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PENNSYLVANIA BULLETIN

Volume 35

Number 15

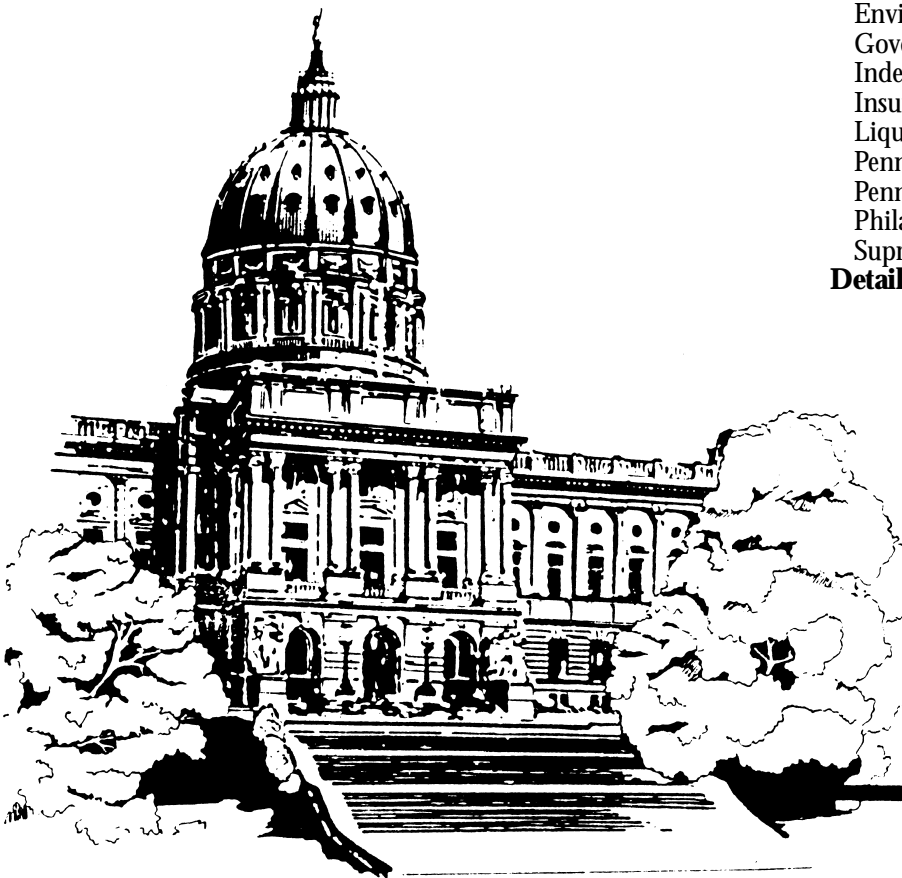
Saturday, April 9, 2005 • Harrisburg, Pa.

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Department of Environmental Protection
Department of General Services
Department of Public Welfare
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Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Supreme Court

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

No. 365, April 2005

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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 1759, 1882, 1883, 1978, 1979, 2097, 2099

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 272 Judicial Administration; Doc. No. 1

Order

Per Curiam

And Now, this 23rd day of March, 2005, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate financial regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, and any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS).

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. 103, the immediate promulgation of the regulations is hereby found to be in the interest of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective on April 1, 2005.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.353. General Principles.

The Supreme Court of Pennsylvania, pursuant to general authority set forth by Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, and any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS).

These regulations are effective from April 1, 2005.

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 35. BUDGET AND FINANCE

GENERAL PRINCIPLES

I. Schedule for Standard Distribution of Funds Collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, and any other entity on behalf of the Court Using the Common Pleas Criminal Court Case Management System (CPCMS).

A. All fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court and any other entity on behalf of the Court using the CPCMS shall be distributed in the following prioritized order:

1. The collection agency fee provided for in 42 Pa.C.S. Section 9730.1 shall be paid first, but only in cases wherein the private collection agency has secured the funds from the defendant or a third party and the payment is made to the court. No more than 25% of each payment secured from the defendant by the private collection agency may be applied towards this fee.

2. The Crime Victim Compensation Fund and Victim Witness Services Fund shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P. S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(5) of these regulations.

3. At least 50% of any additional payment shall go to restitution until it is paid in full (see 42 Pa.C.S. § 9728(g.1)). When restitution is ordered to more than one recipient at the same time, the court shall set the priority of payment as follows, in accordance with 18 Pa.C.S. § 1106(c)(1)(ii)(A)—(D):

i. the victim;

ii. the Crime Victim's Compensation Board;

iii. any other governmental agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct;

iv. any insurance company which has provided reimbursement to the victim as a result of the defendant's criminal conduct.

4. Judicial Computer Project/Access To Justice (JCS/ATJ) Fee (see 42 Pa.C.S. § 3733(a.1)).

5. Electronic monitoring fees, offender supervision fees (as set forth in 18 P. S. § 11.1102(c)), alcohol highway safety school fees (see 75 Pa.C.S. § 1548(b)), service fees (such as sheriff's fees set forth in 42 P. S. § 21101 et. seq., and constable's fees set forth in 42 Pa.C.S. § 2950), transcript fees (see Pa.R.J.A. No. 5000.7), witness fees (as provided for in 42 Pa.C.S. § 5903), and other similar fees shall be paid based upon a pro-rated formula, unless the fees are prioritized by court order or the judicial district. The Administrative Office of Pennsylvania Courts may preclude a fee from being classified as an "other similar fee". The amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The

resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and \$10.00 in service fees, for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to electronic monitoring fees, divide the outstanding balance of the electronic monitoring fee (\$80.00) by the combined total outstanding balances of all items ($\$80.00 + 10.00 + 10.00 = \100.00). The result in this example is .8 ($80/100$). Multiply the resulting figure by the amount of the payment to determine the allocation to electronic monitoring fees, which in this example is $\$8.00 (.8 \times \$10.00 = \$8.00)$.

6. All other fines, fees, costs, reparations, penalties and other remittances except for judgment or satisfaction fees shall be distributed based upon a pro-rated formula. Specifically, the amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in costs, \$10.00 in fines, and \$10.00 in fees, for a total of \$100.00 in outstanding costs, fines and fees. Defendant makes a payment of \$20.00 in his/her case. To determine the amount to be allocated to the fines, divide the outstanding balance of the fines (\$10.00) by the combined total outstanding balances of all items ($\$80.00 + 10.00 + 10.00 = \100.00). The result in this example is .1 ($10/100$). Multiply the resulting figure by the amount of the payment to determine the allocation to the fines, which in this example is $\$2.00 (.1 \times \$20.00 = \$2.00)$.

7. Fees charged by the clerk of courts, prothonotary, other entity in the county responsible for the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties, or other remittances, or the Clerk of Philadelphia Municipal Court for the entry or satisfaction of a civil judgment related to a criminal proceeding, as set forth in 42 Pa.C.S. § 1725, 42 P.S. §§ 21010, 21042, and 21071 shall be paid last. The amount of the payment allocated to each fee shall be determined by dividing the outstanding balance for the individual fee by the combined total of the outstanding balances for both fees. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual fee involved.

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fee, divide the outstanding balance of the judgment fee (\$60.00) by the combined total outstanding balances of all items ($\$60.00 + 40.00 = \100.00). The result in this example is .6 ($60/100$). Multiply the result-

ing figure by the amount of the payment to determine the allocation to judgment fee, which in this example is $\$6.00 (.6 \times \$10.00 = \$6.00)$.

B. Each payment shall be applied to a single case, unless otherwise ordered by the court.

II. The county probation department or other agent designated to collect all fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728, shall use the Common Pleas Criminal Court Case Management System when performing collection related activities.

III. Nothing in these regulations shall be applicable to the collection and/or distribution of any filing fee which is authorized by law. Filing fees shall include but not be limited to the clerk of courts automation fee set forth in 42 Pa.C.S. Section 1725.4(b).

[Pa.B. Doc. No. 05-644. Filed for public inspection April 8, 2005, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Vacating Bench Warrants Issued on or before December 31, 2000 in Support Actions; Adminis- trative Regulation No. 05-01

Effective thirty days from publication in the *Pennsylvania Bulletin*, Whereas:

1. The Domestic Relations Division of Philadelphia Family Court is engaged in an effort to streamline and thus make more efficient its processes relating to bench warrants issued as a result of court proceedings to establish and enforce support orders; *And*

2. The reforms cited in Paragraph 1 are necessary for the efficient administration of justice for the overall support caseload in Philadelphia; *And*

3. Vacating all of the bench warrants issued on or before December 31, 2000, will not prejudice any party to a case concerning the purposes underlying the bench warrant, because vacating the bench warrant has no substantive effect on the underlying action and all remedies appropriate to procedural posture of the case will still be available for that case, including issuance of a new bench warrant if the party subject to the vacated bench warrant again fails to appear as ordered for a court proceeding;

It Is Hereby Ordered, Adjudged and Decreed that all bench warrants issued on or before December 31, 2000, in a support case in Philadelphia County are hereby *Vacated*, effective thirty (30) days from publication of this Administrative Regulation in the *Pennsylvania Bulletin*.

By the Court

MYRNA P. FIELD,
Administrative Judge
Philadelphia Family Court

[Pa.B. Doc. No. 05-645. Filed for public inspection April 8, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 CV 1989

Order

And Now this 28th day of March 2005, Dauphin County Local Rules are amended as follows:

Rule 1008B. Landlord and Tenant Appeals

In cases where the tenant in possession of real property desires to appeal from a judgment for the possession of said real estate entered by a **Magisterial District [Justice] Judge** of the court and does not desire to or is unable to file a bond with surety as required by Pa. R.C.P.D.J. 1008B, such tenant, upon application to and approval by the Court, may be permitted to deposit rental payments coming due during the proceedings in the Court of Common Pleas in an escrow account in a bank or trust company approved by the Court. No withdrawals shall be permitted from any such escrow account except pursuant to court order. At the conclusion of the proceedings, such deposits shall be applied to the payment of any judgment (including costs) against the tenant rendered on the appeal.

Rule 1204. Venue

A proceeding for emergency relief shall be brought in the magisterial district in which the abuse for which relief is requested occurred.

If the **Magisterial District [Justice] Judge** for that district is unavailable, the proceeding shall be brought before the **Magisterial District [Justice] Judge** assigned for night court.

Rule 1208. Findings and Protection Orders

The **Magisterial District [Justice] Judge**, when making an order of protection, shall

(1) (a) Secure the full name, address and telephone number where the complainant can be reached directly or where he/she can reliably and promptly receive messages.

(b) Secure the full name, address and telephone number of the person allegedly committing the abuse.

(2) Notify the complainant that the **Magisterial District [Justice] Judge** will certify the proceeding to the court at the resumption of the business of the court.

(3) (a) Advise the complainant to contact an attorney or contact **[Central Pennsylvania Legal Services, Inc] Mid Penn Legal Services**. The **Magisterial District [Justice] Judge** shall furnish the complainant with the address and telephone number of that agency and the Dauphin County Lawyer Referral Service.

(b) Advise the complainant of the existence of programs for victims of domestic violence in Dauphin County and nearby counties. The **Magisterial District [Justice] Judge** shall furnish the complainant with the addresses (if available) and telephone numbers of such programs.

Rule 1209A. Violation of a Temporary or Final Order

Any violation of a temporary order of a **Magisterial District [Justice] Judge** shall be handled in accordance with Dauphin County Civil Rule 1905A.

Rule 1211. Certification to Court

The **Magisterial District [Justice] Judge** shall certify and file the proceeding with the Prothonotary's Office no later than 11:00 AM on the day of the resumption of the business of the Court.

Rule 1905A. Violation of a Temporary or Final Order

If a temporary order of a **Magisterial District [Justice] Judge** is violated, or if a temporary order or final order of a Judge is violated, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police officer shall take the defendant before an available **Magisterial District [Justice] Judge**. The **Magisterial District [Justice] Judge** shall advise the defendant:

(1) That he or she is being charged with violating a temporary order of a **Magisterial District [Justice] Judge** or Judge, as appropriate, or of a final order of a Judge; and

(2) (a) That, if a violation of a temporary order of a **Magisterial District [Justice] Judge**, the matter will be referred to the Court after which a hearing will be set within ten (10) days; or

(b) That, if a violation of a temporary order of a Judge, that a hearing has already been set and the defendant shall be told of the time and the place of that hearing; or

(c) That, if the violation is of a final order of the Court, a hearing will be set by the Court within ten (10) days of the Court's receipt of the notice of the alleged violation; and

(3) Of the defendant's right to counsel, and the address and telephone number of both the Dauphin County Lawyer Referral Service and the Dauphin County Public Defender's Office.

The **Magisterial District [Justice] Judge** shall then consider bail for the defendant in accordance with Pa.R.C.P. 4001, 4002, 4003, 4004 and 4006. The **Magisterial District [Justice] Judge** shall consider, particularly, Rule 4003(a)(3) and the Court's concern for the safety of the person or persons the defendant has threatened as well as the likelihood of the defendant's appearance, as required, for court.

Rule 1905B. Private Criminal Complaint for Violation of Order or Agreement

(a) In lieu of filing a complaint with the police, a plaintiff may file a private criminal complaint against a defendant alleging indirect criminal contempt for a non-economic violation of any provision of an order or court-approved consent agreement issued under the Protection from Abuse Act, 23 Pa.C.S. § 6101 et seq., with the Office of District Attorney or the **Magisterial District [Justice] Judge** in the district where the violation occurred in accordance with the following procedure:

(1) *With the Office of District Attorney*—The Plaintiff may file with the Office of District Attorney a private criminal complaint on a form approved by the Court. The District Attorney's Office shall review the complaint and if the allegations taken as true support a finding of contempt, the District Attorney shall docket the complaint with the Prothonotary by 11:00 a.m. of the next business day and the Prothonotary shall forward it to the Judge who handled the original order or consent agreement. The Judge shall review the allegations and if the Judge finds

that probable cause exists, the Judge shall issue a warrant or summons. If the Court issues a summons, the summons shall indicate the time, date and place for hearing on the indirect criminal contempt allegations. If the court issues a warrant, the court shall forward the warrant to the Sheriff of Dauphin County. The Sheriff of Dauphin County shall forward the warrant to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the appropriate **Magisterial District [Justice] Judge** without unnecessary delay. The defendant shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S. Section 6113(d) and bail shall be set. The court shall schedule a hearing within ten (10) days of the filing of the private criminal complaint if the Judge finds that probable cause exists. If the Judge finds that sufficient grounds are not alleged in the complaint, the Judge may summarily dismiss the complaint without a hearing.

(2) *With the Magisterial District [Justice] Judge in the district where the violation occurred*—The Plaintiff may file with the **Magisterial District [Justice] Judge** in the district where the violation occurred a private criminal complaint on a form approved by the court. Upon review and determination of probable cause, the **Magisterial District [Justice] Judge** shall issue a warrant or summons. If the **Magisterial District [Justice] Judge** issues a summons, the summons shall indicate that the defendant will be informed by the court of the time, date and place for hearing on the indirect criminal contempt allegations. If the **Magisterial District [Justice] Judge** issues a warrant, the **Magisterial District [Justice] Judge** shall cause the warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the **Magisterial District [Justice] Judge** without unnecessary delay. The defendant shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S. Section 6113(d) and bail shall be set. The **Magisterial District [Justice] Judge** shall cause the complaint to be forwarded to the Prothonotary by 11:00 a.m. of the next business day and the Prothonotary shall docket the complaint and forward it to the Judge who handled the original order or consent agreement. The Judge shall schedule a hearing within ten (10) days of the filing of the private criminal complaint.

Rule of Criminal Procedure 301. Accelerated Rehabilitative Disposition (ARD) in Summary Cases

(b) *Program Costs*: The costs taxable under each docket number shall be \$50 (fifty dollars), in addition to restitution, if any, both of which shall be payable no later than the day of admission to the program. The **Magisterial District [Justice] Judge** may, in appropriate cases, waive or defer payment of the ARD fee. Restitution may not be waived. The defendant shall further agree, as a condition of the ARD program, to pay the costs of any recommended treatment and/or community service program, and further pay any assessed probation supervision fees.

(d) *Program Conditions*: An offender admitted to ARD shall comply with the following:

(i) Obey all federal, state and local penal laws, and all rules of probation.

(ii) Complete a minimum of 20 hours of community service.

(iii) Undergo a drug and alcohol evaluation, if required by the **Magisterial District [Justice] Judge**, and complete any recommended treatment.

(iv) Complete any other adjudication alternative program as directed by the **Magisterial District [Justice] Judge**.

(e) *Program Admission and Completion*: An eligible offender may be admitted to ARD by the **Magisterial District [Justice] Judge** upon the motion of the District Attorney. Bail, security or other collateral shall terminate upon entry. Admission to ARD shall not affect any period of license suspension/revocation directed by statute. Upon satisfactory completion of the program, the charges against the defendant shall be dismissed. The record of arrest shall not be affected by the operation of this local rule, however upon successful completion of the program, the case record shall be sealed by the **Magisterial District [Justice] Judge**.

The **Magisterial District [Justice] Judge**, in all cases where he/she finds the defendant guilty through trial and therefore ineligible for ARD, may refer the defendant to the program as part of a post-dispositional order. In all such cases the issuing authority shall consider imposing a fine with the provision that the fine be vacated or reduced if the defendant successfully completes the program. Restitution may not be reduced under this provision.

(f) *Program Monitoring*: The Dauphin County Adult and Juvenile Probation departments, or representatives from an adjudication alternative program, or Pre-Trial Services, are hereby authorized to monitor and supervise a defendant's progress in the summary ARD program. Further such organizations shall inform the **Magisterial District [Justice] Judge** of either the offender's successful completion, or the failure to complete, and in the latter case may testify as to the reasons thereof in program revocation proceedings. An allegation that the defendant has violated a condition of ARD must be brought during the term of the program, or if filed thereafter, within a reasonable time after the alleged violation was committed.

(g) *Revocation*: Should a defendant fail to comply with any condition of the ARD program, he or she may be revoked from the program by order of the **Magisterial District [Justice] Judge** at a revocation hearing where the defendant will be afforded an opportunity to be heard. The **Magisterial District [Justice] Judge** may issue such process as is necessary to bring the defendant before the Court. Should the defendant fail to appear after receiving notice of a revocation hearing, the **Magisterial District Judge [Justice]** may issue a warrant pursuant to Pa.R.Crim.P. 430. No appeal shall be allowed from a revocation order.

Upon revocation from the summary ARD program, or if a defendant declines to accept the program, the case shall thereafter be scheduled for trial pursuant to Chapter 4 of the Pennsylvania Rules of Criminal Procedure.

(h) *Monthly Report*: **Magisterial District [Justice] Judges** shall submit a monthly report on the disposition of all cases which have applied for entry to ARD to the District Attorney. Should admission to ARD be denied, the reasons for such denial shall be included.

Rule 520. Types of Bail

(a) A **Magisterial District [Justice] Judge** or a Judge of the Court of Common Pleas may allow defen-

dants charged with a crime or crimes to post as bail with the Magisterial District [Justice] Judge or Clerk of Courts a sum of money, in United States currency, equal to ten (10%) percent of the full amount of the bail, fixed by the Magisterial District [Justice] Judge or Judge of the Court of Common Pleas in those cases where the defendant or other surety evidences sufficient financial reliability as to the full amount of the bail.

Rule 205.2(a)(1) Physical Characteristics of Pleadings and Other Legal Papers

(k) With the initiating filing and all subsequent filings, in cases where Medical malpractice is or will be alleged, the notation ["medical malpractice"] "Civil Action—Medical Professional Liability Action" shall appear on all captions directly underneath the docket number.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 05-646. Filed for public inspection April 8, 2005, 9:00 a.m.]

**WESTMORELAND COUNTY
Rule W1915.15, Custody; No. 3 of 2005**

Order

And Now, this 23rd day of March 2005, *It Is Hereby Ordered* that current Westmoreland Rule of Civil Procedure W1915.15 is rescinded, and new Rule W1915.15 is adopted effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule W1915.15 Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order

The following scheduling order shall be used in all actions containing an issue of custody, partial custody or visitation of minor children:

IN THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW (CUSTODY)

Plaintiff)
))
v.) No. ___ of 20___
Defendant)

CUSTODY SCHEDULING ORDER

You, _____, (defendant) (respondent), have been sued in court to (obtain) (modify) custody, partial custody or visitation of the children:

Name Date of Birth

(1) The Plaintiff is ORDERED to attend the mandatory Children Hurt In Loss through Divorce/Separation (CHILD) Program on _____, 20____ at _____.M. at the Memorial Conference Center at Westmoreland Regional Hospital located at 532 West Pittsburgh Street, Greensburg, Pa. 15601, phone number (724) 832-4581. The Plaintiff is also ORDERED to prepay the \$50.00 program registration fee using the CHILD Program Registration Form. (No money will be accepted at the session.) The Plaintiff is further ORDERED to serve a copy of the CHILD Program Registration Form on the Defendant.

(2) The Defendant is ORDERED to attend the mandatory Children Hurt In Loss through Divorce/Separation (CHILD) Program on _____, 20____ at _____.M. at the Memorial Conference Center at Westmoreland Regional Hospital located at 532 West Pittsburgh Street, Greensburg, Pa. 15601, phone number (724) 832-4581. The Defendant is also ORDERED to prepay the \$50.00 program registration fee using the CHILD Program Registration Form. (No money will be accepted at the session.)

(3) Non resident parents must attend a program similar to the CHILD program which has been certified or approved by the local Court. A Certification of Successful Completion must be presented at the time of the Conciliation Conference.

(4) If the moving party fails to pay fees or to appear for the CHILD Program, the Custody action may be dismissed without prejudice, and any fees paid by such party may be forfeited.

(5) If the responding party fails to pay fees or to appear for the CHILD program, the Court may issue an immediate Rule to Show Cause why such party should not be held in contempt.

(6) Each Party is hereby Ordered to submit to the Family Court Administrator (Custody Office), pursuant to Westmoreland County Rule of Civil Procedure W1915.4-3, a completed Parent Information Form and a copy of your most recent Federal Income Tax Return within 30 days of the date of filing of this Custody Action. Failure to do so may result in the continuance of the conciliation conference or other appropriate sanction. An Election to Proceed Through Mediation or a Consent Agreement may also be filed with the Family Court Administrator at that time. The Plaintiff is hereby Ordered to serve a copy of the Parent Information Form on the Defendant.

(7) You are hereby ordered to appear in person on _____, 20____ at _____.M. for a Custody Conciliation Conference in the Family Court Custody Office on the fourth floor of the Westmoreland County Courthouse Annex, 2 North Main Street, Greensburg, Pa. 15601.

CHILDREN MUST ATTEND UNLESS OTHERWISE ORDERED

If you fail to appear for the Custody Conciliation Conference as provided by this Order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS ORDER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW.

