintain and increase payments for nursing facility services provided by MA nursing facility providers. See sections 803-A and 806-A of Act 25.

Comment. One commentator was concerned that independent nursing facilities may attempt to link with Continuing Care Retirement Communities (CCRC) to qualify for the lower rate of assessment.

Response. The Department agrees with the commentator's concern. Therefore, using information obtained from the Insurance Department and the Department of Health, the Department developed a list of nursing facilities that it will classify as CCRCs for the first two assessment periods of FY 2003-2004, and FY 2004-2005. The Department distributed the list to all nursing facilities by letter dated March 9, 2005, and invited nursing facilities to explain to the Department why they should or should not be considered a CCRC facility for purposes of the assessment. A copy of this letter is available on the Department's website at www.dpw.state.pa.us/omap/provinf/ltc/nsgfacass.asp or by contacting the Department at (717) 787-1171.

For FY 2005-2006, the Department will consider a nursing facility to qualify for the CCRC rate if the nursing facility satisfies the following criteria:

1. The nursing facility is owned or controlled by an entity that is certified as a CCRC by the Insurance Department (for purposes of this guideline, "control" means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise).

2. In addition to being owned and controlled by the certified CCRC entity, the nursing facility must be: (a) located on the CCRC campus; or (b) identified in the CCRC's Disclosure Statement and Resident Agreement under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225) and located no more than 30 miles from the independent living units of the certified CCRC.

A nonexempt nursing facility that does not satisfy the previous guidelines but believes that it otherwise qualifies for the CCRC rate will also be given the opportunity to submit a written request to the Department that it be assessed at the CCRC rate. The written request should include any supporting documentation demonstrating that the nursing facility participates within a licensed CCRC.

Comment. One commentator raised a concern that the Department would implement the Assessment Program prior to the release of the nursing facility payment rates for FY 2004-2005.

Response. The Department intends to issue proposed FY 2004-2005 nursing facility payment rates on or before the date of implementation of the Assessment Program and make associated payments prior to the due date for the FY 2004-2005 assessment payment due dates.

Comment. Several commentators suggested that the Department permit payment plans that extend beyond the statutory payment date to accommodate a nursing facility's financial ability to pay the assessment.

Response. The Department will consider whether to allow payment plans based on the individual circumstances of the particular facility.

Comment. One commentator requested that the Department provide an educational program on the Assessment Program to nursing facilities for the purpose of ensuring the complete exchange of information between the nursing facilities and the Department.

Response. The Department has provided educational programs regarding the Assessment Program. The nursing facilities were provided written educational materials via a letter dated March 9, 2005, which provided access to a user manual as well as a telephonic help line. The Department will provide further educational resources in the near future.

Assessment Methodology and Rates for FY 2003-2004 and FY 2004-2005

After consideration of the various alternative assessment models and the public comments received concerning the proposed model and assessment rates, and in consultation with the Secretary of the Budget and with the approval of the Governor, the Department announces the final nursing facility assessment methodology and rates for FY 2003-2004 and FY 2004-2005.

Nursing facilities will be exempt from payment of the assessment if they fall into any of the following categories:

1. Government owned and operated nursing facilities.
2. Veterans Administration nursing facilities.
3. Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected.

Other licensed nursing facilities will be assessed by the Department every quarter of the fiscal year. The assessment rate for a nonexempt nursing facility for each quarter of the calendar year will be determined as follows:

1. If the nonexempt facility participates within a licensed CCRC or has 50 licensed beds or less, it will be

assessed at \$1.50 per non-Medicare resident day in the calendar quarter preceding the assessment quarter.

2. All other nonexempt nursing facilities will be assessed at \$15.91 per non-Medicare resident day in the calendar quarter preceding the assessment quarter.

Assessment payments are due to the Department on the following dates:

1. FY 2003-2004 assessment payment is due April 29, 2005.
2. Quarters 1 and 2 of FY 2004-2005 are due May 11, 2005.
3. Quarters 3 and 4 of FY 2004-2005 are due May 27, 2005.

These dates, along with supplemental payment dates, are available on the Department's website at www.dpw.state.pa.us/omap/provinf/ltc/nsgfacass.asp. As previously stated, the Department will consider whether to allow payment plans based on the individual circumstances of the particular nursing facility.

Aggregate Assessment Amounts and Fiscal Impact

As a result of the implementation of this Assessment Program, the Department estimates that annual aggregate assessment fees for nonexempt nursing facilities will total \$280,064,899 for FY 2003-2004 and \$277,755,479 for FY 2004-2005. These assessment fees, when combined with Federal matching funds, will enable the Department to maintain rates under the existing case-mix payment methodology (55 Pa. Code Chapter 1187 (relating to nursing facility services)) in FY 2003-2004 and FY 2004-2005 and provide additional supplemental payments to qualified MA nursing facility providers. Absent the additional assessment revenues for these fiscal periods and the projected assessment revenues for the next 2 fiscal years, the Department will be required to adjust payments rates effective July 1 2005, and take other measures as may be necessary based upon the funds available to support long-term care institutional services.

Public Comment

Interested persons are invited to submit written comments regarding the Assessment Program, methodology and rates to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received in response to this notice will be considered in developing the assessment methodology and rates for FY 2005-2006 and FY 2006-2007. See section 805-A of Act 25 (62 P. S. § 805-A).

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-416. No fiscal impact; (8) recommends adoption. This public notice announces the amount and rate of assessment for Fiscal Year 2003-2004 and 2004-2005. Both assessments will occur during Fiscal Year 2004-2005 and are estimated to provide \$557,820,000 in total additional revenue to supplement the Medical Assistance—Long-Term Care Appropriation.

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