If You Cannot Afford a Lawyer
Laurel Legal Services
306 S. Pennsylvania Ave.
Greensburg, Pa. 15601
(724) 836-2211

If You Do Not Have a Lawyer
Westmoreland Lawyer Referral
129 N. Pennsylvania Avenue
Greensburg, Pa. 15601
(724) 834-8490

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Westmoreland County complies with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact (724) 830-3665. All arrangements must be made at least 3 working days prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____ J.
[Pa.B. Doc. No. 05-647. Filed for public inspection April 8, 2005, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that on March 24, 2005, pursuant to Rule 214(d)(2) of the Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Michael David Rostoker be placed on Temporary Suspension from the practice of law, effective April 23, 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. 05-648. Filed for public inspection April 8, 2005, 9:00 a.m.]

SUPREME COURT

**Provisions for Electronic Filing of Statements of
Financial Interest for the Pennsylvania Unified
Judicial System; No. 271 Judicial Administra-
tion; Doc. No. 1**

Order

And Now, this 22nd day of March, 2005, this Court having established a pilot program for the electronic filing of statements of financial interest for the Pennsylvania Unified Judicial System for the 2004 reporting year;

It Is Ordered, for all individuals required to file statements of financial interest electronically, and for all individuals who elect to file statements of financial interest electronically, said filing shall be accompanied through the use of a secure log-in, pin and password supplied by the Administrative Office of Pennsylvania Courts ("AOPC").

It Is Further Ordered that the submission of a financial interest statement through electronic means signifies the user's intent to sign the document. By submitting the document electronically, the individual certifies the electronic filing is true and correct. All statements of financial interest submitted electronically through the secure log-in procedure shall be accepted for filing by the AOPC.

This order shall be effective immediately.

RALPH J. CAPPY,
Chief Justice

[Pa.B. Doc. No. 05-649. Filed for public inspection April 8, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 130b]

Nutrient Management Certification

The Department of Agriculture (Department), under section 7(a) and (b) of the Nutrient Management Act (act) (3 P. S. § 1707(a) and (b)), proposes to amend Chapter 130b (relating to nutrient management certification). Section 7(a) of the act, charges the Department of Agriculture (Department) in consultation with the State Conservation Commission (Commission) with the duty of, "...establishing a nutrient management certification program for the purpose of certifying individuals who have demonstrated the competency necessary to develop nutrient management plans." The Department was required to promulgate nutrient management certification regulations to, "...establish such fees and terms and conditions of certification as it deems appropriate and establish individual, commercial and public certification categories, including a certification category for farmers to develop and certify nutrient management plans for their own agricultural operations." The current chapter sets forth those criteria and establish criteria for interim certification as required by section 7(b) of the act.

This proposed rulemaking is required to bring the Nutrient Management Certification Program (NMCP), into compliance with changes in the industry and pending changes to the nutrient management regulations in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management). This proposed rulemaking will add new definitions to provide clarity, streamline and redefine the certification process and make other changes in response to problems, concerns and input from those administering the NMCP over the past 8 years and from persons currently certified under this chapter. This proposed rulemaking also deletes the section setting forth interim certification requirements, since interim certification is no longer necessary.

Summary of Major Features

Section 130b.2. Definitions

New definitions have been included for the terms "designee," "individual nutrient management specialist," "commercial nutrient management specialist," "nutrient management regulation," and "public nutrient management specialist." The definitions of "BMP," "nutrient," "nutrient management plan," "provisional certification" and "recertification training" have also been amended. The definitions were added or revised to provide clarification based on implementation of existing regulations over the past several years.

Section 130b.3. Fees

Language has been added to allow the Department to change certification and examination fees in any given year and publish those fees in the *Pennsylvania Bulletin*.

Section 130b.4. Interim certification

This section has been rescinded as there is no longer a need for an interim certification program.

Section 130b.5. Certification authority

Language has been added to clarify the authority under each nutrient management specialist certification cat-

egory: "individual," "commercial" and "public." New categories have been added to further define and establish specific roles under the public nutrient management specialist category: "public review specialist" and "public dual specialist."

Section 130b.11. Determination of competence

Language has been added to clarify the training and certification requirements for each category of nutrient management specialist certification. In addition, two new categories and the training and certification requirements for those categories have been added for a public nutrient management specialist certification. In addition, language has been added to clarify the authority of the Department to determine mandatory courses. Furthermore, language was revised to change the provisional certification expiration to now end on the last day of the month on the third year from the date of issuance of the provisional certification.

Revisions were made to clarify the final certification requirements for "commercial nutrient management specialist" and "public nutrient management specialist."

Language was added to delineate that nutrient management plans required for final certification had to be approved nutrient management plans.

Finally, language was added to establish the procedures for a final certified nutrient management specialist to add or gain certification in an additional nutrient management specialist category.

Section 130b.12. Final certification

The heading of this section was revised for clarity. This section had previously been entitled "eligibility."

Language in this section was revised to reduce the time period for filing and submitting the fee for final certification from 180 days to 120 days.

Section 130b.21. Determination of competence

Language in this section was revised to reflect the name change from precertification training to orientation training. Language was added to the regulations to allow the Department to determine additional courses that would be needed to meet nutrient management certification requirements.

Section 130b.22. Final certification

The heading of this section was revised for clarity. This section had previously been entitled "eligibility."

Language in this section was revised to reduce the time period for filing and submitting the fee for final certification from 180 days to 120 days.

Section 130b.31. Recertification

The language of this section was amended to remove the ability of provisionally certified nutrient management specialists to earn continuing education credits. The new language will allow only final certified nutrient management specialists to receive continuing education credits.

Language was added to increase the amount of continuing education credits needed for recertification from 10 to 20 credits for commercial and public nutrient management specialists. Language was also added to establish that 5 of those 20 continuing education credits needed to be obtained through Department or Commission con-

ducted courses to allow the Department better oversight of the type of courses specialists receive for certification.

Language was added to suspend a nutrient management specialist's final certification if the nutrient management specialist fails to obtain the appropriate number and type of continuing education credits necessary for recertification.

Section 130b.41. General

Language was added to address the new nutrient management categories under public specialists—"public review specialist" and "public dual specialist"—which were created by amendments to previous sections of the chapter.

Section 130b.51. Denial, suspension and revocation of certificates

Language was added to establish criteria for the denial, suspension or revocation of a nutrient management specialist's certification.

Fiscal Impact

Commonwealth

The proposed amendments will impose no additional fiscal impacts upon the Commonwealth. The proposed amendments will not require the Department to commit any additional amount of time and manpower to review of applications or the certification process.

Political Subdivisions

The proposed amendments will impose no costs and no fiscal impact upon political subdivisions. The proposed amendments do not impose any additional burden of enforcement of review on political subdivisions.

Private Sector

The proposed amendments will impose no significant costs on the private sector. The only additional costs to the regulated community may be in increased fees necessary to administer the NMCP.

General Public

The proposed amendments will impose no costs and have no fiscal impact on the general public.

Paperwork Requirements

The proposed amendments will not result in a substantial increase of paperwork. The Department will not have to develop new application forms or review procedures.

Public Comment Period

Interested persons are invited to submit written comments regarding the proposed amendments within 30 days following publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 30, 2005, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

If IRRC has an objection to any portion of the proposed amendments, it will notify the Department within 30 days after the close of the public comment period. The

notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

Contact Person

Further information is available by contacting the Department of Agriculture, Nutrient Management Certification Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: Johan Berger (717) 772-4189.

Effective Date

The proposed amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

DENNIS C WOLFF,
Secretary

Fiscal Note: 2-147. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART V. BUREAU OF PLANT INDUSTRY

CHAPTER 130b. NUTRIENT MANAGEMENT CERTIFICATION

Subchapter A. GENERAL PROVISIONS

§ 130b.2. Definitions.

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

* * * * *

BMP—Best management practice—A practice or combination of practices determined by the Commission to be effective and practicable (given technological, economic and institutional considerations) to manage nutrients to protect surface and groundwater taking into account applicable nutrient requirements for crop utilization. The term includes:

* * * * *

(ix) Practices set forth in the nutrient management regulations.

* * * * *

Designee—A person chosen or appointed by the Secretary of Agriculture to carry out the Secretary's duties under this chapter.

[*Interim certification*—A temporary designation by the Department issued to persons who meet the qualifications in section 7(b) of the act (3 P. S. § 1707(b)).]

Nutrient—A substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value. The term includes livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, **[sewage sludge] bio-solids** or combinations thereof.

Nutrient management plan—A written site-specific plan which **[incorporates BMPs to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria] meets the requirements** in sections 4 and 6 of the act (3 P. S. §§ 1704 and 1706) **and in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management).**

Nutrient management regulations—The regulations set forth in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management).

Nutrient management specialist—

(i) **Individual**—A person certified to develop nutrient management plans for his agricultural operation.

(ii) **Commercial**—A private sector person [who develops] certified to develop nutrient management plans for another [whether employed in the private or public sector] person's agricultural operation.

[(ii) **Individual**—A person who develops nutrient management plans for that person's own agricultural operation.]

(iii) **Public**—A State [or], Federal [employee,] or other public [employee who reviews nutrient management plans, or recommends approval to a conservation district or the Commission] employee certified to develop or review or both, nutrient management plans and make recommendations for approval or denial of nutrient management plans to a conservation district or the State Conservation Commission, or both.

(A) **Review specialist.** A public nutrient management specialist certified to review nutrient management plans and make recommendations for approval or denial of nutrient management plans.

(B) **Dual specialist.** A public nutrient management specialist certified to review and develop nutrient management plans for another person's agricultural operation and make recommendations for approval or denial of nutrient management plans which the specialist has not personally written or developed.

* * * * *

Provisional certification—[An] The level of certification obtained by a nutrient management specialist applicant [for commercial or public nutrient management specialist] who has successfully completed the precertification training and [has] passed the written examination, but has not yet [to prepare,] developed or [review three] reviewed, or both, the required number of nutrient management plans.

Recertification training—The [successful] completion [by a currently certified nutrient management specialist] of continuing education and training requirements [contained] in § 130b.31 (relating to recertification).

§ 130b.3. Fees.

(a) [**Commercial nutrient management specialist certificate.** The triennial fee for a commercial certificate is \$100.

(b) **Public nutrient management specialist certificate.** The triennial fee for a public certificate is \$10.

(c) **Individual nutrient management specialist certificate.** The triennial fee for an individual certificate is \$10.]

Certification fees. Certification fees are nonrefundable. The Department will establish certifica-

tion fees for each level of nutrient management specialist. Notice of the fees or any changes to the fees in subsequent years will be published in the *Pennsylvania Bulletin*. The published fees will be effective for at least 1 calendar year. Fees will be based on the cost of administering and enforcing this chapter.

(b) **Examination [fee] fees.** Examination fees are nonrefundable. The Department will establish examination fees for each level of nutrient management specialist. Notice of the fees or any changes to the fees in subsequent years will be published in the *Pennsylvania Bulletin*. The published fees will be effective for at least 1 calendar year. Fees will be based on the cost of developing, amending and administering the tests and enforcing this chapter. [The following examination fees, with payment made in advance, will be charged:

(1) **Commercial/public nutrient management specialist examination**—\$50.

(2) **Individual nutrient management specialist examination**—no charge.]

§ 130b.4. [*Interim certification*] (Reserved).

[A person who has interim certification as of September 28, 1996, will be provided written notice, within 30 days, by first class mail, that the Department has completed development of finalized regulations and is beginning to implement the official nutrient management certification program. This notice shall also inform recipients that upon receipt, their interim status shall cease and is no longer valid. An application and instructions to apply for certification will accompany the notification.]

§ 130b.5. Certification authority.

(a) **Individual certification authority.** A person certified under this chapter as an individual nutrient management specialist is authorized to develop nutrient management plans for his own agricultural operation. An individual nutrient management specialist has no authority to develop a nutrient management plan for another person or review and recommend action on a nutrient management plan.

(b) **Commercial certification authority.** A person certified under this chapter as a commercial nutrient management specialist is authorized to develop nutrient management plans for another person's agricultural operation. A commercial nutrient management specialist has no authority to review or recommend action on a nutrient management plan.

(c) **Public certification authority.** A public employee certified as a public nutrient management specialist has authority to review and recommend action or develop a nutrient management plan for another person, or both, dependent on the certification requirements he has successfully completed.

(1) **Public nutrient management review specialist.** A person certified under this chapter as a public nutrient management review specialist is authorized to review nutrient management plans and make recommendations for approval or denial of nutrient management plans.

(2) *Public nutrient management dual specialist.* A person certified under this chapter as a public nutrient management dual specialist is authorized to review and develop nutrient management plans for another person's agricultural operation and make recommendations for approval or denial of nutrient management plans which the specialist has not personally developed.

Subchapter B. CERTIFICATION

COMMERCIAL AND PUBLIC NUTRIENT MANAGEMENT SPECIALISTS

§ 130b.11. Determination of competence.

(a) *Commercial nutrient management specialist.* Determination of competence for a commercial nutrient management [specialists] specialist shall be based on [a precertification] the successful completion of precertification training and examinations as set forth in this section. Precertification requirements for a commercial nutrient management specialist shall include an orientation training course, [a written examination approved by the Department and the development of three nutrient management plans] a nutrient management plan writing course, a written examination approved by the Department and the development of three approved nutrient management plans. It may also include other course work related to requirements in the nutrient management regulations, which are determined by the Department to be necessary and appropriate. Nutrient management plans developed under this subsection will be determined to be adequate by the Department or its designee.

(b) *Public nutrient management specialist.* Determination of competence for a public nutrient management [specialists] specialist shall be based on [a precertification training course, a written examination approved by the Department and the development of one plan and review of two plans] the level of certification sought to be attained. [All prepared plans and plan reviews completed under this subsection shall be determined to be adequate by the Commission or its designee.]

(1) *Public nutrient management review specialist.* To be certified as a public nutrient management review specialist, the applicant shall successfully complete precertification training and examinations as set forth in this section. The precertification requirements for a public nutrient management review specialist must include an orientation training course, a nutrient management plan review course, a nutrient management plan writing course, a written examination approved by the Department, the successful review of two nutrient management plans and development of one approved nutrient management plan. It may also include other course work related to requirements set forth in the nutrient management regulations determined by the Department to be necessary and appropriate. Nutrient management plan reviews completed and nutrient management plans developed under this subsection will be determined to be adequate by the Department or its designee.

(2) *Public nutrient management dual specialist.* To be certified as a public nutrient management dual specialist, the applicant shall successfully

complete precertification training and examinations as set forth in this section. The precertification requirements for a public nutrient management dual specialist must include an orientation training course, a nutrient management plan review course, a nutrient management plan writing course, a written examination approved by the Department, the successful review of two nutrient management plans and the development of two approved nutrient management plans. It may also include other course work related to requirements set forth in the nutrient management regulations determined by the Department to be necessary and appropriate. Nutrient management plan reviews completed and nutrient management plans developed under this subsection will be determined to be adequate by the Department or its designee.

[(b)] (c) *Precertification.* The precertification training [course shall] must, at a minimum, consist of the following areas of nutrient management planning:

* * * * *

(6) Proper nutrient management plan review procedures (public nutrient management specialists only).

(7) Proper nutrient management plan writing procedures (commercial, public nutrient management specialists only).

(8) Other areas and course work related to requirements in the nutrient management regulations, as determined appropriate by the Department.

[(c)] (d) *Examination.* The written examination will be proctored by the Department or its designee. The Department will administer the examination at least twice per year, or more often as deemed necessary by the Department. At a minimum, the successful completion of the examination will demonstrate an examinee's technical knowledge relating to nutrient management planning and nutrient management plan development in the following areas:

* * * * *

(9) Other areas related to requirements in the nutrient management regulations, as determined appropriate by the Department.

[(d)] (e) *Other examinations.* The Department may approve the use of written examinations other than the Pennsylvania nutrient management examination, if the written examinations meet the requirements in subsection [(c)] (d).

[(e)] (f) *Provisional certification.* Upon the successful completion of the requirements in subsections [(b)] (c) and [(c)] (d), the applicant for certification as a commercial or public nutrient management specialist will be issued the appropriate provisional certification. The holder of a provisional certification is qualified, dependant on the type of provisional certification attained, to develop or review, or both, nutrient management plans [as provided in subsection (f).] for the purpose of satisfying the requirements of this section regarding final certification. Provisional certification is valid for 3 years ending on the last day of the month from the date of issuance.

[(f)] (g) *Final certification requirements.* Once provisional certification has been granted, [a] the pro-

visionally certified specialist shall complete one of the following dependent on the type of provisional certification granted and final certification sought.

(1) *Commercial nutrient management specialist.* To attain final certification, a provisionally certified commercial nutrient management specialist shall develop three approved nutrient management plans which meet the requirements of section 6(e) of the act (3 P. S. § 1706(e)). Nutrient management plans developed by the applicant shall be submitted to the Department or its designee for approval.

(2) *Public nutrient management specialist.* To attain final certification, a provisionally certified public nutrient management specialist shall do one of the following, dependent upon the level of provisional certification attained and the level of final certification sought:

(i) *Public nutrient management review specialist.* [A] To attain final certification, a provisionally certified public nutrient management review specialist shall [develop one plan and] successfully review two nutrient management plans [in accordance with] and develop one approved nutrient management plan which meets the requirements of section 6(e) of the act. [Commercial specialists shall submit, to the Department, evidence that the Commission or its designee has actually reviewed and approved the three plans. Public specialists shall submit to the Department, evidence that the Commission or its designee has actually reviewed and approved one prepared plan and determined the public specialist's review of two plans to be adequate.] Nutrient management plan reviews completed and nutrient management plans developed by the applicant shall be submitted to the Department or its designee for approval.

(ii) *Public nutrient management dual specialist.* To attain final certification, a provisionally certified public nutrient management dual specialist shall successfully review two nutrient management plans and develop two approved nutrient management plans in accordance with section 6(e) of the act. Nutrient management plan reviews completed and nutrient management plans developed by the applicant shall be submitted to the Department or its designee for approval.

[(g) Upon completion of all the requirements of this section, a commercial nutrient management specialist may apply for certification to develop nutrient management plans and a public nutrient management specialist may apply for certification to review nutrient management plans. The appropriate fee shall accompany the specialist's application for certification.]

(h) *Public nutrient management specialist to commercial nutrient management specialist.* [A currently] When the Department or the Commission with the consent of the Department determines it is necessary or appropriate, a certified public nutrient management specialist [who wishes to] may obtain certification as a commercial nutrient management specialist. To attain the certification, a certified public nutrient management review specialist shall develop two approved nutrient management plans or a certified public nutrient management dual spe-

cialist shall develop [two] one approved nutrient management [plans] plan in accordance with section 6(e) of the act. The certified public nutrient management specialist seeking the certification shall submit the nutrient management plans or plan to the Department[, evidence that the Commission or its designee has actually reviewed and approved the plans] or its designee for review and approval.

(i) *Public nutrient management review specialist to public nutrient management dual specialist.* A certified public nutrient management review specialist may obtain certification as a public nutrient management dual specialist. To attain the certification, the certified public nutrient management review specialist shall develop one approved nutrient management plan in accordance with section 6(e) of the act. The applicant seeking to attain the certification shall submit the nutrient management plan to the Department or its designee for review and approval.

(j) *Commercial nutrient management specialist to public nutrient management specialist.* A [currently] certified commercial nutrient management specialist who wishes to obtain certification as a public nutrient management specialist [certification] shall complete a [precertification] nutrient management plan review course covering proper nutrient management plan review procedures and shall successfully review two nutrient managements plans in accordance with section 6(e) of the act. The [commercial nutrient management specialist] applicant seeking to attain the certification shall submit[,] the nutrient management plan reviews to the Department[, evidence that the Commission] or its designee [has actually reviewed and determined the specialist's review of the two plans to be adequate] for review and approval.

§ 130b.12. [Eligibility] Final certification.

(a) *Application for final certification.* Upon completion of all the requirements of this chapter, a commercial nutrient management specialist or a public nutrient management specialist may submit an application to the Department for final certification. The appropriate fee shall accompany the application for final certification.

(b) *Eligibility for final certification.* A person is eligible to apply for final certification as a commercial or public nutrient management specialist upon fulfilling the applicable requirements established under § 130b.11 (relating to determination of competence). An application for final certification may be obtained from the Department.

[(b)] (c) *Time period for filing application.* An application for final certification shall be filed with the Department within [180] 120-calendar days of notification by the Department of meeting the appropriate requirements in § 130b.11 [(f)]. If the applicant fails to file an application with the Department within the prescribed [180] 120-calendar days, that person shall again satisfy the appropriate competency requirements as provided in § 130b.11 [(a)—(f)].

[(c)] (d) *Time period final certification is valid.* A final [certificate] certification is valid for 3 years

ending on December 31 of the third year following the date of **final** certification. However, the Department will authorize an additional year when the [**certificate**] **certification** is issued during the last 2 months of the initial certificate year.

INDIVIDUAL NUTRIENT MANAGEMENT SPECIALISTS

§ 130b.21. Determination of competence.

(a) Determination of competence for an individual nutrient management specialist shall be based on [**a precertification**] **the completion of precertification training which includes an orientation** training course and a written examination approved by the Department.

(b) The [**precertification**] **orientation** training course shall at a minimum consist of the same requirements as in § 130b.11[(b)] (c) (relating to determination of competence).

(c) The written examination shall be proctored by the Department or its designee. The Department will administer the examination [**at least twice per year, or more often as deemed necessary by the Department**] **on an as needed basis, which will be determined by the number of requests for the testing.** At a minimum, the successful completion of the examination will demonstrate an examinee's technical knowledge relating to nutrient management planning and **nutrient management** plan development in the following areas:

* * * * *

(9) **Other areas and coursework related to the requirements set forth in the nutrient management regulations as determined appropriate by the Department.**

* * * * *

§ 130b.22. [Eligibility] Final certification.

(a) A person is eligible to apply for **final** certification as an individual nutrient management specialist upon fulfilling the requirements under § 130b.21 (relating to determination of competence). An application for certification may be obtained from the Department. The appropriate fee shall accompany the specialist's application for certification.

(b) An application for certification shall be filed with the Department no later than [**180**] **120**-calendar days after the applicant's completion of the competency requirements. If the applicant fails to file an application with the Department within the prescribed [**180**] **120**-calendar days, that person shall again satisfy the competency requirements as provided in § 130b.21(a)–(d).

(c) A certificate is valid for 3 years ending on December 31 of the third year following the date of certification. However, the Department will authorize an additional year when the [**certificate**] **certification** is issued during the last 2 months of the initial certificate year.

RECERTIFICATION

§ 130b.31. Recertification.

(a) At intervals of 3 years, [**provisionally certified or**] **final** certified commercial, public or individual nutrient management specialists shall provide written documentation of having received continuing education and training in Department-approved training courses in nu-

trient management planning **and nutrient management** plan development. Training shall address the specific areas in § 130b.11[(b)] (c) and [(c)] (d) (relating to determination of competence) for commercial and public specialists and § 130b.21(b) and (c) (relating to determination of competence) for individual specialists.

(b) Recertification credits approved by the Department will be given on the basis of attendance at approved training sessions, as provided in subsection (a). The Department will evaluate the training and assign the appropriate credits. Commercial and public specialists are required to obtain [**ten**] **20** credits [**and individual**] **with one quarter or five of those credits being obtained through Department or Commission conducted courses.** Individual specialists are required to obtain six credits during the recertification interval. The Department may, if deemed necessary, require specific training for certified nutrient management specialists, in addition to the required training in §§ 130b.11 and 130b.21. The Department will provide written notification to the certified nutrient management specialists of required specific training.

* * * * *

(e) A recertification training course will be approved if at a minimum it consists of the same requirements as set forth in § 130b.11[(b)] (c) and [(c)] (d) and is conducted or sponsored by an educational institution, an association, a business, a governmental agency or other qualified source. Preapproval of recertification courses is vested solely with the Department.

* * * * *

(g) If the Department or its designee is unable to monitor the training, the sponsor shall be responsible for verifying attendance and shall compile a list of Pennsylvania certified specialists in attendance. The list shall be returned to the Department within 10 working days following the training date and shall include the name of each person attending and their [**certificate**] **certification** number.

(h) If [**the**] **a nutrient management specialist allows his final certification [of a nutrient management specialist is allowed] to expire and does not obtain** recertification [**credits are due, recertification of that specialist shall first require completion of**] **in accordance with this chapter, his final certification shall be suspended and the specialist shall refrain from all duties relating to his certification until all delinquent recertification credits are acquired** as described in subsection (b).

(i) If a nutrient management specialist **whose final certification has been suspended as set forth in subsection (h)** fails to complete delinquent recertification credits within 1 year from the **expiration date of his final certification [expiration date], his final certification shall be revoked** and that person shall again satisfy the requirements of § 130b.11 and § 130b.12 (relating to eligibility) for commercial and public specialists, and § 130b.21 and § 130b.22 (relating to eligibility) for individual specialist.

RECIPROCITY

§ 130b.41. General.

(a) A person who has a valid certificate or license from another state may obtain certification in this Commonwealth if:

* * * * *

(2) The applicant satisfies the required precertification training as set forth in § 130b.11 [(b)] (c) (relating to determination of competence). The applicant will not be required to take a written examination to determine competence if the applicant satisfies the requirements of this subsection.

(b) Upon the successful completion of the requirements in subsection (a), the applicant for certification as a commercial or public nutrient management specialist will be issued provisional certification and shall complete the requirements in § 130b.11 [(f)] (g). Provisional certification is valid for 3 years **ending on the last day of the month** from the date of issuance.

(c) In addition to the requirements in subsection (a), if the applicant is a commercial nutrient management specialist, that **[person shall submit written evidence to the Department, that the Commission or its designee has reviewed and approved three plans as provided in section 6(e) of the act (3 P. S. § 1706(e))] person shall develop three approved nutrient management plans which meet the requirements of section 6(e) of the act (3 P. S. § 1706(e)).** If the applicant is a public nutrient management review specialist, **[that person shall submit to the Department, evidence that the Commission or its designee has reviewed and approved one prepared plan and determined the public specialist's review of two plans to be adequate], that person shall successfully review two nutrient management plans and develop one approved nutrient management plan which meets the requirements of section 6(e) of the act. If the applicant is a public nutrient management dual specialist, that person shall successfully review two nutrient management plans and develop two approved nutrient management plans which meet the requirements of section 6(e) of the act. Nutrient management plan reviews completed and nutrient management plans developed by the applicant shall be submitted to the Department or its designee for approval.**

DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATES

§ 130b.51. Denial, suspension and revocation of certificates.

(a) The Department may, after notice, including a statement of the reasons therefore, **[and opportunity for a hearing,]** deny, suspend or revoke a commercial, public or individual nutrient management specialist's certification for **[a] any of the following:**

- (1) Any violation of the act or [its resulting regulations] this chapter.**
- (2) Failure to obtain the required recertification credits.**
- (3) Inconsistency and demonstration of a lack of knowledge of nutrient management plan writing and review skills.**
- (4) Three or more occurrences within a 3-year period of delay or noncommunication with landowner or review agency during plan development or review.**
- (5) Falsifying information.**

(6) Misrepresentation of the Nutrient Management Act Program.

(7) Any violation of program policy established by the Department, its designee or the State Conservation Commission.

* * * * *

[Pa.B. Doc. No. 05-650. Filed for public inspection April 8, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

**[25 PA. CODE CH. 1021]
Practice and Procedure**

The Environmental Hearing Board (EHB) proposes to amend Chapter 1021 (relating to practice and procedures) by adding new procedural rules to read as set forth in Annex A.

The proposed procedural rules have the following objectives:

- (1) To provide the regulated community and the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the EHB.
- (2) To improve the rules of practice and procedure before the EHB.

I. Statutory Authority for Proposed Revisions

The EHB has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515) to adopt regulations pertaining to practice and procedure before the EHB.

II. Description of Proposed Revisions

The proposed revisions are modifications to provisions of the rules to improve practice and procedure before the EHB. These proposed revisions are based on the recommendations of the EHB Rules Committee (Rules Committee), a nine member advisory committee created by section 5 of the act to make recommendations to the EHB on its rules of practice and procedure. The EHB may promulgate proposed regulations based in whole or in part on the recommendations of the Rules Committee.

This summary provides a description of: (1) The existing rules of practice and procedure when relevant to proposed revisions; (2) the EHB's proposed revisions; and (3) how, if any, the proposal differs from the Rules Committee's recommendations.

Where the recommendations of the EHB Rules Committee were not in proper legislative style and format, they have been modified to conform to those requirements. Similarly, where recommendations did not contain proper cross references to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), references to those rules have been added.

The proposed rulemaking can be divided into five categories: 1) renumbering of certain rules; 2) adoption of a new rule; 3) substantive amendments to existing rules; 4) adoption of comments to certain rules; and 5) correction of typographical errors.

1. *Renumbering of certain rules*

The EHB recommends making subsection (f) of Rule 1021.51 (relating to commencement, form and account) a separate rule with its own number. Subsection (f) addresses nunc pro tunc appeals. This subsection has been moved to create a new rule in 1021.53a entitled "Nunc pro tunc appeals." There has been no substantive change to the language of this section.

A correction has been made in Rule 1021.141, dealing with termination of proceedings, to reflect the appropriate subsection being referenced.

2. *Definitions (Rule 1021.2)*

The EHB has proposed amending the definition of "Department" in Rule 1021.2 from "Department of Environmental Resources" to "Department of Environmental Protection or other boards, commissions or agencies whose decisions are appealable to the Environmental Hearing Board" to reflect the Department's name change and the fact that the Board has jurisdiction over appeals from certain other agencies, boards and commissions.

3. *Filing (Rule 1021.32(a))*

The current rule in 1021.32(a) allows filing only at the Board's Harrisburg office. The proposed rule change would allow filing at either the Board's headquarters in Harrisburg or at its Pittsburgh office.

4. *Service by a party (Rule 1021.34(b))*

The proposed rule change in 1021.34(b) would require service to opposing parties by overnight delivery when a document is filed with the Board by either personal service or overnight delivery.

5. *Commencement, form and content [of an appeal] (Rule 1021.51)*

Subsection (e). The proposed rule change deletes the last two sentences of this subsection dealing with amendment of appeals for "good cause." This change is necessitated by the proposed revisions to Rule 1021.53, dealing with amendments to appeals.

Subsection (h). Subsection (g) requires that the "recipient of the action" be served with a copy of the notice of appeal in a third party appeal. A new subsection (h) has been proposed to define "recipient of an action" as the following: (1) a recipient of a permit, license, approval or certification; (2) a municipality or municipal authority in appeals under section 5 or 7 of the Sewage Facilities Act (35 P. S. §§ 750.5 and 750.7); (3) a mining company in appeals involving a claim of subsidence or water loss under the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21); (4) a well operator in appeals involving a claim of pollution or diminution of water supply under section 208 of the Oil and Gas Act (58 P. S. § 601.208); (5) an owner or operator of a storage tank in appeals involving a claim of an affected water supply under section 1303 of the Storage Tank and Spill Prevention Act (35 P. S. § 6021.1303); and (6) other interested parties as ordered by the Board.

Subsection (i). The content of former subsection (h) has been moved to create a new subsection (i) and has been revised to read that service of a notice of appeal on a recipient of a permit, license, approval or certification would subject the recipient to the jurisdiction of the Board and would cause the recipient to be added as a party to a third-party appeal without the need to file a petition for intervention. This does not constitute a substantive change from the Board's existing rules.

Subsection (j). A new subsection (j) has been added to allow other recipients of an action in a third-party appeal, as set forth in proposed subsection (h)(2)—(5), to intervene as of course by simply filing an entry of appearance within 30 days of service of the notice of appeal.

Subsection (k). The current rule set forth in subsection (j) stating that this rule supersedes the General Rules of Administrative Practice and Procedure has been moved to a new subsection (k).

Comment. A comment has been added to this rule stating that with regard to subsections (i) and (j), parties are required to abide by Rules 1021.21 and 1021.22, dealing with representation of parties and entry of appearance.

6. *Amendments to appeals and complaints (Rule 1021.53)*

Caption. The rule in 1021.53 has been revised to deal with amendments to both appeals and complaints. The Board's rules previously had no rules dealing with the amendment of complaints. The criteria for nunc pro tunc appeals has been moved to a separate rule. The caption has been amended accordingly.

Subsection (a). Subsection (a) has been amended to state that an appeal or complaint may be amended as of right within 20 days after the filing thereof.

Subsection (b). This subsection has been amended to create a more liberal standard for allowing the amendment of appeals and complaints after the 20-day amendment as of right period. Rather than setting forth three particular circumstances under which appeals and complaints may be amended after the 20-day amendment as of right period, the rule allows amendment when no undue prejudice will result to the opposing parties.

Subsection (c). Subsection (c), stating that an appellant may not request leave to amend a notice of appeal after the Board has decided any dispositive motions or the case has been assigned for hearing, whichever is later, has been eliminated as a result of the revision to subsection (b).

Subsection (f). Subsection (f), dealing with nunc pro tunc appeals, has been moved to create a separate rule in Rule 1021.53a dealing only with nunc pro tunc appeals.

Comment. A comment has been added to Rule 1021.54 clarifying that a nunc pro tunc standard is not the appropriate standard for determining whether to grant leave for amendment of an appeal, contrary to the holding in *Pennsylvania Game Commission v. Department of Environmental Resources*, 509 A.2d 877 (Pa. Cmwlth. 1986).

7. *Dispositive motions (Rules 1021.91 and 1021.94)*

Rule 1021.91 (General). The prior rule stated that it applied to all motions except dispositive motions and those made during the course of a hearing. The rule has been revised to say that it applies to all motions except summary judgment motions and those made during the course of a hearing. A separate rule has been created for summary judgment motions.

Rule 1021.94 (Dispositive motions). This rule has been revised to delete subsections (a) and (b) and will apply generally to dispositive motions.

Rule 1021.94a (Summary judgment motions). A new rule has been created to deal specifically with summary judgment motions. The rule requires that a summary judgment record contain a motion, supporting brief, evidentiary materials and proposed order and defines what is required for each. A comment to the rule clarifies

that the statement of material facts in the brief should be limited to facts that are material to the disposition of the motion and should not include lengthy recitations of undisputed background facts.

8. *Prehearing procedure* (Rule 1021.101(a))

Rule 1021.101(a) has been revised to require that the discovery period for both expert and nonexpert discovery run concurrently. Under the old rule, the initial period for discovery ran for 90 days. During this time, all requests for discovery—both expert and nonexpert—were to be served; however, response times differed depending on whether the request was for expert or nonexpert discovery. Nonexpert discovery followed the Pennsylvania Rules of Civil Procedure and required answers to be served within 30 days of service of the discovery request. Responses to expert discovery were not required to be served until 150 days after issuance of Pre-Hearing Order No. 1. Under the revised rule, answers to all discovery will be due 30 days after service of the discovery request; there will be no special timeframe for responding to expert discovery. This revision has been adopted in response to complaints from appellants that they have been unable to obtain information regarding the basis for the DEP's action in the early stages of discovery because it may fall into the category of expert discovery. The rule change allows this information to be obtained earlier in the discovery process. (The rule change does not interfere with a party's right or duty to supplement its answers to discovery.)

To provide parties with sufficient time to secure an expert, the discovery period has been extended from 90 days to 180 days; however, whereas the prior rule said that discovery was to be served within the requisite time frame, the rule now requires discovery to be completed within this time frame. (The rule change does not affect the parties' ability to seek an extension of the discovery period.)

The rule has also been amended to allow all dispositive motions to be filed within 210 days of the prehearing order regardless of whether there will be expert testimony. Finally, the time period for filing a joint proposed case management order has been extended from 45 days to 60 days.

9. *Prehearing memorandum* (Rule 1021.104)

Rule 1021.104 has been revised to require that copies of exhibits be attached to the prehearing memorandum, as well as "such other information as the Board may require." In addition, a comment has been added, explaining that there is an administrative agreement between the Board and the Department allowing the prepayment of penalties to be transmitted to the Commonwealth to an appropriate escrow account.

10. *Termination of proceedings* (Rule 1021.141)

The reference in subsection (c) has been corrected to read "(b)(3)."

The EHB concurred with the recommendations set forth in this Preamble.

III. *Fiscal Impact of the Proposed Revisions*

The proposed amendments will have no measurable fiscal impact on the Commonwealth, political subdivision or the private sector. The amendments may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in EHB procedures, authority and requirements.

IV. *Paperwork Requirements for Proposed Revisions*

The proposed revisions may require only minor changes to the EHB's standard orders.

V. *Public Meeting on Proposed Rules*

In accordance with 65 Pa.C.S. § 704 (relating to open meetings), a quorum of the members of the EHB voted to adopt the proposed rules at public meetings held on October 13, 2004, and November 15, 2004, at the EHB's Harrisburg office, Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

VI. *Government Reviews of Proposed Revisions*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 2005, the EHB submitted copies of the proposed revisions to the Independent Regulatory Review Commission (IRRC) and the Senate and House Standing Committees on Environmental Resources and Energy. The EHB also provided IRRC and the Committees with copies of a Regulatory Analysis Form prepared by the EHB. Copies of the Regulatory Analysis Form are available to the public upon request.

If IRRC has objections to any of the proposed revisions, it will notify the EHB within 30 days of the close of the public comment period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final publication of the proposed revisions, by the EHB, the General Assembly and the Governor of objections raised.

VII. *Public Comment Regarding Proposed Revisions*

The EHB invites interested persons to submit written comments, suggestions or objections regarding the proposed revisions to William T. Phillipy, IV, Secretary to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, within 30 days of this publication.

MICHAEL L. KRANCER,
Chief Judge and Chairperson

Fiscal Note: 106-8. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURE
PRELIMINARY PROVISIONS**

GENERAL

§ 1021.2. Definitions

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

* * * * *

Department—The Department of Environmental [**Resources or its successor agencies**] **Protection or other boards, commissions or agencies whose decisions are appealable to the Board.**

* * * * *

DOCUMENTARY FILINGS

SIGNING, FILING AND SERVICE OF DOCUMENTS

§ 1021.32. Filing.

(a) Documents filed with the Board shall be filed at [**its**] **either of the following offices:**

(1) Its headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(2) Its Pittsburgh office—1507 State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

* * * * *

§ 1021.34. Service by a party.

* * * * *

(b) When a document is filed with the Board by overnight delivery or personal service, it shall be served by overnight delivery on the parties.

(c) In matters involving requests for expedited disposition, service shall be made within the ensuing 24 hours of the time of filing with the Board. For purposes of this subsection, service means actual receipt by the opposing party.

[(c)] (d) * * *

[(d)] (e) * * *

FORMAL PROCEEDINGS

APPEALS

§ 1021.51. Commencement, form and content.

* * * * *

(e) The appeal shall set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal. [An objection not raised by the appeal or an amendment thereto under § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals) shall be deemed waived, provided that, upon good cause shown, the Board may agree to hear the objection. For the purpose of this subsection, good cause shall include the necessity for determining through discovery the basis of the action from which the appeal is taken.]

* * * * *

(h) For purposes of this section, the term “recipient of the action” includes the following:

(1) The recipient of a permit, license, approval or certification.

(2) Any affected municipality, its municipal authority, and the proponent of the decision, when applicable, in appeals involving a decision under section 5 or 7 of the Sewage Facilities Act (35 P. S. §§ 750.5 and 750.7).

(3) The mining company in appeals involving a claim of subsidence damage or water loss under the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).

(4) The well operator in appeals involving a claim of pollution or diminution of a water supply under section 208 of the Oil and Gas Act (58 P. S. § 601.208).

(5) The owner or operator of a storage tank in appeals involving a claim of an affected water supply under section 1303 of the Storage Tank and Spill Prevention Act (35 P. S. § 6021.1303).

(6) Other interested parties as ordered by the Board.

(i) The service upon the recipient of [an action] a permit, license, approval or certification, as required by [this section] subsection (h)(1), shall subject the recipient to the jurisdiction of the Board [as a party], and the recipient shall be added as a party to the third-party appeal without the necessity of filing a petition for leave to intervene under § 1021.81 (relating to intervention).

(j) Other recipients of an action appealed by a third party, served as required by subsections (h)(2), (3), (4) or (5), may intervene as of course in the appeal by filing an entry of appearance within 30 days of service of the notice of appeal in accordance with §§ 1021.21 and 1021.22 (relating to representation; and notice of appearance), without the necessity of filing a petition for leave to intervene under § 1021.81.

[(i)] (k) Appellant shall provide satisfactory proof that service has been made as required by this section.

[(j)] (l) Subsections (a)—[(i)] (k) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

Comment: With regard to subsections (i)—(j), parties are required to abide by the rules set forth in §§ 1021.21 and 1021.22 (relating to representation of parties; and notice of appearance.)

§ 1021.53. Amendments to appeal or complaint [; nunc pro tunc appeals].

(a) An appeal or complaint may be amended as of right within 20 days after the filing thereof.

(b) After the 20-day period for amendment as of right, the Board, upon motion by the appellant or complainant, may grant leave for further amendment of the appeal or complaint. This leave may be granted if no undue prejudice will result to the opposing parties. [appellant establishes that the requested amendment satisfies one of the following conditions:

(1) It is based upon specific facts, identified in the motion, that were discovered during discovery of hostile witnesses or Department employees.

(2) It is based upon facts, identified in the motion, that were discovered during preparation of appellant’s case, that the appellant, exercising due diligence, could not have previously discovered.

(3) It includes alternate or supplemental legal issues, identified in the motion, the addition of which will cause no prejudice to any other party or intervenor.

(c) An appellant may not request leave to amend a notice of appeal after the Board has decided any dispositive motions or the case has been assigned for hearing, whichever is later.

(d)] (c) * * *

[(e)] (d) * * *

[(f) The Board upon written request and for good cause shown may grant leave for the filing of an appeal nunc pro tunc, the standards applicable to what constitutes good cause shall be the common law standards applicable in analogous cases in courts of common pleas in this Commonwealth.]

[(g)] (e) Subsections **(a)**—**[(f)] (d)** supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

Comment: In addition to establishing a new standard for assessing requests for leave to amend an appeal, this rule clarifies that a nunc pro tunc standard is not the appropriate standard to be applied in determining whether to grant leave for amendment of an appeal, contrary to the apparent holding in *Pennsylvania Game Commission v. Department of Environmental Resources*, 509 A.2d 877 (Pa. Cmwlth. 1986), affirmed, 555 A.2d 812 (1989).

§ 1021.53a. Nunc pro tunc appeals.

The Board upon written request and for good cause shown may grant leave for the filing of an appeal nunc pro tunc; the standards applicable to what constitutes good cause shall be the common law standards applicable in analogous cases in courts of common pleas in this Commonwealth.

§ 1021.54. Prepayment of penalties.

* * * * *

Comment: There is an administrative agreement between the Department and the Board which allows the prepayment of penalties to be transmitted to the Commonwealth to an appropriate escrow account.

MOTIONS

§ 1021.91. General.

(a) This section applies to all motions except **[(dispositive)] summary judgment** motions and those made during the course of a hearing.

* * * * *

(g) The moving party may not file a reply to a response to **[(its motion,)] procedural, discovery or miscellaneous motions** unless the Board orders otherwise.

* * * * *

§ 1021.94. Dispositive motions other than summary judgment motions.

(a) **[(This section applies to dispositive motions. Dispositive motions shall contain a concise statement of the relief requested, the reasons for granting that relief, and where necessary, the material facts that support the relief sought.)]**

(b) **Motions for summary judgment or partial summary judgment and responses shall conform to Pa.R.C.P. 1035.1—1035-5 (relating to motion for summary judgment).**

(c) **[(Dispositive motions, responses and replies shall be in writing, signed by a party or its attorney and served on the opposing party in accordance with § 1021.34 (relating to service). Dispositive motions shall be accompanied by a supporting memorandum of law or brief. The Board may deny a dispositive motion if a party fails to file a supporting memorandum of law or brief.)]**

[(d)] (b) A response to a dispositive motion may be filed within 30 days of service of the motion and shall be accompanied by a supporting memorandum of law or brief.

[(e)] (c) A reply to a response to a dispositive motion may be filed within 15 days of the date of service of the response, and may be accompanied by a supporting

memorandum of law or brief. Reply briefs or memoranda of law shall be as concise as possible and may not exceed 25 pages. Longer briefs or memoranda of law may be permitted at the discretion of the presiding administrative law judge.

[(f)] (d) An affidavit or other document relied upon in support of a dispositive motion or response, that is not already a part of the record, shall be **[(attached to)] filed at the same time** as the motion or response or it will not be considered by the Board in ruling thereon.

[(g)] (e) Subsection **[(c)] (a)** supersedes 1 Pa. Code § 35.177 (relating to the scope and content of motions). Subsection **[(d)] (b)** supersedes 1 Pa. Code § 35.179 (relating to objecting to motions).

§ 1021.94a. Summary judgment motions.

(a) Summary judgment motion record.

(1) A summary judgment motion record shall contain the following separate items:

- (i) A motion prepared in accordance with subsection (b).
- (ii) A supporting brief prepared in accordance with subsection (c).
- (iii) The evidentiary materials relied upon by the movant.
- (iv) A proposed order.

(2) Motions and responses shall be in writing, signed by a party or its attorney, and served on the opposing party in accordance with § 1021.34 (relating to service).

(b) **Motion.** A motion for summary judgment shall contain only a concise statement of the relief requested and the reasons for granting that relief. The motion should not include any recitation of the facts and should not exceed two pages in length.

(c) **Supporting brief.** The motion for summary judgment shall be accompanied by a brief containing an introduction and summary of the case, a statement of material facts and a discussion of the legal argument supporting the motion. The statement of material facts shall set forth in separately numbered paragraphs a concise statement of each material fact as to which the movant contends there is no genuine issue together with a citation to the portion of the motion record establishing the fact or demonstrating that it is uncontroverted. The citation shall identify the document and specify the pages and paragraphs or lines thereof or the specific portions of exhibits relied on.

(d) **Evidentiary materials.** All affidavits, deposition transcripts or other documents relied upon in support of a motion for summary judgment shall accompany the motion and brief. Affidavits shall conform to Pa.R.C.P. 76 and 1035.4 (relating to definitions; and affidavits).

(e) **Proposed order.** The motion shall be accompanied by a proposed order.

(f) **Party opposing motion.** Within 30 days of the date of service of the motion, a party opposing the motion shall file a brief containing a responding statement either admitting or denying or disputing each of the facts in the movant's statement and a discussion of the legal argument in opposition to the motion. All material facts in the movant's state-

ment which are sufficiently supported will be deemed admitted for purposes of the motion only, unless specifically disputed by citation conforming to the requirements of subsection (c) demonstrating existence of a genuine issue as to the fact disputed. An opposing party may also include in the responding statement additional facts the party contends are material and as to which there exists a genuine issue. Each fact shall be stated in separately numbered paragraphs together with citations to the motion record. Affidavits, deposition transcripts or other documents relied upon in support of a response to a motion for summary judgment, which are not already a part of the motion record, shall accompany the responding brief.

(g) *Reply brief.* A concise reply brief may be filed by the movant within 15 days of the date of service of the response. Additional briefing may be permitted at the discretion of the presiding administrative law judge.

(h) *Adverse party.* When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading or its notice of appeal, but the adverse party's response, by affidavits or as otherwise provided by this rule, must set forth specific facts showing there is a genuine issue for hearing. If the adverse party does not so respond, summary judgment may be entered against the adverse party. Summary judgment may be entered against a party who fails to respond to a summary judgment motion.

(i) *Judgment sought.* The judgment sought shall be rendered forthwith if the motion record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Comment: The statement of material facts in the briefs should be limited to those facts which are material to disposition of the summary judgment motion and should not include lengthy recitations of undisputed background facts or legal context. The evidentiary materials relied upon should not be attached to the motion or the brief but should be bound as a separate item and labeled as exhibits to facilitate reference.

PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ 1021.101. Prehearing procedure.

(a) Upon the filing of an appeal, the Board will issue a prehearing order providing that:

(1) All discovery [, including any discovery of expert witnesses,] shall be [served] completed no later than [90] 180 days from the date of the prehearing order.

(2) [The party with the burden of proof shall serve its answers to all expert interrogatories within 150 days of the date of the prehearing order. The opposing party shall serve its answers to all expert interrogatories within 30 days after receipt of the answers to all expert interrogatories from the party with the burden of proof.] The service of a report of an expert together with a statement of qualifications may be substituted for an answer to expert interrogatories.

(3) Dispositive motions [in a case requiring expert testimony] shall be filed within 210 days of the date of the prehearing order. [If neither party plans to call an expert witness, dispositive motions shall be filed within 180 days after the filing of the appeal unless otherwise ordered by the Board.]

(4) The parties may, within [45] 60 days of the date of the prehearing order, submit a Joint Proposed Case Management Order to the Board.

§ 1021.104. Prehearing memorandum.

(a) A prehearing memorandum shall contain the following:

* * * * *

(7) A list of the exhibits the party seeks to introduce into evidence and a statement indicating whether the opposing party will object to their introduction. A copy of each exhibit shall be attached.

* * * * *

(9) Other information as may be required by the Board's prehearing orders.

* * * * *

TERMINATION OF PROCEEDINGS

§ 1021.141. Termination of proceedings.

* * * * *

(c) When a proceeding is sought to be terminated by the parties pursuant to a consent adjudication, all parties shall submit the proposed consent adjudication to the Board for approval. No proposed consent adjudication will be approved by the Board unless it contains the agreement of all parties to the action. The Board may refuse to approve a proposed consent adjudication if any of its provisions are contrary to law or constitute, in the discretion of the Board, overreaching or bad faith by any party. Prior to approval, the Board will publish the major substantive provisions of the consent adjudication in the manner indicated in subsection [(c)] (b)(3). In addition, the notice shall provide a comment period of at least 30 days for comments to be provided by the public. When comments are received from the public the parties to the consent adjudication shall respond to the comments. The Board may schedule a hearing prior to taking action on the consent adjudication. Any appeal from a consent adjudication shall lie to the Commonwealth Court, and shall, when taken by an aggrieved person not a party to the action, be taken within 30 days of the date of the Board's action.

* * * * *

[Pa.B. Doc. No. 05-651. Filed for public inspection April 8, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 5, 11, 13 AND 17]

Revisions to Codify Practices and Procedures Resulting from Legislative Amendments

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (Code) (47 P.S. § 2-207(i)), proposes to amend Chapters 5, 11, 13 and 17.

Summary

The proposed rulemaking codifies practices and procedures of the Board and further explains various legislative changes to the Code (47 P. S. §§ 1-101—8-803). The following is a summary:

1. The proposed rulemaking explains conditions under which minors without a parent, guardian or proper supervisor may be present in those licensed premises that primarily serve food.
2. It prohibits purchases or redemption of the Board's gift cards by minors.
3. It explains qualifications for obtaining Sunday sales permits by licensees.
4. It explains the process of renewing Sunday sales permits by licensees.
5. It establishes requirements for the Board to participate in wine events.
6. It codifies established practices regarding limits on point-of-sale incentive programs for malt or brewed beverages.
7. It explains the procedure for intervention by interested parties where a municipality has requested leave to enforce its own noise ordinance in lieu of the Board's regulations on amplified music.

Affected Parties

The proposed rulemaking will affect existing licensees, and parties interested in municipal noise ordinance proceedings.

Paperwork Requirements

The proposed rulemaking will not significantly increase paperwork for the Board or the regulated community.

Fiscal Impact

Because the proposed rulemaking primarily codifies and organizes existing practices or obligations under the Code, it will not have a fiscal impact on the licensees of the Board, applicants for licenses or the Board itself.

Effective Date

These proposed amendments will become effective upon publication in final-form in the *Pennsylvania Bulletin*.

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after the publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be addressed to James F. Maher, Assistant Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 17, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairperson of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory

review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final-form publication of the regulations, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

JONATHAN H. NEWMAN,
Chairperson

Fiscal Note: 54-61. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEE

Subchapter J. MINORS ON LICENSED PREMISES

Sec.
5.121. Service in establishments primarily serving food.

§ 5.121. Service in establishments primarily serving food.

(a) Section 494(14) of the Liquor Code (47 P. S. § 4-494(14)) creates several exceptions to the general prohibition of minors being present in licensed premises. One of these exceptions, known as the "Pizza Hut" exception, permits a minor to be present in a restaurant, hotel or retail dispenser (but not a club) licensed premises that has gross sales of food and nonalcoholic beverages equal to at least 50% of its combined gross sales of both food and alcoholic beverages.

(b) Licensees qualifying for this exception will not be cited for unlawfully allowing minors to frequent the licensed premises.

(c) To qualify for this exception, a licensee shall assure that:

(1) Minors are not permitted to sit at the bar counter of the premises.

(2) Alcoholic beverages are not served to any adult at the table or booth where the minor is seated, unless the minor is also there with a parent, legal guardian or proper supervisor.

(3) Sales of food and nonalcoholic beverages at the licensed premises during the preceding 12-month licensing year are at least 50% of the combined gross sales of both food and alcoholic beverages.

CHAPTER 11. PURCHASES AND SALES

Subchapter A. GENERAL PROVISIONS

§ 11.13. Gift card transactions by minors prohibited.

Gift cards authorized by section 305 of the Liquor Code (47 P. S. § 3-305) for sale and redemption by the Board may not be purchased or redeemed by minors.

Subchapter I. SALE OF ALCOHOLIC BEVERAGES ON SUNDAY

§ 11.172. Application for a new Sunday sales permit.

(a) A licensee who wishes to make Sunday sales of alcoholic beverages shall file an application in the form as may be prescribed by the Board for a Sunday sales permit. The application for a Sunday sales permit shall contain:

* * * * *

(4) Information [to support the application's assertion] that for at least 90 consecutive days during the 12 months immediately preceding the date of application, sales of food and nonalcoholic beverages by the applicant at the licensed premises were [equal to or exceed] at least 30% of the combined gross [sale] sales of both food and alcoholic beverages.

(b) [The licensee shall be strictly liable for the accuracy of the information contained in the application and any inaccuracy shall be cause to show why the license should not be suspended or revoked or a fine imposed.] Inaccuracy in the application shall be sufficient cause for citation of a licensee under section 471 of the Liquor Code (47 P. S. § 4-471).

(c) Sunday sales permits are specific to the named licensee and not subject to transfer of ownership.

§ 11.176. Renewal.

(a) Renewals of Sunday sales permits shall be accomplished as set forth in § 11.172 (relating to application for a new Sunday sales permit), except that the information required by § 11.172(a)(4) shall be for the consecutive 12-month period [or portion thereof] immediately preceding the date of the application for renewal.

(b) If a licensee does not qualify for renewal of its Sunday sales permit, it may not apply for a new permit until at least 120 days after the expiration of its previous permit. The application will then be considered an application for a new Sunday sales permit.

(c) When the licensee delays its renewal application, sales during the prior Sunday sales permit may not be used to qualify the applicant for a new Sunday sales permit.

Example: A license and Sunday sales permit expire on February 28, 2004. The licensee applies for renewal on November 30, 2003. During the 12 consecutive months preceding the renewal application (November 1, 2002, through October 31, 2003) the licensee's ratio of sales of food and nonalcoholic beverages to its sales of food and alcoholic beverages is 25%. Therefore, the licensee's Sunday sales permit is not renewable. The licensee waits the required 120 days, and on July 1, 2004, it applies for a new Sunday sales permit. Its ratio is then at 35% for 90 consecutive days. It is issued a new Sunday sales permit that is valid until February 28, 2005. If the licensee's ratio stays above 30%, the Sunday sales permit will be validated and be in force at least until March 1, 2006.

CHAPTER 13. PROMOTIONS

Subchapter A. ADVERTISING

WINE

§ 13.27. Board participation in wine events.

(a) Section 215(e) of the Liquor Code (47 § 2-215 (e)) authorizes the Board to sponsor or participate in wine events.

(b) Persons seeking Board participation shall submit a request in writing to the Board at least 60 days prior to the first day of the wine event.

(c) If the event is approved, the Board will issue a letter of authority to the event organizer. The Board's letter will describe the premises upon which the wine event will be held.

(d) If the event is not approved, the Board's decision is final, and may not be appealed.

(e) Wine to be used in a wine event that the Board has chosen to sponsor or participate in may be acquired and possessed in accordance with the following:

(1) Wine donated for the event may be shipped directly to the wine event organizer or its agents.

(i) Records showing the amount, types and brands of all wine received, the identity of the donors and the dates received, and documents evidencing payment of all necessary taxes shall be forwarded to the Board prior to the wine event.

(ii) Wine obtained for the wine event that is not used at the wine event shall be returned to the donor, donated to a nonprofit, charitable organization registered with the Pennsylvania Department of State or destroyed and may not be sold.

(2) Wine may also be obtained for the wine event through the Board's wine and spirits stores.

(f) The Board's letter of authority authorizes the event organizer or its agents to possess and transport wine for the wine event.

(g) Participation in the wine event, including the service and consumption of wine, may be conditioned on the purchase of a ticket to the wine event. The event organizer, its agents or the Board may sell tickets. Sale of tickets by the event organizer or its agents does not constitute the unlawful sale of alcohol.

(h) The event organizer shall appoint a manager who shall be present on the premises at all times during the wine event.

(i) The Board may sell wine for off-premises consumption in an area it designates at the wine event. The Board will comply with the provisions of the Liquor Code governing retail sales at wine and spirits stores, except that advance advertisement or notice posting by the Board of the location of the designated sales area is not required and provisions granting a right of protest will not be applicable.

(j) If the premises where the wine event is to occur is licensed by the Board, the licensee will not be cited under the Liquor Code for conduct occurring on the licensed premises during the wine event, so long as the licensee, its employees or agents are not directly involved in the violation and are not participating in the operation or management of the wine event.

GIVING AND ACCEPTING THINGS OF VALUE

§ 13.51. General prohibition.

(a) Except as [provided in subsections (b), (c) and § 13.52 (relating to advertising novelties)] otherwise permitted, no in-State or out-of-State manufacturer, licensee or group of licensees, their servants, agents or employees, may directly or indirectly, in person, individually or through a trade organization, contribute to or accept from another licensee or group of licensees of a different class, their servants, agents or employees or a

trade organization of licensees of a different class, anything of value by means of advertisements, contributions, purchase, sale of tickets, donations or by any device, for any purpose.

* * * * *

§ 13.54. Point of sale (POS) incentive programs—defined.

A POS incentive program provides prizes for non-licensed buyers to purchase and for distributors/importing distributors to promote the sale of a brand of malt or brewed beverages. These promotions feature displays or advertisements at the location where a sale is made.

§ 13.56. Permissible point of sale (POS) incentive programs.

(a) A POS incentive program must be sponsored by a manufacturer or importing distributor of malt or brewed beverages.

(b) The composite value of prizes available to nonlicensed buyers must be at least three times the value of prizes available to distributors/importing distributors.

(c) Associated display and novelty items must be directed at and available for nonlicensed buyers.

(d) A prize may not be given to every participant.

(e) The value of a prize for a nonlicensed buyer may not exceed \$1,500.

(f) The POS incentive program may not incorporate a payment to licensees based on the number of cases displayed.

(g) The POS incentive program must be approved in advance by the Office of Chief Counsel, Pennsylvania Liquor Control Board.

CHAPTER 17. SPECIAL RULES OF PRACTICE AND PROCEDURE REGARDING MATTERS BEFORE THE OFFICDE OF ADMINISRATIVE LAW JUDGE

Subchapter A. GENERAL

§ 17.1. Purpose.

This chapter supplements 1 Pa. Code Part II (relating to general rules of administrative practice and procedure)

and governs the practice and procedure before the Board regarding license applications, appeals from ALJ decisions, applications for supersedeas [and], divestiture and noise exemption petitions.

Subchapter B. LICENSE APPLICATION

§ 17.15. Intervention in noise exemption petitions.

(a) Petitions to intervene may be filed when a municipality has petitioned the Board for exemption from the Board's regulation regarding the sound of amplified music or other entertainment, or the advertisement thereof, being heard outside of licensed premises.

(b) The deadline for filing a petition to intervene is 7 calendar days before the hearing. In extraordinary circumstances and for good cause, a petition to intervene may be accepted by the Board after the deadline, but not after the hearing begins.

(c) A petition to intervene will present proof that the petitioner has a substantial, direct and immediate interest in the outcome of the proceeding. For an interest to be substantial, it means that there is some discernible adverse effect to the petitioner's individual interest. For the petitioner to have a direct interest, it means that the person claiming to be aggrieved must show the harm to his interest would be caused by the municipality's enforcement of its own noise ordinance. An immediate interest means that there is a close causal connection between the alleged injury and the grant of the exemption.

(d) The Board may allow petitioners to become interveners if the petition also shows the petitioner has an interest of such a nature that intervention is necessary or appropriate to administration of the Liquor Code and this title. The Board will also consider whether or not the interest asserted in the petition to intervene is adequately represented by existing parties.

[Pa.B. Doc. No. 05-652. Filed for public inspection April 8, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

GOVERNOR'S OFFICE
[4 PA. CODE CH. 1]

Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 35 Pa.B. 358 (January 15, 2005). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

MICHAEL J. MASCH,
Secretary of Administration

(Editor's Note: This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to Joint Committee on Documents) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)

Fiscal Note: GOV 05-1. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

§ 1.4. Index of Issuances.

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1975-3 Establishment of the Pennsylvania Commission for Women	Rescinded by 1997-3—6/25/97	
1975-5 Commitment Toward Equal Rights	9/19/78	
1975-6 Preservation of Historic Resources	5/6/75	
1977-4 Compliance with <i>Section 504 of the Rehabilitation Act of 1973</i> <i>(P. L. 93-112)</i>	8/3/77	
1977-5 Implementation of <i>Act No. 1976-101</i>	9/27/77	
1978-4 Flood Plain Management	3/1/78	
1978-9 Public Information Policies and Practices	5/23/78	
1978-19 Access by Handicapped Individuals to Meeting Locations	12/19/78	
1979-10 Commonwealth Child Development Committee	7/25/79	
1979-13 Governor's Office of Policy and Planning	9/18/79	
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1980-4 Golden Keystone Discount Card Program	2/27/80	
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1983-4 Coordination of State Employment and Training Programs	Rescinded by 1997-7—6/30/98	
1984-3 Accounting and Financial Reporting	10/11/84	
1985-1 State Employee Combined Appeal	Rescinded by 2001-2—2/14/01	
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1986-5 Standby Allocations of the Volume Cap Under the <i>Tax Reform Act</i> <i>of 1986</i>	10/2/86	
1986-7 Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions	12/1/86	
1987-1 1987 Allocations of the Unified Volume Cap Under the <i>Tax Reform</i> <i>Act of 1986</i>	1/7/87	

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1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections.	1/16/87	
1987-4	Economic Development Partnership (EDP).....	Rescinded by 2001-4—6/5/01	
1987-7	State Inspector General	4/6/87	
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1987-9	Allocation of State Low-Income Housing Credit Authority Under the <i>Internal Revenue Code of 1986</i>	4/22/87	
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1987-12	Cultural Advisor to the Governor.....	5/27/87	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal <i>Low-Level Radioactive Waste Policy Amendments Act</i>	12/21/87	
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1988-5	Pennsylvania Department of Health Diabetes Task Force	Terminated 12/31/94	
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1990-3	Contractor Responsibility Program.....	6/29/90	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania" ..	8/17/90	
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1991-8	Pennsylvania Heritage Affairs Commission	Terminated 12/31/94	
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1994-3	Agricultural Land Preservation Policy.....	Rescinded by 1997-6—10/14/97	
1994-4	Governor's Committee on Education Standards and Assessments ..	5/18/94	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans.....	11/4/94	
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1995-2	Drug Policy Planning Coordination.....	12/19/97	
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1995-4	Monitoring Supplies of Petroleum Products	7/10/95	
1995-5	Money-Back Guarantee Permit Review for the Department of Environmental Protection	8/23/95	
1995-6	Governor's Community Partnership for Safe Children	9/14/95	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction.....	10/11/95	
1995-8	Governor's Advisory Commission on Public School Finance.....	10/11/95	
1995-9	Governor's Sportsmen's Advisory Council	Rescinded by 2001-5—9/17/01	
1995-10	Governor's Sports and Exposition Facilities Task Force	10/27/95	
1996-1	Regulatory Review and Promulgation	2/6/96	
1996-2	Implementation of the IMPACCT Commission Recommendations ..	4/19/96	
1996-3	Governor's Advisory Commission on African American Affairs	Rescinded by 2003-7—6/22/03	
1996-4	Governor's Advisory Commission on Latino Affairs	Rescinded by 2003-9—7/1/03	
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1996-6	Governor's Advisory Commission on Academic Standards	9/30/96	
1996-7	Pennsylvania Center for Environmental Education.....	12/20/96	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1996-8	Minority and Women Business Enterprise and Contract Compliance Programs	Rescinded by 2004-6—4/15/04
1996-9	Equal Employment Opportunity	Rescinded by 2002-3—5/3/02
1996-10	State Employee Assistance Program	12/20/96
1996-11	Disability-Related Policy	Rescinded by 2002-5—5/3/02
1996-12	Workplace Policy for HIV/AIDS	Rescinded by 2003-4—5/5/03
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace	12/20/96
1996-14	Prohibition of Sexual Harassment in the Commonwealth	Rescinded by 1999-3—5/13/99
1997-1	Governor's Travel and Tourism Council	3/17/97
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1997-3	Pennsylvania Commission for Women	Rescinded by 2003-6—6/22/03
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1997-5	Governor's Advisory Council on Physical Fitness and Sports	9/24/97
1997-6	Agricultural Land Preservation Policy	Rescinded by 2003-2—3/20/03
1997-7	Pennsylvania Human Resources Investment Council	Rescinded by 2000-2—2/14/00
1998-1	Governor's Green Government Council	3/25/98
1998-2	Governor's Census 2000 Advisory Panel	Terminated 3/1/01
1998-3	The Pennsylvania Greenways Partnership Commission	8/16/01
1998-4	Interagency Committee to Coordinate Services Provided to Individuals with Disabilities	Terminated 12/31/99
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1999-3	Prohibition of Sexual Harassment in the Commonwealth	Rescinded by 2002-4—5/3/02
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2000-2	Pennsylvania Workforce Investment Board	2/14/00
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2001-3	The Voting Modernization Task Force	Terminated 12/31/01
2001-4	Economic and Community Development Partnership	6/5/01
2001-5	Governor's Sportsmen's Advisor, Governor's Sportsmen's Advisory Council, and the Governor's Youth Sportsmen's Advisory Council	Rescinded by 2003-13—9/22/03
2001-6	Governor's Task Force on Security	Rescinded by 2002-11—9/12/02
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2002-2	Governor's Task Force on Early Childhood Care and Education	7/15/02
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2002-9	Governor's Fire and Emergency Services Task Force	Terminated 10/1/02
2002-10	Governor's Commission and Abandoned Mine Voids and Mine Safety	Terminated 11/15/02
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2002-12	Rescission of Executive Order 1988-10	Terminated 10/15/02
2002-13	Proposed Keystone Opportunity Improvement Sub-zones	12/31/02
2003-1	Commonwealth's Health Care Reform Agenda	1/21/03
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2003-3	Management and Productivity Improvement Initiative	4/30/03
2003-4	Workplace Policy for HIV/AIDS	5/5/03
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2003-7	Governor's Advisory Commission on African American Affairs	6/22/03
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205.16	Compliance With the <i>Whistleblower Law, Act 1986-169</i>	11/22/95
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205.23	Submission of Commonwealth Publications to the State Library for Collection and Distribution to Other Designated Libraries	4/27/93	
205.24	Display of Flags on Commonwealth Grounds and Buildings	5/24/01	
205.25	Disability-Related Employment Policy	6/19/02	
205.26	The <i>Americans With Disabilities Act of 1990, Title II, Subtitle A</i> , Nondiscrimination in State and Local Government Services.....	7/22/92	
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310.1 Fiscal Guidelines for Federal Reimbursement of Disaster Related
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310.24	Accepting Debit/Credit Cards and Electronic Funds Transfers for Commonwealth Revenues	10/20/00	
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315.21	Deductions for U.S. Savings Bonds	11/7/85	
315.22	Preparation and Filing of Federal Forms 1099 and 1096	1/3/95	
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325.7	Implementation of the Commonwealth's State Level Single Audit ..	7/13/98	
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505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings	6/19/02	1
505.31	Domestic Violence and the Workplace	5/31/04	

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M505.2	Personnel Management Review	7/9/97	
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530.10	Administrative Leave to Compete in International and World Championships	7/23/96	

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530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates	7/8/97	
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530.27	Leave Related Policies for Employees Excluded from Earning Leave and Leave Service Credit.....	2/7/97	
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M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits	8/04	
M530.7	Leave and Holiday Programs	7/7/98	
M530.9	Unemployment Compensation Insurance Administrative Manual ..	12/7/98	
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M530.17	Temporary Clerical Pool Employee Handbook	12/94	
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570.13	State Employees' Retirement System, Regional Field Offices	9/23/92	1
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M570.3	State Employees' Retirement System Counselors' Manual.	Rescinded by SERS as obsolete. 1/31/01.
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580.28	Reallocation to a Lower Class in the Classified Service	2/27/90	
580.29	Rapid Promotion Examinations in the Classified Service.	8/12/85	
580.30	Classified Service Leave Without Pay and Return Rights	3/24/86	
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580.33	Reproductions of Documents for Classified Service Personnel Actions.	9/14/90	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service	5/20/02	
580.35	Employees Placed in the Classified Service by Position Reallocation	3/29/88	
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M580.1	Certification of Eligibles for the Classified Service.....	4/7/97
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590.7	Labor Relations—Grievance Administration.....	7/28/97
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M590.2	Digest of Commonwealth Employee Classification Arbitration Cases	8/4/82	1 thru 7
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SUPPLIES, SERVICES, AND EQUIPMENT**Supplies and Equipment Acquisition/Disposition**

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610.11	Equipment Lease Renewals.....	Rescinded by M215.3—8/20/99
610.12	Renewal of Multiyear Equipment Leases Containing Purchase Options	Rescinded by M215.3—8/20/99
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610.14	Review of Sole Source Purchase Requisitions for Equipment and Supplies.....	Rescinded by M215.3—8/20/99
610.15	Master Lease Program	Rescinded by 610.15 Rev. 1—7/26/04 (Revision No. 1 to 610.15 is rescinded upon publication of M210.3, Index of Issuances dated 3/18/05.)

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M610.5	Field Purchasing Manual.....	Rescinded by M215.3—8/20/99

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615.6	License Plates for Commonwealth-Owned Vehicles	6/30/97
615.7	Commonwealth Vehicle Invoices	7/3/97
615.8	Use of State Automobiles.....	3/26/80
615.9	Permanent Assignment of Commonwealth Automotive Fleet Vehicles	11/20/02
615.11	Use and Condition Inspections of Commonwealth-Owned Motor Vehicles	4/21/82
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615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles	9/26/97
615.14	Repairs and Maintenance, Commonwealth Automotive Fleet	6/25/97
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625.3 Moving Employee Household Goods and Commonwealth Property . 3/14/96
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720.3 Emergency Evacuation Plans at Commonwealth Facilities..... 12/3/04
720.4 Safety and Loss Prevention Program 10/2/87
720.5 Personal Electrical Devices in Commonwealth-Owned or Leased
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720.6 Call Trace Procedures for Threatening, Harassing, and Nuisance
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720.7 Bomb Threats and Suspicious Packages 11/1/04

[Pa.B. Doc. No. 05-653. Filed for public inspection April 8, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 29, 2005.

BANKING INSTITUTIONS

Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-29-05	Prudential Savings Bank Philadelphia Philadelphia County	Philadelphia	Effective
Represents reorganization into a mutual holding company to be known as Prudential Mutual Holding Company, Philadelphia, PA, a newly formed Pennsylvania mutual holding company, and 55% owner of Prudential Bancorp, Inc. of Pennsylvania, Philadelphia, PA, a newly formed Pennsylvania stock holding company. Prudential Savings Bank will be a wholly owned subsidiary of Prudential Bankcorp, Inc. of Pennsylvania.			

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-05	Prudential Savings Bank Philadelphia Philadelphia County	Philadelphia	Effective
Represents a conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank in conjunction with the reorganization into a mutual holding company form of ownership listed previously.			

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-21-05	First Commonwealth Bank Indiana Indiana County	4198 Washington Road Route 19 McMurray Washington County	Opened
3-21-05	First Commonwealth Bank Indiana Indiana County	10 Trinity Place Washington Washington County	Opened
3-21-05	PeoplesBank, A Codorus Valley Company York York County	26 East Main Street New Freedom York County	Opened
3-24-05	Lafayette Ambassador Bank Easton Northampton County	1127 Chestnut Street Emmaus Lehigh County	Approved
3-24-05	Royal Bank America Narberth Montgomery County	213 Main Street Fort Lee Bergen County, NJ	Approved
3-25-05	Fulton Bank Lancaster Lancaster County	2747 Century Boulevard Sinking Spring Spring Township Berks County	Filed
3-28-05	Community Banks Millersburg Dauphin County	The Manor at Oakridge 4500 Oakhurst Boulevard Susquehanna Township Dauphin County (Limited Service Facility)	Approved

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-28-05	Community Banks Millersburg Dauphin County	1196 Walnut Bottom Road Carlisle South Middleton Township Cumberland County	Approved
3-28-05	Citizens & Northern Bank Wellsboro Tioga County	Corner of Foy and Dewey Avenues Williamsport Lycoming County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Seven branch offices that are subject to purchase of assets/assumption of liabilities by Charter One Bank, National Association, Cleveland, OH: Main Street Saxonburg Butler County 301 North Main Street Butler Butler County 1521 North Main Street Butler Butler County 223 Grove City Road Slippery Rock Butler County 100 North Main Street Zelienople Butler County 700 Moraine Point Plaza Butler Butler County 20111 Route 19 Cranberry Mall Cranberry Township Butler County	Filed
3-24-05	AmeriServ Financial Bank Johnstown Cambria County	231 State Street Harrisburg Dauphin County	Effective
3-29-05	Lebanon Valley Farmers Bank Lebanon Lebanon County	2 Micro Drive Jonestown (Lickdale) Lebanon County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-654. Filed for public inspection April 8, 2005, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Friday, April 15, 2005, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo at (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 05-655. Filed for public inspection April 8, 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

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#)</i>	<i>EPA Waived Y/N ?</i>
PA0020591 (Sewage)	Mt. Gretna Authority 101 Chautauqua Drive Mount Gretna, PA 17064	Lebanon County South Londonderry Township	Conewago Creek/7G	Y
PA0083551 (Sewage)	William A. Martin North Carolina Associates Partnership 585 Martin Road Gettysburg, PA 17325	Adams County Tyrone Township	UNT to Conowago Creek/7-F	Y
PA0086291 (IW)	Texas Eastern Transmission, LP 5400 Westheimer St. Houston, TX 77056	Juniata County Lack Township	UNT to Lick Run Creek/12-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#)</i>	<i>EPA Waived Y/N ?</i>
PA0104272	North East Access Area Fish and Boat Commission 450 Robinson Lane Bellefonte, PA 16823-9620	North East Township Erie County	UNT to Lake Erie 15-LE	Y

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

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

PA0027171, Sewerage SIC, 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This existing facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 5D and classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River, 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
TSS	30	45		60
Total Cl ₂ Residual	0.78			4.0
Ammonia-N	Report			
Kjeldahl-N	Report			
Nitrate-N	Report			
Nitrite-N	Report			
Total Nitrogen	Report			
Total Phosphorus	Report			
Fecal Coliform (5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

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

1. Permit Condition for the Development, Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable to Stormwater Outfalls.
3. Whole Effluent Toxicity Tests.

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

PA0216895, Industrial Waste, SIC 4941, **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717. This application is for an renewal of an NPDES permit to discharge treated process water, sewage and stormwater from Tubmill Water Plant in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Tubmill Creek and UNT to Tubmill Creek, classified as TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Saltsburg Waterworks located at Saltsburg, 37.3 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.00035 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.00035				
CBOD ₅			25		50
Total Suspended Solids (TSS)			30		60
Total Residual Chlorine (TRC)			1.4		3.3
Fecal Coliforms (#/100 ml)					
(5-1 to 9-30)			200		1,000
(10-1 to 4-30)			2,000		
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.141 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			2.9		5.8
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 standard units				

Outfall 003: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			2.9		5.8
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 standard units				

Outfall 004: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH (su)	Monitor and Report				

The EPA waiver is in effect.

PA0218227, Industrial Waste, SIC 4941, **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012. This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the MATW Water Treatment Plant in Fayette City Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Belle Vernon Municipal Authority, located at Belle Vernon on the Monongahela River, over 2.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.55 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 s.u.				

Other Conditions: Residual solids control, floating solids control, stormwater conditions, chemical additive requirements, total residual chlorine conditions, effluent concentration requirement.

The EPA waiver is in effect.

Outfall 002: existing stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Outfall to consist solely of uncontaminated stormwater discharge.					

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

PA0239551, Sewage, **The Camping Association of the Presbyteries of Northwestern Pennsylvania, Westminster Highlands Church Camp STP**, 114 West Venango Street, Mercer, PA 16137-1109. This proposed facility is located in Scrubgrass Township, **Venango County**.

Description of Proposed Activity: a new discharge of treated sewage.

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 Emlenton Municipal Water Company and the Allegheny River located at Emlenton, approximately 12 miles below point of discharge.

The receiving stream, a UNT to Little Scrubgrass Creek, is in watershed 16-G and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric average 2,000/100ml as a geometric average	
Total Residual Chlorine	1.4		3.3
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

WQM Permit No. 0205404, Sewerage, **North Fayette Township**, 400 North Branch Road, Oakdale, PA 15071. This proposed facility is located in North Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for construction and operation of an extension to the existing sewage collection system for a residential site development.

WQM Permit No. 6505402, Sewage, **Greater Greensburg Sewage Authority**, P. O. Box 248, Greensburg, PA 15601. This proposed facility is located in the City of Greensburg, **Westmoreland County**.

Description of Proposed Action/Activity: Application for construction and operation of a CSO Equalization facility, 200,000 gallon underground EQ tank with pump station.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905006	O & B Builders 1765 Canary Road Subdivision P. O. Box 973 Worcester, PA 19490	Bucks	Milford Township	Schmoultz/Unami Creeks (HQ-TSF)
PAI011505018	BK Campbell, Inc. Shoppes at Lower Oxford—Phase I 402 Bayard Road Suite 100 Kennett Square, PA 19348-1862	Chester	Lower Oxford Township	UNT to Big Elk Creek (HQ-TSF-MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905007	Craig Cherry Toll Brothers 250 Gibraltar Rd. Horsham, PA 19044	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023905008	Tony Caciolo Monogram Land Holding, Ltd 6366 Robin Lane Coopersburg, PA 18036	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023905009	Brian Soyka Sheetz, Inc 5700 Sixth Ave. Altoona, PA 16602	Lehigh	City of Bethlehem	Monocacy Creek HQ
PAI023905010	Parkland School District 1210 Springhouse Rd. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023905011	Lou Cinquino Maria Rodale 209 Main St. Emmaus, PA 18049	Lehigh	Salisbury and Upper Saucon Townships	Trout Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805011	Ron Del Serro Ron Del Development Co. 3242 Farmersville Rd Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

Monroe County Conservation District: 8050 Running Valley Rd., 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>
PAI024505007	James P. Ertle R. R. 2 Box 30 Kunkletown, PA 18058	Monroe	Stroud Township	Pocono Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905012	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056505001(1)	Manor Development Group 109 Gateway Avenue Suite 202 Wexford, PA 15090	Westmoreland	Murrysville	UNT to Steels Run (HQ-CWF)

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-348.

Jefferson Conservation District: 1514 Route 28, Brookville, PA 15825, (814) 849-7463.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103308R	Irons & Woods Golf Course Raymond Dush One Iron and Woods Road Brookville, PA 15825	Jefferson	Eldred Township	Tributary to Redlick Run HQ-CWF Tributary to North Fork HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705001	Turnpike Commission Brad Heigel, Project Manager 700 S. Eisenhower Blvd. Middletown, PA 17057	Lawrence	Little Beaver Township	North Fork, Little Beaver Creek HQ-CWF
	Replacement of WB-107 along SR 3011 over the PA Turnpike			

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)
PERMI**

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 (Depart-

ment) 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

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

Permit No. 4005503, Public Water Supply

Applicant	Bezdecki Family, LLC d/b/a Sutton Springs
Township or Borough	Jackson Township
County	Luzerne
Responsible Official	Kelly Bezdecki 1823 Sutton Road Shavertown, PA 18708
Type of Facility	Bottled Water Facility
Consulting Engineer	Richard B. Kresge, Jr., P. E. Quad Three Group 37 North Washington Street Wilkes-Barre, PA 18701
Application Received Date	March 22, 2005
Description of Action	The applicant requests approval to modify existing PWS facilities by replacing disinfection and bottling equipment at the site.

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

Permit No. 1805501—Construction, Public Water Supply.

Applicant	Porter Township Municipal Authority
Township or Borough	Porter Township
County	Clinton
Responsible Official	Karl Walizer, Chairman Porter Township Municipal Authority 216 Spring Run Road Mill Hall, PA 17751
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Daniel B Guss, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Drive State College, PA 16801

Application Received Date	March 22, 2005
Description of Action	Installation of equipment and operation of a system for corrosion inhibitor addition to assure compliance with the Lead and Copper Rule.

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

Permit No. 0289508-A2, Public Water Supply.

Applicant	Borough of Brackenridge 1000 Brackenridge Avenue Brackenridge, PA 15014-1599
Township or Borough	Brackenridge Borough
Responsible Official	Mary Lou Poli, President Borough Council Borough of Brackenridge, 1000 Brackenridge Avenue Brackenridge, PA 15014-1599
Type of Facility	Water treatment plant
Consulting Engineer	Senate Engineering Company U-PARC 420 William Pitt Way Pittsburgh, PA 15238
Application Received Date	February 3, 2005
Description of Action	Modifications to the existing plant—operating existing clarifiers in series, submergence of clarifier overflow weirs, new pumps for (filters) backwash system and relocation of residual chlorine monitor.

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996319, Public Water Supply.

Applicant	Mayer Brothers Apple Products, Inc.
Township or Borough	West Seneca, NY
Responsible Official	John Mayer, President
Type of Facility	Out-of-State Bottled Water System
Application Received Date	March 28, 2005
Description of Action	Applicant requesting a major permit amendment to use the Erie County Water Authority municipal source located in Buffalo, New York. Bottled water to be sold in Pennsylvania under the brand name Crystal Ridge Drinking Water.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Lancaster Newspapers, Inc., Ephrata Borough, **Lancaster County**. GemChem, Inc. 53 North Cedar St., Lititz, PA 17543 on behalf of Lancaster Newspapers, Inc., 8 West King Street, Lancaster, PA 17603 submitted a Notice of Intent to Remediate site soils contaminated with used motor oil. The applicant seeks to remediate the site to a Statewide health standard. The site will be developed as a printing and distribution facility for the *Ephrata Review* newspaper.

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

Pangburn Seep Site, Forward Township, **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Bill Weir, Reserve Coal Properties Company, 1800 Washington Road, Pittsburgh, PA 15241-1421 has submitted a Notice of Intent to Remediate soil and surface water contaminated with aromatic hydrocarbons. Excavation and removal of disposed wastes and contaminated media is proposed to meet a Statewide Health Standard. No development is proposed for the site, however the potential for future mining was mentioned.

#1 Cochran Automotive, Borough of Monroeville, **Allegheny County**. David J. Birchard, Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Rob Cochran, #1 Cochran Automotive, 4200 William Penn Highway, Monroeville, PA 15146, and William Krahe, ECHO Real Estate, 701 Alpha Drive, Pittsburgh, PA 15328 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with benzene, naphthalene, MTBE and ethyl benzene. Excavation of contaminated soils and treatment of contaminated media is proposed to meet a Site-Specific Standard. Future planned use of the property is commercial. A notice summarizing the Notice of Intent to Remediate was published in the *Pittsburgh Post Gazette* on November 4, 2004.

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

Trinity Ind., Inc., City of Butler, **Butler County**. Daniel F. Szwed, P. E., Civil & Env. Consultants Inc., 333 Baldwin Rd., Pittsburgh PA 15205 on behalf of Fletcher W. Helmer, CEC, CRS, Trinity Ind. Inc., 2525 Stemmos Freeway, Dallas, TX 75207, has submitted a Notice of Intent to Remediate. The site has had industrial use since the late 1800s. Soil concentrations of some metals exceed nonresidential used aquifer Medium-Specific Concentrations. Two areas have known Lead impact. Localized areas within the lead-impacted zones have evidence of slightly elevated arsenic, antimony, nickel and iron. Small localized areas have PCBs and methylene chloride. Planned future use of the property is a commercial/industrial park.

Trinity Ind., Inc., City of Butler, **Butler County**. Daniel F. Szwed, P. E., Civil & Env. Consultants Inc., 333 Baldwin Rd., Pittsburgh, PA 15205 on behalf of Fletcher W. Helmer, CEC, CRS, Trinity Ind. Inc., 2525 Stemmos Freeway, Dallas, TX 75207, has submitted a Notice of Intent to Remediate. The site has had industrial use since the late 1800s. Sitewide groundwater concentrations of iron and manganese exceed nonresidential used aquifer Medium Specific Standards (MSCs). Groundwater concentrations of aluminum and antimony slightly exceed MSCs in localized areas. Planned future use of the property is commercial/residential park.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Stericycle, Inc., 1525 Chestnut Hill Road, Morgantown, PA 19543. License No. PA-HC 0196. Received on March 18, 2005.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

39-301-082: We Are Pets, Inc. (9923 Old Route 22, Breinigsville, PA 18031) for construction of a pet crematory and associated air cleaning device at their facility in Weisenburg Township, **Lehigh County**.

39-312-002: Buckeye Pipeline Co. LP (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) for modification of a butane blending operation at their facility in Lower Macungie and Upper Milford Township, **Lehigh County**.

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

06-05063C: Boyertown Foundry Co. (P. O. Box 443, Boyertown, PA 19545) for construction of a core making machine controlled by a wet scrubber and fabric collector in the Borough of Boyertown and Colebrookdale Township, **Berks County**.

21-05049A: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) for installation of an oil-fired hot mix asphalt plant controlled by a fabric filter at their Penn Township Quarry in Penn Township, **Cumberland County**. The asphalt plant will include recycled asphalt paving and recycled asphalt roofing shingles in the material processed.

28-05039A: Penn-Mar Ethanol, LLC (140 Roosevelt Avenue, Suite 208, York, PA 17404) for construction of a fuel ethanol manufacturing plant in Greene and Lettorkenny Townships, **Franklin County**. The facility is subject to 40 CFR Part 60, Dc—Standards of Performance for Small Industrial—Commercial—Institutional Steam Generating Units; Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels for which Construction, Reconstruction or Modification commenced After July 23, 1984; and VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

36-05141: PPL Distribution Generation, LLC (Two North Ninth Street, Allentown, PA) for construction of two landfill gas fired engines in Manor Township, **Lancaster County**.

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

10-027G: Penreco (138 Petrolia Street, Karns City, PA 16041) for installation of a new generator powered by a 764 horsepower diesel engine in Fairview Township, **Butler County**. This is a Title V facility.

10-027F: Penreco (138 Petrolia Street, Karns City, PA 16041) for installation of a replacement 13,500 gallon spent acid storage tank that is vented to an existing scrubber in Fairview Township, **Butler County**. 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.

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

09-0107: Oldcastle Retail Inc., d/b/a Bonsal American (1214 Hayes Boulevard, Bristol, PA 19007) for installation of mineral aggregates and powders (raw materials) drying, mixing and material handling processes and associated control equipment at their Bristol cement products manufacturing facility in Bristol Township, **Bucks County**. The facility currently operates under a State Only Operating Permit (SOOP-09-00107). Total post control particulate matter emissions from these process lines are 6.1 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0134: Reed Minerals (905 Steel Road South, Fairless Hills, PA 19030) for modification of their coal slag roofing granules plant, to increase the throughput of aggregate through the rotary dryer. The coal slag roofing granules plant is in Falls Township, **Bucks County**. This facility is a non-Title V facility. As a result of increasing the throughput of aggregate through the dryer, and hence increasing the capacity of the entire facility, emissions of PM from the dryer and processing of aggregate will increase to 7.98 tons per year. Two designated dust collectors control emissions of particulate matter, so that emissions will remain below 0.02 grain per dry standard cubic feet. Emissions from combustion of natural gas is already based on the maximum capacity of the dryer burner and therefore, there will be no change in potential emissions from combustion. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

15-0027G: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) for installation of new production equipment including an electric oven and six batching tanks, which will generate NO_x and VOC emissions during the process. The new equipment will be used in a prototype coating line proposed to be built at the Johnson Matthey Devon facility. The exhaust from the new equipment will be connected to existing control devices. The Devon facility is a Title V facility located in Tredyffrin Township, **Chester County**. 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.

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

40-302-151: SVC Manufacturing, Inc. (750 Oakhill Road, Mountain Top, PA 18707) for construction of a Nebraska Boiler at their facility in Wright Township, **Luzerne County**. This boiler will be fired with natural gas as the primary fuel, and No. 2 fuel oil as the backup fuel. NO_x emissions will be minimized using low NO_x burners with a flue-gas recirculation system. Expected NO_x emissions from the boiler will be less than 30 ppm_{dv} at 3% O₂ when firing with natural gas and 90 ppm_{dv} at

3% O₂ when firing No. 2 fuel oil. CO emissions will be less than 100 ppm_{dv} at 3% O₂. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

39-309-020: ConAgra Food Ingredients Co. (Route 611, Martins Creek, PA 18063) for installation and operation of three air cleaning devices to control atmospheric emissions from a flour milling and loading operation, at the facility in Lower Mount Bethel Township, **Northampton County**. Particulate emissions from the flour packing house, system four receiving, and system four transfer will be controlled by three separate fabric filters. Expected particulate emission rate for each baghouse will be less than 0.02 grain/dscf. The company will operate the facility and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions, that are designed to keep the facility operating within all applicable air quality requirements. The facility has a valid Synthetic Minor Operating Permit (48-00022). Once the equipment is operational in compliance with all requirements, this plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit.

35-318-088: Gentex Corp. (P. O. Box 315, Carbondale, PA 18407) for installation of a new surface coating line at their facility. The VOC emissions will be controlled by the existing RTO. The VOC emissions from the facility (including Gentex Optics) will remain unchanged, never to equal or exceed 50 TPY of VOC, based on a 12-month rolling sum as stated in the company's Title V Permit. The HAPs from the facility (including Gentex Optics) must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The company has proposed no other changes. Gentex Corporation is a major facility subject to Title V permitting requirements and is located in Carbondale, **Luzerne County**. The company currently has a Title V Permit 35-00008. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

45-318-032: Tobyhanna Army Depot (11 Hap Arnold Blvd., Tobyhanna, PA 18466-5000) for increase of VOC emissions from their facility. The proposed increase will be for the facility to go from 49.9 TPY of VOCs to 99.8 TPY of VOCs, based on a 12-month rolling sum. The company has proposed no other changes. Tobyhanna Army Depot is subject to Title V permitting requirements and is located in Coolbaugh Township, **Luzerne County**. The company currently has a Title V Permit 45-00004. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative

amendment at a later date. For further details, contact Mark J. Wejksznar at (570) 826-2511 within 30 days after publication date.

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

06-03005: Rohm and Haas Chemical LLC (P. O. Box 15209, Reading, PA 19612-5209) for a thermo-plastic powder manufacturing facility in the City of Reading, **Berks County**. The facility is a non-Title V (State only) facility. This amendment is for the change in ownership of the facility. The facility was previously owned by Mortin International. The amendment will not change any requirements in the permit.

29-03001: JLG Industries, Inc.—Equipment Services Division, EQS, (1 JLG Drive, McConnellsburg, PA 17233) for operation of a paint kitchen and three paint spray booths controlled by dry filters located in Ayr Township, **Fulton County**. This permit will renew Permit No. 29-03001 which covers the operation of the equipment at the EQS I and will consolidate the equipment approved by Plan Approval No. 29-03010, EQS II. The VOC emissions will be limited to less than 30 tons per year. The State only operating permit will contain monitoring and recordkeeping requirements to keep the facility operating within all applicable air quality requirements.

36-05087B: Morgan Corp. (485 Wenger Drive, Ephrata, PA 17522) for construction of a drive-thru paint spray booth with High Volume Low Pressure spray guns at their existing facility in Ephrata Borough, **Lancaster County**. This source will be controlled by the use of dry filters to control particulate matter emissions. The operation of the paint booth at this facility will result in emissions increase of approximately 2.5 tons per year of VOCs. This plan approval will include monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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 existing East Petersburg batch asphalt plant in East Hempfield Township, **Lancaster County**. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. The estimated emissions of particulate matter, SO_x, CO, NO_x and VOC from the facility are estimated to be about 2.9, 24, 18.2, 6.5 and 5.6 tons per year respectively.

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**. Alternative fuels include Oil No. 4, Oil No. 2, Natural Gas, LPG, and on Specification WDLF. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. The estimated emissions of particulate matter, SO_x, CO, NO_x and VOC from the facility are estimated to be about 8.4, 17.6, 80, 24 and 1.6 tons per year respectively.

67-05092E: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) for construction of two batch coffee roasters and two cooling trays controlled by dedicated catalytic oxidizers and cyclones, respectively, at their York Roasting Plant in East Manchester Township, **York**

County. The facility has the following annual potential emissions: 95 tons NO_x; 28 tons CO; 23 tons PM₁₀; 8 tons VOC and 1 ton acetaldehyde. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.

14-00014B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for construction of a vertical shaft impact crusher and two conveyors in a primary stone crushing operation, installation of an air cleaning device (a fabric collector) on a secondary stone crushing operation, construction of a recycled asphalt pavement (RAP) crusher and two associated conveyors, construction of a screen in a drum mix asphalt concrete plant and construction of a railcar unloading operation at their Pleasant Gap facility on State Route 64 in Spring Township, **Centre County**.

The vertical shaft impact crusher will replace an existing cage mill crusher and is expected to have essentially zero emissions of particulate matter (including PM₁₀) due to the saturated nature of the stone being crushed. The two conveyors to be constructed in the primary crushing operation will not be equipped with an air cleaning device but will process stone which was previously subjected to a water spray dust suppression system. The resultant PM₁₀ emissions from these two conveyors are not expected to exceed .13 ton per year.

The fabric collector to be installed on the existing secondary stone crushing operation will replace a smaller fabric collector now in use. The emission of neither particulate matter nor PM₁₀ from the new fabric collector is expected to exceed 6 pounds per hour.

The RAP crusher and two associated conveyors will not be equipped with any air cleaning devices due to the inherent lack of particulate matter emissions associated with RAP processing.

The PM₁₀ emissions from the new asphalt plant screen are not expected to exceed .70 ton per year.

The railcar unloading operation will involve the unloading of stone from railcars and will consist of two hoppers and four associated conveyors. The conveyors will be equipped with a water spray dust suppression system. The railcar unloading operation is not expected to emit more than 3.97 tons of PM₁₀ per year.

The Department of Environmental Protection's (Department) review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contamination sources to be constructed and controlled will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and 40 CFR 60.670–60.676, the applicable particulate matter emission requirement of 25 Pa. Code § 123.13 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed vertical shaft impact crusher and two conveyors, RAP crusher and two associated conveyors, asphalt plant screen and railcar unloading operation as well as for the installation of the proposed fabric collector on the secondary stone crushing operation.

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

1. All conditions of State Only Operating Permit 14-00014 and Plan Approval 14-00014A remain in force unless amended or superseded by a condition contained herein.

2. The only material which shall be processed in the new vertical shaft impact crusher is material to which sufficient water has first been applied to render the material dust-free.

3. Following the installation of the Aztec model RBH-30-7-MOD fabric collector on the secondary stone crushing operation, neither the particulate matter/PM10 emissions from this collector or those from the existing Amerex RP-12-429-D6 fabric collector also associated with the secondary stone crushing operation shall exceed .02 grain per dry standard cubic foot of collector exhaust volume.

4. None of the secondary crushing operation fabric collector dust pickup or capture points required by either State Only Operating Permit 14-00014 or Plan Approval 14-00014A, or otherwise currently existing, shall be removed from service without the prior approval of the Department. More such dust pickup or capture points may however be installed provided they are ducted only to the Aztec model RBH-30-7-MOD fabric collector.

5. The Aztec model RBH-30-7-MOD fabric collector shall be equipped with instrumentation to monitor the differential pressure across the collector on a continuous basis.

6. Any air compressor used to supply compressed air to the Aztec model RBH-30-7-MOD fabric collector shall be equipped with an air dryer and oil trap.

7. A sufficient quantity of spare bags shall be kept on hand for the Aztec model RBH-30-7-MOD fabric collector to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation.

8. Dust shall be removed from the dust hopper of the Aztec model RBH-30-7-MOD fabric collector in such a fashion that there are no resultant visible fugitive emissions.

9. Particulate matter stack testing shall be performed on the Aztec model RBH-30-7-MOD fabric collector.

10. The railcar unloading operation shall not process more than 1,200,000 tons in any 12 consecutive month period.

11. The conveyors incorporated in the railcar unloading operation shall be equipped with a water spray dust suppression system. This water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time the railcar unloading operation is in use. The water supply system shall also be equipped with strainers to prevent spray nozzle plugging. If the water source cannot deliver an adequate supply of water to properly operate the water spray dust suppression system or if the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the railcar unloading operation shall not be operated.

12. There shall be no visible fugitive emissions at any time from either the hoppers incorporated in the railcar unloading operation or from the railcars while in the process of being unloaded.

13. Following the completion of source construction and fabric collector installation, the total combined PM10 emissions from all sources existing at this facility shall not exceed 87.18 tons in any 12 consecutive month period.

14. Upon the completion of source construction and fabric collector installation, the portable crushing operation currently existing at this facility shall not thereafter be operated.

15. Following the completion of source construction and fabric collector installation, the asphalt concrete plant existing at this facility shall not produce more than 1,075,000 tons of product in any 12 consecutive month period.

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

10-348A: Amerikohl Mining, Inc. (Route 58, Butler, PA 16001) for construction of a 200 tph coal crusher/stockpile at their Hortert Mine, SMP No. 10990101 in Venango Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to construct a 200 tph coal crusher/stockpile at their Hortert Mine, SMP No. 10990101 in Venango Township, Butler County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

Southeast Region: Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543; Edward Braun, Chief, Source Registration, (215) 685-9476.

AMS 04238: Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station (NSWCCD-SSES), (5001 South Broad Street, Code 357, Philadelphia, PA 19112-1403) for establishing a plant wide applicability limit (PAL) and a Federally enforceable emission cap (FEEC) covering all sources at their facility in Philadelphia, **Philadelphia County**.

To show compliance with the applicable standards, AMS will place the following conditions in the Plan Approval:

1. In accordance with 25 Pa. Code § 127.448, the total actual emissions from sources at the facility shall not exceed the FEEC of 215.4 tpy of NOx on a 12-month rolling sum. This FEEC shall be increased to 240.4 tons of NOx per rolling 12-month period after NSWCCD-SSES secures additional Department of Environmental Protection (Department) approved NOx emission reduction credits (ERCs) to offset 24.7 tpy. Any change that would result in an increase over the FEEC would be subject to the NSR requirements specified in 25 Pa. Code Chapter 127, Subchapter E.

2. In accordance with 40 CFR 52.21(aa), this plan approval establishes a PAL of less than 255.4 tons of NOx and 70.2 tons of SOx per rolling 12-month period for all sources at NSWCCD-SSES. Any increase in emissions above these limits will subject the facility to the PSD requirements specified in 25 Pa. Code Chapter 127, Subchapter D.

3. NSWCCD-SSES shall continue to comply with all applicable Federal, State and City of Philadelphia requirements, emission limitations, and work practice requirements that were established prior to the effective date of the FEEC and PAL. The permittee is not subject to 52.21(r)(4) (restrictions on relaxing enforceable emis-

sion limitations, and work practice requirements that were used to avoid applicability of major NSR program). (40 CFR 52.21(aa)(1)(iii))

4. The FEEC and PAL are established for all sources at the facility, including, but not limited to the following:

Title V Source Group No. 01—Boilers and heaters

<i>AMS ID</i>	<i>Source Description</i>	<i>Capacity</i>	<i>Emiss. Fact.</i>	<i>Fuel Type</i>
CU-B101	Bldg 519; Boiler DDG-37	196.7 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B102	Bldg 519; Boiler CG-32	215.46 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B107	Bldg 633; Boiler CVA-60	338.94 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B108	Bldg 633; Boiler DDG-15	216.44 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B110	Bldg 633; Vapor Boiler	2.176 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-B111	Bldg 633; Vapor Boiler	0.6 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-B112	Bldg 77L; Boiler	8.4 mmBtu/hr	AP-42	Natural Gas
CU-B113	Bldg 77L; Boiler	8.4 mmBtu/hr	AP-42	Natural Gas
CU-B114	Bldg 77H; Boiler	8.4 mmBtu/hr	AP-42	Natural Gas
CU-B116a	Bldg 77H; Make-up Air Heaters	1.2 mmBtu/hr each	AP-42	Natural Gas
CU-B116b	Bldg 77H; Unit Heaters	0.3 mmBtu/hr each	AP-42	Natural Gas
CU-BT112	Bldg 1032; Boiler	396,000 Btu/hr	AP-42	Natural Gas

Title V Source Group No. 02—Emergency Generators

<i>AMS ID</i>	<i>Source Description</i>	<i>Capacity</i>	<i>Emission Factor</i>	<i>Fuel Type</i>
CU-G101	Bldg. 77H; Emergency Generator	>100 BHP	AP-42	No. 2 Diesel Fuel
CU-GT109	Bldg. 4; Emergency Generator G1	>100 BHP	AP-42	Natural Gas
CU-GT110	Bldg. 4; Emergency Generator G2	>100 BHP	AP-42	Natural Gas
CU-GT111	Bldg. 56; Emergency Generator	>100 BHP	AP-42	Natural Gas
CU-GT113	Bldg. 29; Emergency Generator	>100 BHP	AP-42	Natural Gas
CU-M110G	Bldg. 77H; Marine Test Cell 1	11.48 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-M110H	Bldg. 77H; Marine Test Cell 2	3.22 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-M111	Bldg. 77H; Engine Test Gas Turbine DDG-51 (LM2500 2A)	226 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M112	Bldg. 77H; Engine Test Gas Turbine DDG-51 (LM2500 2B)	226 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M113	Bldg. 77H; Engine Test Gas Turbine CG-47 (K-17)	70 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M114	Bldg. 77H; Engine Test Gas Turbine GTG #2 (K-34)	66 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M115	Bldg. 633; Engine Test LSD-41 Alpha	21.63 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M116	Bldg. 633; Engine Test LSD-41 Bravo	21.63 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M119	Bldg. 824; Engine Test Gas Turbine Test Facility	46.5 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M139	Bldg 77H; Engine Test Gas Turbine GTG#1 (K-34)	66 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M142	Bldg. 77H; Engine Test Gas Turbine Auxiliary (RIMMS)	4.72 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-M144	Bldg. 87; Engine Testing Diesel Generator	377 HP	AP-42	No. 2 Diesel Fuel
CU-M146	Bldg. 485; North Fire Pump	208 HP	AP-42	No. 2 Diesel Fuel
CU-M147	Bldg. 485; South Fire Pump	208 HP	AP-42	No. 2 Diesel Fuel
CU-M148	Bldg. 633; Portable Air Compressor	150 HP	AP-42	No. 2 Diesel Fuel
CU-M149	Bldg. 633; Marine Gas Turbine Test Facility (P104)	238 mmBtu/hr	Stack Test	No. 2 Diesel Fuel

Title V Source Group IN—Insignificant Activities

<i>AMS ID</i>	<i>Source Description</i>	<i>Capacity</i>	<i>Emission Factor</i>	<i>Fuel Type</i>
CU-B115	Bldg 87; 81 Space Heaters	80,000 Btu/hr. each	AP-42	Natural Gas
CU-B117	Bldg 77H; 111 Space Heaters	3 each at 0.15 mmBtu/hr	AP-42	Natural Gas
		5 each at 0.175 mmBtu/hr.	AP-42	Natural Gas
		67 each at 100,000 Btu/hr.	AP-42	Natural Gas
		36 each at 71,500 Btu/hr.	AP-42	Natural Gas
CU-G103	MD25 Portable Diesel Generator	46 BHP	AP-42	No. 2 Diesel Fuel
CU-G108	Gasoline Generator	14 BHP	AP-42	Gasoline
CU-GT114	Bldg 1081; Diesel Emergency Generator	49.5 BHP	AP-42	No. 2 Diesel Fuel
CU-M145	Bldg 77H; Diesel Generator Testing	68 BHP	AP-42	No. 2 Diesel Fuel

5. NSWCCD-SSES shall not construct or install a new source at the facility unless it meets the Best Available Technology (BAT) requirement of 25 Pa. Code § 127.1. New sources and modifications to existing sources shall be constructed only after approval by AMS in accordance with 25 Pa. Code § 127.11 and AMR I § II.A.1.a. All new sources installed pursuant to these conditions shall be subject to the FEEC and PAL limitations in Conditions 1 and 2.

6. NSWCCD-SSES shall remodel to demonstrate compliance with National Ambient Air Quality Standards (NAAQS) when AMS has cause to believe that the attainment or maintenance of the standards is in jeopardy.

7. NSWCCD-SSES shall conduct stack tests for NO_x on all units identified in the equipment table as having a stack test emission factor except CU-B101, CU-B102, CU-B107 and CU-B108, which have recent stack test results. Testing shall be completed within 6 months of the issuance of this plan approval. The Permittee shall submit a test protocol to AMS for approval at least 30 days before the test date and test results within 90 days after testing. (40 CFR 52.21(aa)(12)(vi)(c))

8. All data used to establish the FEEC and PAL shall be revalidated through performance testing or other scientifically valid means approved by AMS. When stack test factors are used, revalidation shall occur at least once every 5 years after issuance of this permit. The revalidation test results shall be submitted to AMS and EPA within 3 months after completion of such tests. NSWCCD-SSES may use calculations based on permitted sulfur content of fuel (0.2% by weight) and 100% conversion for SO₂ emissions. (40 CFR 52.21(aa)(12)(ix), 52.21(aa)(14)(iii))

9. If at any time AMS has cause to believe that air contaminant emissions from any sources at the facility may be in excess of the limitations specified in this permit, or established pursuant to, any applicable rule or regulation contained in 25 Pa. Code Part I, Subpart C, Article III, the permittee shall be required to conduct tests to determine actual emission rates in accordance with applicable Federal, State and local regulations. The following test methods shall be used:

(a) U.S.E.P.A. Reference Method 7E for nitrogen oxides

(b) U.S.E.P.A. Reference Method 9 for opacity. At a minimum, opacity shall be determined as an average of 24 consecutive observations recorded at 15-second intervals

(c) U.S.E.P.A Reference Method 6C for SO_x.

(d) U.S.E.P.A. Reference Method 20 for NO_x, SO_x and oxygen concentrations from gas turbines.

(e) ASTM D1266, D129, D1552, D2622 or D4294 for sulfur in fuel.

Compliance determination shall consist of the arithmetic means of results of at least three separate runs for each source test. The source test shall be consistent with EPA designated test methods and 25 Pa. Code Chapter 139. The permittee shall submit a test protocol to AMS for approval at least 30 days before the test date and test results within 90 days after testing.

10. The permittee may use alternative test methods to those listed in condition 9 if AMS gives prior approval in accordance with 25 Pa. Code § 139.3.

11. NSWCCD-SSES shall monitor all emission units in accordance with the provisions of 40 CFR 52.21(aa)(12). On a monthly basis, the rolling 12-month NO_x and SO_x emissions shall be calculated to verify that the FEEC and PAL limits specified in conditions 1 and 2 have not been exceeded. Emission calculations shall include emissions from start-ups, shut downs and malfunctions.

12. The Permittee shall keep all records necessary to determine compliance with any requirements of 40 CFR 52.21(aa) and of this plan approval, including a determination of each emission unit's 12-month rolling total emissions. The records shall be available for inspection onsite. An emission tracking system to document compliance with the FEEC and PAL specified in conditions 1 and 2 limits shall be maintained. The tracking system shall record, on a monthly basis, emission rates, fuel usage, and monthly emissions for all the sources at the facility, as well as total monthly and rolling 12-month emissions for the facility. Emission factors will be either stack test based or AP-42 based, as defined in the equipment table of condition 4. New sources will use the emission factor specified in its respective construction permit. Emission records shall include emissions from start-ups, shut downs and malfunctions. Copies of all records shall be retained for 5 years from the date of such record. (40 CFR 52.21(aa)(13))

13. NSWCCD-SSES shall keep the following records for the duration of the FEEC and PAL effective period plus 5 years.

(a) A copy of the PAL permit application and any application for revisions to the FEEC and PAL.

(b) Each annual certification of compliance under Title V and the data relied on in certifying compliance.

14. The permittee shall submit to AMS semiannual reports of the performance of the facility using the City of Philadelphia Monitoring Report Form within 30 days of the end of each reporting period. These reports shall consist of the following: (40 CFR 52.21(aa)(14)(i))

(a) A description of any deviations from permit requirements that occurred during the 6-month reporting period, the probable cause of deviations and corrective actions or preventive measures taken.

(b) A description of any malfunction of processes, air pollution control equipment, or monitoring equipment that occurred during the 6-month reporting period, the date and duration of the incidents, the probable cause of the incidents and actions taken to remediate these incidents.

(c) A description of any sources which have not been operated for more than 1 year.

(d) Total NO_x and SO_x annual emissions (tons/year) based on a 12-month rolling sum for each month in the reporting period. Emission calculations must include emissions from startups, shutdowns and malfunctions.

(e) All data relied upon, including but not limited to, any quality assurance or quality control data in calculating the monthly and annual PAL and FEEC pollutant emissions.

(f) A list of any emission units modified or added during the preceding 6-month period.

(g) A notification of a shut down of any monitoring system, whether the shut down was permanent or temporary, the reason for the shut down, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system and whether the emission unit monitored by the system continued to operate and the calculation of the emissions of the pollutant.

(h) A signed statement by the responsible official (as defined by the Title V permit) certifying the truth, accuracy and completeness of the information provided in the report.

15. Any violation of an emission limitation shall be reported (by phone call or facsimile transmission) to AMS within 24 hours of detection and followed by written notification within 31 days. For any deviation or exceedances of the FEEC and PAL, the report shall identify the PAL/ FEEC condition, and the emissions resulting from the deviation or the exceedance, and include a signed statement by the responsible official (as defined by Title V) certifying truth, accuracy, and completeness of the information provided in the report. (40 CFR 52.21(aa)(14)(ii))

16. The PAL is effective on the date of issuance of this plan approval and expires 10 years after the issue date. NSWCCD-SSES shall submit an application to renew the PAL at least 6 months prior to, but not earlier than 18 months from, the date of expiration of the PAL. If the renewal application is submitted within the time period, the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until AMS issues a

revised PAL permit. The renewal application shall be submitted in accordance with the requirements of 40 CFR 52.21(aa)(10).

17. If the PAL expires and is not renewed, each emission unit (or each group of emission units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit. NSWCCD-SSES shall submit to AMS an application within the time frame specified for renewal in condition 16, with proposed allowable emission limitation for each emission unit (or each group of emission units) by distributing the PAL allowable emissions. 40 CFR (52.21(aa)(9)(i)).

18. AMS shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emission unit, or group of emission units, as AMS determines is appropriate.

(a) Each emission units shall comply with the allowable emission limitation on a 12-month rolling basis. AMS may approve the use of monitoring systems (source testing, emission factors, and the like) other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

(b) Until AMS issues a revised permit, NSWCCD-SSES shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the PAL.

(c) Any physical change or change in the method of operation will be subject to major NSR requirements if such change meets the definition of major modification.

(d) NSWCCD-SSES shall continue to comply with any Federal, State and City of Philadelphia requirements that may have applied either during the FEEC and PAL effective period or prior to the FEEC and PAL effective period except for those emission limitations that had been established under 40 CFR 52.21(r)(4). (40 CFR 52.21(aa)(9)(ii))

19. During the effective period AMS may reopen this plan approval to:

(a) Correct typographical/calculation errors made in setting the PAL or FEEC or to reflect a more accurate determination of emissions used to establish the PAL and the FEEC.

(b) Reduce the PAL and FEEC and create creditable emission reductions for use as ERCs.

(c) Reduce the PAL and FEEC to reflect newly applicable regulatory limits.

(d) Reduce the PAL and FEEC if AMS determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or if an adverse impact on an air quality related value that has been identified in a Federal Class 1 area by a Federal Land Manager.

(e) Reduce the PAL or FEEC consistent with any other requirement that is enforceable as a practical matter and that AMS may impose.

(f) Increase the PAL and FEEC in accordance with 40 CFR 52.21(aa)(11)

Except for plan approval reopening for the correction of typographical/ calculation errors, all other reopening shall be carried out in accordance with the public participation requirements of 40 CFR 52.21(aa)(5).

Copies of the application, Philadelphia Air Management Services' (AMS) analysis and other documents used in the evaluation of the application are available for public

review by calling (215) 685-7572 during normal business hours to schedule an appointment to view the documents at AMS, 321 University Avenue, Philadelphia, PA 19104.

Persons wishing to provide AMS with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the previous address. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of proposed Permit AMS 04238 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the AMS, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone, when the AMS determines notification by telephone is sufficient. For additional information or written comments should be directed to Ed Braun, Chief, Source Registration, Air Management Services, Department of Public Health, City of Philadelphia, (215) 685-7572 within 30 days after publication date.

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.

46-00076: Greene, Tweed and Company, Inc. (2075 Detwiler Road, Kulpsville, PA 19443) for a non-Title V Facility, State-Only, Synthetic Minor Operating Permit in Towamencin Township, **Montgomery County**. Greene, Tweed and Company, Inc. manufactures gaskets and sealing devices for use in industry. The facility's major emission points are two boilers, from which the main pollutant emitted is NOx. The facility pollutant potential to emit for NOx exceeds the major facility thresholds of 25 tons per year. However, the facility will limit the fuel usage for the boilers to prevent exceeding these thresholds. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

28-05025: Bri Mar Manufacturing LLC—South Main Street Plant (1080 South Main Street, Chambersburg, PA 17201-3240) for a synthetic minor operating permit renewal in the Borough of Chambersburg, **Franklin County**. The facility's major sources of emissions include two paint booths, which primarily emit VOC. The synthetic minor operating permit renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

42-00154: Bradford Regional Medical Center (116 Interstate Parkway, Bradford, PA 16701-1036) for renewal of a Natural Minor operating permit for the operation of two natural gas-fired boilers in Bradford, **McKean County**.

43-00036: Hodge Foundry, Inc., (42 Leach Road, Greenville, PA 16125) for a Synthetic Minor Permit to operate a foundry operation in Hempfield Township, **Mercer County**. This facility was previously permitted as a major source Title V facility but is taking restrictions on emissions to obtain a synthetic minor permit.

33-00141: National Fuel Gas Supply Corporation (Five Mile Run Road, Brookville, PA 15825) for reissuance of a Natural Minor Permit to perform natural gas transmission at their Knox compressor station in Knox Township, **Jefferson County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and

relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

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

alkalinity greater than acidity¹
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 Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

02941601. NPDES Permit No. PA0215627, Weleski Terminals, Inc., (151 West Fourth Avenue, P. O. Box 428, Tarentum, PA 15084), to renew the permit for the Allegheny River Dock in Tarentum Borough, **Allegheny County** and related NPDES permit. No additional discharges. Application received January 11, 2005.

30950701. NPDES Permit No. PA0215619, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to renew the permit for the Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County** and related NPDES permit. No additional discharges. Application received March 11, 2005.

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

65950105 and NPDES Permit No. 0201227. Mehalic Bros. (1089 Sessi Road, Latrobe, PA 15650). Renewal application for reclamation only to an existing bituminous surface mine, located in Mt. Pleasant Township, **Westmoreland County**, affecting 140 acres. Receiving streams: UNT to Welty Run and Welty Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 21, 2005.

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

16990105 and NPDES Permit No. PA0241661. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface strip

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:

operation in Clarion Township, **Clarion County** affecting 132.3 acres. Receiving streams: Two UNTs to Little Mill Creek classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 18, 2005.

33890119 and NPDES Permit No. PA0207560. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 111.7 acres. Receiving streams: McCreight Run and Trout Run classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 21, 2005.

10000104 and NPDES Permit No. PA0241784. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to a post-mining land use of unmanaged natural habitat on John P. Stoops Sr. and DeWayne Major properties in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: UNT to Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 22, 2005.

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

35920101R2 and NPDES Permit No. PA0596060. Maco Associates, Inc., (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine operation in Fell Township, **Lackawanna County** affecting 1700 acres, receiving stream: Wilson Creek. Application received March 21, 2005.

Noncoal Applications Received

Effluent Limits

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

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

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.

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

3474SM46 and NPDES Permit No. PA0589853. Collier Stone Company (80 Noblestown Road, Pittsburgh, PA 15106). NPDES Renewal of a noncoal surface mine, located in Collier Township, **Allegheny County**, affecting 33.7 acres. Receiving streams: Scotts Run and Robinson Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 21, 2005.

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

7574SM2A1C7. Hempt Bros., Inc., (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation to add clean fill for reclamation in Lower Allen Township, **Cumberland County** affecting 226.6 acres, receiving stream: Cedar Run. Application received March 17, 2005.

06940301C2. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), correction to an existing quarry operation for an incidental boundary correction in Maxatawny Township, **Berks County** affecting 47.2 acres, receiving stream: none. Application received March 21, 2005.

7775SM6C5. Glen-Gery Corporation, (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation for an incidental boundary correction in Perry Township, **Berks County** affecting 114.7 acres, receiving stream: UNT to Schuylkill River. Application received March 22, 2005.

7775SM6A2C7. Glen-Gery Corporation, (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation for an incidental boundary correction in Perry Township, **Berks County** affecting 225.0 acres, receiving stream: UNT to Schuylkill River. Application received March 22, 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 Federal Water Pollution Control Act (33 U.S.C. §§ 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-382. Putter Pub, LLC d/b/a Scranton Municipal Golf Course, P. O. Box 3515, Scranton, PA, in Jefferson Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To expand and maintain the reservoir of an off-stream nonjurisdictional dam with work consisting of removing accumulated sediment and expanding surface area of the reservoir by approximately 0.75 acre for the purpose of improving the golf course irrigation system (Olyphant, PA Quadrangle N: 4.2 inches; W: 2.1 inches).

E40-646. Gerri A. Insalaco, 412 Westport Circle, Pittston, PA 18640, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To modify and maintain an existing pile-supported dock structure in Harveys Lake (HQ-CWF), with work consisting of constructing a 33-foot by 11-foot boat garage to replace the existing boatslip. The structure (existing and proposed) extends approximately 45-feet from the shoreline and has an overall width of approximately 46-feet. The project is located at Pole No. 297 along Lakeside Drive. (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.7 inches).

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

E22-490: City of Harrisburg, The Martin Luther King, Jr. City Government Center, 10 North 2nd Street, Harrisburg, PA 17101-1677 in the City of Harrisburg, **Dauphin County**, ACOA Baltimore District.

To renovate and maintain the city island's baseball stadium called Commerce Bank Park by reconstructing the baseball field, clubhouses, grandstands, concessions, offices, parking lots and other related structures to upgrade its class to Class AAA facility located within the floodway and floodplain of the Susquehanna River (WWF) (Harrisburg East, PA Quadrangle N: 1.1 inches; W: 2.1 inches) in the City of Harrisburg, Dauphin County.

E05-311: James S. Claycomb, 1532 Gordon Hall Road, Osterburg, PA 16667 in West Saint Claire Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 14-foot by 55-foot steel I-beam bridge with a wooden deck across the channel of Georges Creek (WWF), a perennial stream, at a point (Alum Bank, PA Quadrangle N: 12.2 inches; W: 12.5 inches) approximately 2,200 feet upstream of the SR 96 bridge in West Saint Claire Township, Bedford County.

E29-091: Fulton County Conservation District, 216 North 2nd Street, McConnellsburg, PA 17233 in Ayr Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project on 425 feet of Cove Creek (CWF) and 60 feet of an UNT to Cove Creek (CWF) beginning at the SR 1004 bridge (Latitude: 39° 56' 01", Longitude: 78° 00' 08") and continuing to a point (Latitude: 39° 55' 57", Longitude: 78° 00' 10") 425 feet downstream involving: (1) the removal of 117 yd³ of material on the right floodway of Cove Creek; (2) the removal of 58 yd³ of material on the left floodway of Cove Creek; (3) the installation of a 50-foot stone retaining wall on the left bank of Cove Creek; (4) the removal of 120 feet of an earthen berm and the installation of a 120-foot concrete floodwall on the left floodway of Cove Creek; (5) the installation of a rock cross vane in Cove Creek; (6) the installation of random boulders in Cove Creek; and (7) regrading of 30 feet of the left bank along with the installation of 30 feet of rock toe on the left bank of the UNT to Cove Creek all for the purpose of stabilizing the channels while improving flood storage capacity, aesthetics, riparian habitat and educational opportunities in Ayr Township and the Borough of McConnellsburg, Fulton County. The project proposes to directly affect a total of 485 linear feet of stream channel, and 175 yd³ of floodway.

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

E08-422. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Bridge replacement, in Ulster and Sheshequin Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 18.1 inches; W: 16.3 inches).

To: 1) replace the existing 2,011-foot long, 14 span through truss bridge which has a clear roadway width of 18 feet, 4 Pratt through-truss spans each 237 feet 4 inches long and 10 warren pony truss spans, each 103 feet 4 inches, on a 90° skew with substructures consisting of a two stone masonry abutments and 13 stone masonry piers. The maximum underclearance is about 30 feet while the minimum underclearance is about 7 feet; 2) construct and maintain a 1,900-foot long prestressed concrete I-beam superstructure. The structure consists of 12 spans of 158 feet 7 inches each and a composite deck support on reinforced concrete piers and abutments. The structure alignment will be shifted approximately 165 feet to the south at the east end to meet the section of SR 1022 which comes from North Rome, at its intersection with SR 1043 and will tie into the existing roadway about 350 feet west of the west abutment. The proposed structure will be on a skew of 90° with a minimum and maximum underclearance of 12 and 32 feet respectively with a clear roadway width of 34 feet 0 inches. R-8 riprap lining is to be placed in front of both abutments and around piers 1 to 5 in the river channel and R-6 lining is to be placed around piers 6 to 11 on the east floodplain; 3)

construct, maintain and remove a 6 foot—8 foot deep rock temporary access road of to provide access to the bridge construction site and causeways A and B from SR 1043 construct abutment No. 2 and piers 6—11; 4) construct, maintain and remove temporary causeway A including 3 bridge openings to sustain river and aquatic movement across the North Branch Susquehanna River; 5) construct, maintain and remove causeway B stage I to provide access for demolition and removal of span 1 and 2 trusses and pier 1 of the existing bridge; 6) construct, maintain and remove causeway B Stage II to provide access for demolition and removal of spans 3 and 4 trusses and piers 2 and 3 of the existing bridge. 7) to replace the existing 84-inch diameter CMP located at the intersection of SR 1022 and SR 1043.

The proposed bridge will cross the North Branch of the Susquehanna River on SR 1022, Section 003 in the village of Ulster in Ulster Township, Bradford County.

The project will temporarily impact about 0.09 acre of Palustrine Forested Wetlands and 150 feet of waterway. The North Branch of the Susquehanna River is a WWF Stream.

E14-470. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 6220, Section B12 Temporary Stream Crossing, in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 11.5 inches; W: 7.5 inches).

To maintain a temporary stream crossing, until December 31, 2006, with one 60-inch and six 48-inch corrugated metal pipes with the associated 150-foot long by 4-foot wide by 3-foot deep temporarily relocated low-flow stream channel for a UNT of Buffalo Run (locally known as Waddle Creek) located 100 feet upstream of the SR 3022 bridge. The project will temporarily impact 150 linear feet of Waddle Creek, which is in a HQ-CWF drainage area.

E14-472. Taylor Township Supervisors, 11480 S. Eagle Valley Road, Port Matilda, PA 16870. McMonagle Lane Stream Crossing, in Taylor Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 6.75 inches; W: 16.5 inches).

To maintain: 1) a 77-inch by 52-inch by 35-foot long corrugated metal pipe arch with a flared inlet section; 2) a 77-inch by 52-inch by 20-foot long corrugated metal pipe arch with a flared inlet section; and 3) R-4 riprap at the inlets and outlets of the tow culverts, and to place and maintain a bituminous road surface over the crossing to reduce overtopping erosion of the low flow crossing, located on McMonagle Lane 300 feet northeast of its intersection with Bell Hollow Road. This has permanently impacted 70 linear feet of Bell Hollow, which is a CWF.

E17-407. Mosquito Creek Sportsmen Association, P. O. Box 218, Frenchville, PA 16836. Deserter Run/Lost Run Vertical Flow and Gifford Run High Flow Buff Channel Project for Acid Precipitation Abatement in Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle N: 10.38 inches; W: 5.9 inches).

To construct, operate and maintain vertical flow wetland systems along Deserter Run and Lost Run (HQ-CWF); and two high flow buffer channels along Gifford Run (HQ-CWF) for alkaline addition to abate acid precipitation in the Mosquito Creek Watershed. The vertical flow wetland systems require a nonjurisdictional 4.5-foot high concrete dam be constructed across both Deserter and Lost Run; a water intake structure be constructed in the channel of both waterways; and a

6-inch diameter plastic outlet pipe along the waterways. The high flow buffer channels require rock cross-vanes be constructed across Gifford Run at two locations and a step pool sequenced high flow channel be constructed in the floodway of the waterway. The vertical flow wetland systems will result in a cumulative, permanent wetland impact of 0.011-acre, temporary wetland impact of 0.021 acre and permanent waterway impact of 50 feet. The high flow buffer channel systems will not impact wetlands while resulting in 25-feet of permanent waterway impact. The western limit of the projects is located along the Merrill Road 0.9-mile north of the Caledonia Pike and Merrill Road intersection.

E18-386. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 2004, Section A04 Cedar Run, in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 5.65 inches; W: 6.20 inches).

To remove the existing bridge, then to construct and maintain a prestressed concrete adjacent box beam bridge with a 54 foot clear span and a minimum underclearance of 3 feet 6 inches located 0.2 mile on SR 2004 (Mackeyville Road) from SR 0064. This project propose to impact 70 linear feet of Cedar Run, which is classified as a HQ-CWF—Class “A” Wild Trout stream, and permanently impact 0.01 acre of wetlands.

E60-168. Lewisburg Recreation Authority, c/o Greg Wetzel, 629 Fairground Road, Lewisburg, PA 17837. Playground, in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 16.1 inches; W: 3.3 inches).

To construct and maintain a youth playground, a tot lot, a skate park, a spray fountain, climbing boulders, a parking lot expansion, a life trail and picnic areas and an underground stormwater detention basin in the floodplain of Limestone Run off 15th Street about 1,200 feet from the intersection of 15th Street with Saint Mary Street in the Borough of Lewisburg.

The project will not impact waterways while impacting 0.8 acres of wetland and less than 5 acres of earth disturbance. Limestone Run is a WWF Stream.

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

E26-325. Department of Transportation, District 12-0, P. O. Box 459, Uniontown, PA 15401. To extend and maintain an existing box culvert in South Union Township, **Fayette County**, Pittsburgh ACOE District. (Uniontown, PA Quadrangle N: 0.9 inch; W: 16.8 inches and Latitude: 39° 52' 48"—Longitude: 79° 44' 4"). The applicant proposes: 1) to extend and maintain, with matching span and rise, an existing 214.0-foot long, 9.0-foot wide by 6.0-foot high box culvert 103.0 feet at the upstream end and 273.0 feet at the downstream end in a UNT to Coal Lick Run (WWF) (SR 0119 Station 379+15.00); 2) to relocate 360.0 linear feet of a UNT to Coal Lick Run (WWF) at the upstream end of culvert No. 1 and construct and maintain 290.0 linear feet of new stream channel (southbound on-ramp Station 8+10 to Station 11+0) 70.0 linear feet of stream channel will be lost; 3) to construct and maintain concrete lining in the invert of an existing 496.0-foot long, 10.5-foot diameter corrugated metal pipe in a UNT to Coal Lick Run (WWF) (SR 3009 Station 72+32.01); 4) to construct and maintain a 125.0-foot long, 48-inch diameter reinforced concrete pipe in a UNT to Coal Lick Run (WWF) (Northbound off-ramp Station 34+20). This structure qualifies for

Department waiver § 105.12(a)(2). The applicant proposes to impact 501.0 linear feet of perennial stream by enclosures, 360.0 linear feet of stream by relocation, and 496.0 linear feet of perennial stream by invert paving. To compensate for stream impacts the applicant will do 1,000 linear feet of riparian plantings. No vegetated wetlands will be impacted.

E65-871. Greengate Development, LLC, 2127 Innerbelt Business Center Drive, Suite 200, St. Louis, MO 63114. To construct culverts and outfalls in Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District. (Greensburg, PA Quadrangle N: 11.0 inches; W: 12.0 inches and Latitude: 40° 18' 38"—Longitude: 79° 35' 10"). The applicant proposes to construct and maintain four 54" diameter culverts (with the two center culverts depressed 1') approximately 181 foot long within a UNT to Brush Creek (TSF) and to construct various stormwater outfalls to the same stream. The project is part of a proposed internal circulation roadway system for the reconstruction and reuse of two existing commercial retail centers, Hempfield Plaza and Greengate Centre. The project is located on the north side of Route 30 next to the existing Greengate Mall. The total proposed stream impacts proposed by this project is approximately 181' to a UNT to Brush Creek.

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

E20-540. Lloyd Akins and John Zinnamosca, 12515 Culvert Lane, Conneaut Lake, PA 16316. Storage Building, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonsborg, PA Quadrangle N: 4.9 inches; W: 8.3 inches).

The applicant proposes to construct and maintain a storage building involving to fill approximately 0.02 acre (de minimis) of PSS wetlands approximately 200 feet NE of the intersection of SR 18 and T-567 (Phelps Road).

E25-040A. T. E. Flower Estate, 6390 West Lake Road, Erie, PA 16505. Avonia Beach Boat Club Amendment, in Fairview Township, **Erie County**, ACOE Pittsburgh District (Fairview, PA Quadrangle N: 12.2 inches; W: 3.0 inches).

The applicant proposes to amend permit E25-040A which authorized Theodore E. Flower to maintain an existing marina and to perform maintenance dredging of the marina at the mouth of Trout Run and in Lake Erie in Fairview Township, Erie County.

The proposed amendment is to:

To restore the site to a natural condition involving the following: 1) to remove the existing docks and infrastructure within the marina; 2) to remove the existing north marina wall and northeast marina breakwater; 3) to leave the west, east and south marina walls in place; and 4) to fill 0.64 acre of the existing marina basin with sand and with stone/concrete from the demolished marina walls and breakwaters.

Lake Erie is a perennial body of water classified as a CWF. Trout Run is a perennial stream classified as a CWF and MF.

E25-404A. Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District.

The applicant is requesting an amendment to Permit No. E25-404A which authorizes the Erie-Western Penn-

sylvania Port Authority to perform maintenance dredging at the following in and along Presque Isle Bay and Lake, City of Erie, Erie County:

1. Chestnut Street launch ramp (Erie North, PA Quadrangle N: 1.25 inches; W: 13.25 inches).
2. West Canal Basin (Erie North, PA Quadrangle N: 2.0 inches; W: 12.2 inches).
3. East Canal Basin (Erie North, PA Quadrangle N: 2.4 inches; W: 12.3 inches).
4. Erie Marine, Inc., dock (Erie North, PA Quadrangle N: 2.5 inches; W: 11.7 inches).
5. The "ore dock" (Erie North, PA Quadrangle N: 2.6 inches; W: 11.3 inches).
6. Erie International Marine Terminal (Erie North, PA Quadrangle N: 4.5 inches; W: 11.0 inches).
7. Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches).
8. East Avenue launch ramp (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches).
9. Perry's Landing Marina between Piers I and II (Erie North, PA Quadrangle N: 0.7 inch; W: 15.0 inches) and between Piers II and III (Erie North, PA Quadrangle N: 0.7 inch; W: 14.7 inches) totaling approximately 10 acres.
10. Bay Harbour Marina (Erie North, PA Quadrangle N: 1.0 inch; W: 14.4 inches) approximately 6 acres.
11. Commodore Perry Yacht Club (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) approximately 14 acres.
12. Cherry Street Marina (Erie North, PA Quadrangle N: 1.1 inches; W: 13.9 inches) approximately 9 acres.
13. Walnut Street Marina (Erie North, PA Quadrangle N: 1.3 inches; W: 13.7 inches) approximately 7 acres.
14. Jolly Rodgers Marina (Erie North, PA Quadrangle N: 1.4 inches; W: 13.5 inches) approximately 14 acres.
15. Chestnut Street Marina (Erie North, PA Quadrangle N: 1.6 inches; W: 13.3 inches) approximately 4 acres.
16. Sassafras Street Pier, two locations (Erie North, PA Quadrangle N: 1.9 inches; W: 13.0 inches) and (Erie North, PA Quadrangle N: 2.3 inches; W: 12.9 inches) totaling approximately 6 acres.
17. Holland Street Pier (Erie North, PA Quadrangle N: 2.2 inches; W: 11.9 inches) approximately 3 acres.
18. Grain Elevator Slip (Erie North, PA Quadrangle N: 2.6 inches; W: 11.7 inches) approximately 5 acres.
19. Graving Dock Slip (Dry Dock) (Erie North, PA Quadrangle N: 2.7 inches; W: 11.5 inches) approximately 3 acres.
20. Access area to Grain Elevator Slip, Graving Dock (Dry Dock) Slip and Coal Ore Dock Slip ("ore dock") (Erie North, PA Quadrangle N: 3.1 inches; W: 11.6 inches) approximately 10 acres.

Special Condition C of Permit E25-404A requires the permittee to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the United States Army Corps of Engineers Confined Disposal Facility prior to each dredging and disposal event.

Special Condition D of Permit E25-404A requires the following: Prior to any dredging activity, all dredged

material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Water Quality Manager of the Department's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for Section 401 Water Quality Certification to the Water Quality Manager of the Department's Northwest Region Office for review and approval.

Items 2—4 of Attachment A require the following:

2. A total composite sample volume of 2 gallons is required for dredging amounts up to 500 cubic yards. The total composite sample will be obtained from 1 grab sample for each 50 cubic yards of material to be dredged, up to 500 cubic yards (10 grab samples).

3. For dredging between 500 and 1,000 cubic yards of material, two composite samples, each having a volume of 2 gallons, will be obtained with 1 grab sample for each 50 cubic yards of material for half of the total volume to be dredged. For example, if the total volume to be dredged is 800 cubic yards, then two composite samples will be collected with each 2-gallon composite sample consisting of 8 grab samples of 0.25 gallon.

4. For dredging in excess of 1,000 cubic yards of material, follow the sampling requirements of items 2 and 3.

The proposed amendment is to include the following special conditions in Permit E25-404A:

1. For those marinas which have already been dredged under E25-404A and for which dredged material was received, conduct "in situ" sampling and material testing once every 5 years for every 1,000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of material to be dredged). We also propose water quality certification for all dredging activities conducted by EWPPA within the 5-year time period.

2. For those marinas not yet dredged by the EWPPA under Permit E25-404A, conduct "in situ" sampling and analytical testing per every 1,000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of material to be dredged). Disposal of the dredged material will be in the CDF under conditions of Permit E25-581. Also proposed that, following the initial sampling and testing, water quality certification be granted for a 5-year time period as stated in paragraph 1.

Presque Isle Bay and Lake Erie are perennial bodies of water classified as WWF.

E25-581, Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches).

The applicant is requesting an amendment to Permit No. E25-581 which authorizes the Erie-Western Pennsylvania Port Authority to place a total of approximately 500,000 cubic yards of material dredged from the bed of

Presque Isle Bay and local Lake Erie waters into the Erie Harbor Confined Disposal Facility (CDF) to create an upland public recreational area located south of the entrance channel to Presque Isle Bay.

Special Condition A of Permit E25-581 requires the permittee is required to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the CDF prior to each dredging and disposal event.

Special Condition B of Permit E25-581 requires the following: Prior to any dredging activity, all dredged material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Water Quality Manager of the Department of Environmental Protection's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for Section 401 Water Quality Certification to the Water Quality Manager of the Department's Northwest Region Office for review and approval.

Items 2—4 of Attachment A require the following:

2. A total composite sample volume of 2 gallons is required for dredging amounts up to 500 cubic yards. The total composite sample will be obtained from 1 grab sample for each 50 cubic yards of material to be dredged, up to 500 cubic yards (10 grab samples).

3. For dredging between 500 and 1,000 cubic yards of material, two composite samples, each having a volume of 2 gallons, will be obtained with 1 grab sample for each 50 cubic yards of material for half of the total volume to be dredged. For example, if the total volume to be dredged is 800 cubic yards, then two composite samples will be collected with each 2-gallon composite sample consisting of 8 grab samples of 0.25 gallon.

4. For dredging in excess of 1,000 cubic yards of material, follow the sampling requirements of items 2 and 3.

The proposed amendment is to include the following special conditions in Permit E25-581:

1. For those facilities which have already been dredged under E25-404A and for which dredged material was received, conduct "in situ" sampling and material testing once every 5 years for every 1,000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of

material to be dredged). We also propose water quality certification for all dredging activities conducted by EWPPA within the 5-year time period.

2. For those facilities not yet dredged by the EWPPA under Permit E25-404A, conduct "in situ" sampling and analytical testing per every 1000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of material to be dredged). Disposal of the dredged material will be in the CDF under conditions of Permit E25-581. Also proposed that, following the initial sampling and testing, Water quality certification be granted for a 5-year time period as stated in paragraph 1.

Presque Isle Bay and Lake Erie are perennial bodies of water classified as WWF.

ENVIRONMENTAL ASSESSMENTS

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

EA-67-010: Gregory King, 1948 Noss Road, York, PA 17404 in North Codorus Township, **York County**, ACOE Baltimore District.

To replace and existing culvert and construct and maintain a 15-foot, 3-foot diameter culvert, with a 6-inch depression below the streambed and to restore 280 linear feet of an UNT to Codorus Creek (WWF) by reshaping the channel. The project is located in North Codorus Township, York County (West York, PA Quadrangle N: 1.9 inches; W: 6.7 inches).

EA-06-006: Paradise Township, P. O. Box 40, Paradise, PA 17562 in Paradise Township, **Lancaster County**, ACOE Baltimore District.

To regrade and stabilize 240 lineal feet of stream channel located within a previously breached impoundment area. The project consists of channel relocation; floodway grading; and rock toe protection within an UNT to the Schuylkill River (WWF) immediately east of Ridgeway Road (Reading, PA Quadrangle N: 8.0 inches; W: 3.5 inches) in Cumru Township, Berks County.

EA-38-002: East Hanover Township, c/o Thomas Donmoyer, Secretary-Treasurer, R. D. No. 1 Box 6250, Grantville, PA 17028 in East Hanover Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain 495 lineal feet of stream stabilization and enhancement of an UNT to Swatara Creek (WWF) utilizing j-hook vanes, cross vanes, root wads, and minor bank and gravel bar grading located within H.M. Levitz Park (Indiantown Gap, PA Quadrangle N: 5.85 inches; W: 17.30 inches) in East Hanover Township, Lebanon County.

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0057185	Edward and Nhung Sweeney 1941 Ridley Creek Road Media, PA 19063	Delaware County Upper Providence Township	UNT to Ridley Creek Watershed 3G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062341A1	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Pike County Lackawaxen Township	Teedyuskung Creek 1B	Y
PA-0061808 (Sewage)	George Royle R. R. 1, Box 1534 Hunter Farm Road Henryville, PA 18332	Paradise Township, Monroe County	UNT to Swiftwater Creek (1E)	Y
PA-0060941 Sewage	Crestwood School District Rice Elementary School 281 South Mountain Blvd. Mountain Top, PA 18707	Luzerne County Rice Township	Turner Swamp, a tributary to Little Wapwallopen Creek (5B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082635 (Sewage)	Sun Valley, LLC c/o Diversified Investments 3005 Douglas Boulevard No. 150 Roseville, CA 95661	Lancaster County Brecknock Township	UNT Rock Run/7J	Y
PA0086924 (Industrial Waste)	FCI USA, Inc. Lenape Drive, R. R. 1 Box 212 Mount Union, PA 17066-9728	Huntingdon County Shirley Township	Juniata River/12-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>
PA0091634 Sewage	The Rensselaerville Institute 63 Huyck Road Rensselaerville, NY 12147-2108	Fayette County North Union Township	UNT of Redstone Creek	Y
PA0096105 Sewage	Aleppo Township Authority P. O. Box 81 100 North Drive Sewickley, PA 15143	Allegheny County Aleppo Township	UNT to Ohio River	Y
PA0096423 Sewage	Turkeyfoot Valley Area School District R. D. 1, Box 78 Confluence, PA 15424-9626	Somerset County Lower Turkeyfoot Township	Casselman River	Y
PA0216186 Sewage	Greene Arc, Inc. 197 Dunn Station Road Prosperity, PA 15329	Greene County Washington Township	Ruff Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221759	Robert L. Shuttleworth 923 Fern Road St. Mary's PA 15857	Jones Township, Elk County	UNT to East Branch Clarion River 17-A	Y
PA0033383	Cherry Run Camp Meeting Association 2855 Cherry Run Road Rimersburg, PA 16248	Toby Township Clarion County	UNT to Licking Creek 17-B	Y
PA0029378	Redbank Valley School District— Hawthorn Elementary School 920 Broad Street New Bethlehem, PA 16242	Hawthorn Borough Clarion County	UNT to Redbank 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. PA0012882, Industrial Waste, **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122-2806. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 12.8 mgd of noncontact cooling water serving PGW—Richmond Plant into the Delaware River-Zone 3.

NPDES Permit No. PA0042889, Sewage, **Octorara Area School District**, 228 Highland Road, Suite 1, Atglen, PA 19310. This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into an UNT to Knight Run in Watershed 7K.

NPDES Permit No. PA0044474, Sewage, **Brinton Manor, Inc.** 549 Baltimore Pike, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into West Branch of Chester Creek in Watershed 3G.

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

NPDES Permit No. PAS212215, Industrial Waste, **Glenwood Stone Company, Inc.** This proposed facility is located in New Milford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

NPDES Permit No. PA0247596, Sewage, **Ephrata Area Joint Authority**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Ephrata Township, **Lancaster County**.

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

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

NPDES Permit No. PA0001562-A1, Industrial Waste, **Wheeling-Pittsburgh Steel Company**, 1134 Market Street, Wheeling, WV 26003. This proposed facility is located in Allenport Borough, **Washington County**.

Description of Proposed Action/Activity: The wastewater description for Outfall 202 has been modified to include Temper Mill basement water, Hot Mill basement water and acidic groundwater.

NPDES Permit No. PA0252816, Sewage, **AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650. This proposed facility is located in Jackson Township, **Cambria County**.

Description of Proposed Action/Activity: Discharge from a small flow treatment facility for Madison Deep Mine.

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. 5204402, Sewerage, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Lackawaxen Township, **Pike 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. 1805401, Sewerage 4952, **Robyn and Judy Orndorf**, 1606 Sulphur Run Road, Jersey Shore, PA 17740. This proposed facility is located in Bald Eagle Township, **Clinton County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve the Orndorf residence.

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

WQM Permit No. WQG018362, Sewerage, **Grant W. Smith**, 159 Dutch Road, Harmony, PA 16037. This proposed facility is located in Jackson Township, **Butler County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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>
PAI021304001	Big Boulder Corp. P. O. Box B707 Blakeslee, PA 18610-0707	Lehigh	Kidder Township	Swamp Run Creek HQ-CWF
PAI023904022	Lehigh Valley Hospital Cedar Crest and I-78 P. O. Box 689 Allentown, PA 18105	Carbon	Salisbury Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0336-04-007	Barr & Byler Subdivision	Lancaster	Salisbury	UNT Pequea Creek

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>
Springfield Township Bucks County	PAG2000905004	Bryan Lloyd Bryan Lloyd Subdivision 355 Nemeth Road Coopersburg, PA 18036	Tributary to Tohickon Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000903076	Mark Hankin Lot 15 Detention Basin P. O. Box 26767 Elkins Park, PA 19117	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000905011	Commerce Bank NA Commerce Bank Development 11000 Atrium Way Mount Laurel, NJ 08054	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG2000904140	Sandra Rabenold Rabenold Subdivision 1241 Roundhouse Road Quakertown, PA 1951	Dimple Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Makefield Township Bucks County	PAG2000904196	Timothy Vile Timothy Vile Property 40 Devon Road Newtown, PA 18940	Houghs Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG2001504106	Michael Stolper 1125 South Leopard Road 1504 East Grand Oak Lane West Chester, PA 19380	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001505010	Wilkinson Builders Southwood Road Improvements 1020 Broad Run Road Landenberg, PA 19350	Broad Run (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Downingtown Borough Chester County	PAG2001504115	Joseph Dwyer Roberts Auto Mall Facility 19 Park Lane Downingtown, PA 19335	East Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Westtown Township Chester County	PAG2001504071	Thomas Galbally Orvis Tract Residential Sbdv. P. O. Box 973 Paoli, PA 19301	UNT Radley Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG200 1504122	Eugene/Daneil Nance Nance Subdivision 462 Locust Grove Road West Chester, PA 19382	UNT to West Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 1505006	The Mann Center for the Performing Arts Capital Improvement Program 123 South Broad Street Philadelphia, PA 19109-1026	Schuylkill River Watershed (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 1505008	Inglis House Corporation Carline Apartments Demolition 2600 Belmont Avenue Philadelphia, PA 19131-2799	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Dunmore Borough Lackawanna County	PAG2003505001	Wendy Yankelitis Marywood University 2300 Adamo Ave. Scranton, PA 18509	UNT to Lackawanna River CWF	Lackawanna County Cons. Dist. (570) 281-9495
Hanover Township Lehigh County	PAG2003905003	Michael Esposito Allentown Airport LP 1401 Broad St. Clifton, NJ 07013	Catasauqua Creek CWF	Lehigh County Cons. Dist. (610) 391-9583
Hellertown Borough Northampton County	PAG2004805010	Abraham R. Atiyeh 1177 Sixth St. Whitehall, PA 18052	Saucon Creek (Source to Black River) CWF	Northampton County Cons. Dist. (610) 746-1971
Moore Township Northampton County	PAG2004804038	Richard George S & S Homes R. R .5, Box 5250 Saylorsburg, PA 18353	Hokendauqua Creek CWF	Northampton County Cons. Dist. (610) 746-1971
Weatherly Borough Carbon County	PAG2001305004	Federal Mogul Corp. 75 West Main St. Weatherly, PA 18225 and Enviro Matrix, Inc. 163 Madison, Suite 104 Detroit, MI 48226	Black Creek CWF	Carbon County Cons. Dist. (610) 377-4894
Dunmore Borough Lackawanna County	PAG2003505007	Thomas Cummings Dunmore Borough 400 S. Blakely St. Dunmore, PA 18512	Lackawanna River CWF	Lackawanna County Cons. Dist. (570) 281-9495
Lehman Township Luzerne County	PAG2004004023	Pennsylvania State University Office of Physical Plant Room 101 P University Park, PA 16802	Toby Creek CWF	Luzerne County Cons. Dist. (570) 674-7991

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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>
Greater Lewistown Shopping Plaza, Derry Township, Burnham Borough, Mifflin County	PAG2004405001	Greater Lewistown Shopping Plaza c/o Morantis Properties 8035 McKnight Rd. Andre Plaza Suite 302 Pittsburgh, PA 15237	Buck Run TSF	Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009 (717) 248-4695
Conewago Township York County	PAG2006704044	Cornerstone Development Group 1 Marketway East York, PA 17401-1611	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006704075	Central York School District Dr. Linda Estep 775 Marion Road York, PA 17402	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Township York County	PAG2006704018	Argento Mini-Storage Anthony Argento Cape Horn Builders 3110 Wheatlyn Road York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG2006705003	First Church of God Charles Hartman 600 Fairview Drive Hanover, PA 17331	Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006704139	Lot 10 Shrewsbury Commons SC Building C, LP 4750 Owings Mills Blvd. Owings Mills, MD 21117	UNT to Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Montgomery Township Franklin County	PAG2002804048	Mountain Brook Estates Oliver Homes 19733 Leitersburg Pike Hagerstown, MD 21742	Conococheague Creek TSF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Montgomery Township Franklin County	PAG2002805015	Daniel and Cathy Twigg P. O. Box 238 Greencastle, PA 17225	Conococheague Creek TSF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Washington Township Franklin County	PAG2002805017	Spring Run Estates Accent Developers c/o Robert Lee Royer 1800 East Main Street Waynesboro, PA 17268	UNT to East Branch of Antietam—CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Greene Township Franklin County	PAG2002805020	Walker Road Realignment Greene Township c/o Charles Jamison 1145 Garver Lane Scotland, PA 17254	Conococheague Creek—CWF UNT to Falling Spring Branch—TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Hamilton Township Franklin County	PAG2002805001	Elk Ridge, LLC c/o Edwin Martin 4961 Cumberland Hwy. Chambersburg, PA 17201	Conococheague Creek—WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Bradford County Rome Township	PAG2000805003	Roger Druck P. O. Box 113 Rome, PA 18837	Parks Creek CWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Bellefonte Borough	PAG2001405001	Dr. James Masullo, Jr. Bellefonte Area School District 318 N. Allegheny St. Bellefonte, PA 16823	Unt. Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Jersey Shore Borough	PAG2004105003	Citizen and Northern Bank 90-92 Main St. P. O. Box 58 Wellsboro, PA	Lowshe Run WWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Washington County California Borough	PAG2006305001	Borough of California 225 Third Street California, PA 15419	Pike Run (TSF) Monongahela River (WWF)	Washington County CD (724) 228-6774
Washington County Peters Township	PAG2006305006	Karen Marshall 100 Bayberry Street McMurray, PA 15317 and Ray Harrington 128 Breezewood Drive Venetia, PA 15367	UNT to Peters Creek (TSF)	Washington County CD (724) 228-6774
Westmoreland County Sewickley Township	PAG2006504049	Sutersville-Sewickley Municipal Sewer Auth. 320 Municipal Avenue Sutersville, PA 15083	Sewickley Creek and Yough River (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield and Salem Townships	PAG2006505002	Dominion Peoples 1201 Pitt Street Pittsburgh, PA 15221	UNT to Brush Creek (TSF) and Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
Butler County Cranberry Township	PAG2001004029	Cranberry Wal-Mart Expansion Jeff Rutter 2001 Southeast 10th Street Bentonville AR 72716-0550	Brush Creek—WWF	Butler County Conservation District (724) 284-5270
Mercer County Springfield Township	PAG2004305001	Borough of Grove City 123 West Main St. P. O. Box 110 Grove City, PA 16127	Black Run Tributary CWF	Mercer County Conservation District (724) 662-2242

NOTICES

2161

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
South Coatesville Borough Chester County	PAR230069	Air Liquide Large Industries U. S., LP 161 Lower Modena Rd. Coatesville, PA 19320	Brandywine Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Falls Township Bucks County	PAR800078	Kinder Morgan Inc. 1 Sinter Rd. Fairless Hills, PA 19030	Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600057	Oscar's Auto Parts 6145 W. Passyunk Ave. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600081	Butch's Auto Parts 3301 S. 61st St. Philadelphia, PA 19142	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
West Whiteland Township Chester County	PAR230069	FedEx Ground Pkg. System Inc. 442 Creamery Way Suite D Exton, PA 19341	Valley Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bensalem Township Bucks County	PAR800133	Estes Express Lines Inc. 4095 Blanche Rd. Bensalem, PA 19020	UNT to Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Tamaqua Borough Schuylkill County	PAR202240	Hart Metals, Inc. 1415 East Broad Street Tamaqua, PA 18252	Panther Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Adams County Straban Township	PAR213501	Daltile Corporation 211 North Fourth St. Gettysburg, PA 17325	Swift Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Bendersville Borough	PAR213502	Daltile Corporation 211 North Fourth St. Gettysburg, PA 17325	Oppossum Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Gettysburg Borough	PAR213503	Daltile Corporation 211 North Fourth St. Gettysburg, PA 17325	Rock Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Elizabethtown Borough	PAR123508	Masterfoods USA 295 Brown Street Elizabethtown, PA 17022-2192	Conoy Creek/TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Derry Township	PAR503502	Mifflin County Solid Waste Authority P. O. Box 390 87 Landfill Road Lewistown, PA 17044-0390	UNT to Kishacoquillas Creek TSF Jack's Creek TSF	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>
Lebanon County North Lebanon Township	PAR233544	The Valspar Corporation 4406 Industrial Park Road Camp Hill, PA 17011	Quittapahilla Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Erie Erie County	PAR128306	Meadow Brook Dairy Company, Inc. 2365 Buffalo Road Erie, PA 16510	City of Erie Storm Sewer Lake Erie Watershed	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie, Erie County	PAR218318	Ready Mix Concrete Company of Erie, Inc. P. O. Box 1438 Erie, PA 16512	City of Erie Stormwater Sewers	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wilmington Township Lawrence County	PAR808343	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township, Crawford County	PAR808345	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Watson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Venango County	PAR808346	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Lower Two Mile Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wetmore Township McKean County	PAR808344	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Hubert Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR808347	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Butler County	PAR808348	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of St. Marys Elk County	PAR218322	Dubrook, Inc. P. O. Box 388 DuBois, PA 15801	Elk Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<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>
Bald Eagle Township Clinton County	PAG045186	Robyn and Judy Orndorf 1606 Sulphur Run Road Jersey Shore, PA 17740	Sugar Run CWF	Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664
Findley Township Mercer County	PAG048690	Ronald B. Woods 1391 Butler Pike Mercer, PA 16137	Strip Mine Pond	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAG049154	Grant W. Smith 159 Dutch Road Harmony, PA 16037	UNT to Doe Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Mercer County	PAG049156	Laubscher Cheese Company LTD SFTF 1468 Perry Highway Mercer, PA 16137	UNT to Otter Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<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>
Upper Dublin Township Montgomery County	PAG050051-T1	Exxon Station No. 26320 Maple Glen, LLC 607 Washington Street Reading, PA 19601	UNT to Park Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
East Norriton Township Montgomery County	PAG050042 Amendment No. 1	Norristown Exxon, LLC 607 Washington Street Reading, PA 19601-3503	Stony Creek-3F-Lower Schuylkill Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Harrison City Borough Westmoreland County	PAG056203	Howard Gasoline & Oil Company P. O. Box 494 Harrison City, PA 15636	Bushy Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Licking Township, Clarion County	PAG086101	ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233	Burns Farms CL4 (Stewart Farm) Licking Township, Clarion County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Licking and Toby Townships Clarion County	PAG086101	ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233	Burns Farms CL5 (Spike Wilson Farm) Licking Township, Toby Township Clarion County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County*

Licking Township
Clarion County

Permit No.

PAG086101

*Applicant Name &
Address*

ALCOSAN
3300 Preble Avenue
Pittsburgh, PA 15233

*Site Name &
Location*

Burns Farms CL8
(Jones Farm)
Licking Township,
Clarion County

*Contact Office &
Phone No.*

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

General Permit Type—PAG-9

*Facility Location:
Municipality &
County*

Greene Township
Mercer County

Permit No.

PAG098305

*Applicant Name &
Address*

Enterline Septic Cleaning
196 Maysville Road
Jamestown, PA 16134

*Site Name &
Location*

Enterline Septic
Cleaning
196 Maysville Road
Jamestown, PA
16134

*Contact Office &
Phone No.*

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 4603503, Public Water Supply.

Applicant	Audubon Water Company 2650 Eisenhower Avenue Norristown, PA 19403
Township	Lower Providence
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Daniel R. Hudson Evans Mill Environmental, Inc. 101 Fellowship Road Uwchland, PA 19480
Permit to Construct Issued	March 24, 2005

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

Operations Permit issued to: **Nestle Waters North America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031 (PWSID 3396420) Upper Macungie Township, **Lehigh County** and Washington Township, **Northampton County** on March 22, 2005, for the operation of facilities approved under construction permit No. 4803502 issued February 4, 2005.

Operations Permit issued to: **Hometown America Communities**, 1161 Valley Stream Drive, Perkiomenville, PA 18074 (PWSID 3480075) Lehigh Township, **Northampton County** on March 25, 2005, for the operation of facilities approved under construction permit No. 4804503.

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

Permit No. 3104504 MA, Minor Amendment, Public Water Supply.

Applicant	Warriors Mark General Authority
Municipality	Warriors Mark Township
County	Huntingdon
Type of Facility	Replacement of approximately 2,000 feet of waterline (SR 0350 and SR 0550)

Consulting Engineer Eric S Lundy, P. E.
Dana R. Boob
Surveying & Engineering
P. O. Box 699
Millheim, PA 16854-0699

Permit to Construct 3/10/2005
Issued:

Permit No. 3804504, Public Water Supply.

Applicant **Plains LPG Services, LP**
Municipality Heidelberg Township
County **Lebanon**
Type of Facility Installation of nitrate treatment
and UV disinfection.

Consulting Engineer Charles A Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George St.
York, PA 17401

Permit to Construct 3/14/2005
Issued:

Permit No. 6704501, Minor Amendment, Public
Water Supply.

Applicant **Exelon Nuclear**
Municipality Delta Borough
County **York**
Type of Facility Amendment to previous permit
for the replacement of polishing
filter media and strainers.

Consulting Engineer 1—Not Available

Permit to Construct 3/11/2005
Issued:

Operations Permit issued to: **Exelon Nuclear—
Peach Bottom Atomic Power Station**, 7670905, Delta
Borough, **York County** on 3/11/2005 for the operation of
facilities approved under Construction Permit No.
6704516 MA.

Operations Permit issued to: **New Oxford Muni-
cipal Authority**, 7010025, Oxford Township, **Adams
County** on 3/16/2005 for the operation of facilities ap-
proved under Construction Permit No. 0103501.

Operations Permit issued to: **Mt. Gretna Heights
Assoc. Inc.**, 7380039, West Cornwall Township, **Leba-
non County** on 3/16/2005 for the operation of facilities
approved under Construction Permit No. 3802503.

Operations Permit issued to: **United Water Penn-
sylvania**, 7220015, Susquahanna Township, **Dauphin
County** on 3/10/2005 for the operation of facilities ap-
proved under Construction Permit No. 2203505 MA.

Operations Permit issued to: **Exelon Nuclear**,
7670905, Delta Borough, **York County** on 3/11/2005 for
the operation of facilities approved under Construction
Permit No. 6705501 MA.

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

Permit No. 3204504, Public Water Supply.

Applicant **Indiana County Municipal
Services Authority**
827 Water Street
Indiana, PA 15701

Borough or Township Washington Township
County **Indiana**
Type of Facility Crooked Creek Water Treatment
System

Consulting Engineer Gibson-Thomas Engineering, Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe PA 15650

Permit to Construct March 18, 2005
Issued

Permit No. 0204502, Public Water Supply.

Applicant **Township of Shaler**
300 Wetzel Road
Glenshaw, PA 15116

Borough or Township Shaler Township
County **Allegheny**

Type of Facility Anderson/Sharpshill/Eade tanks
and East Elfinwild pump station

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct March 24, 2005
Issued

Operations Permit issued to: **Fawn-Frazer Joint
Water Authority**, 326 Dunnellville Road, Natrona
Heights, PA 15065, (PWSID #5020076) Frazer Township,
Allegheny County on March 10, 2005, for the operation
of facilities approved under Construction Permit No.
0271501-A3.

Operations Permit issued to: **Wilksburg-Penn
Joint Water Authority**, 2200 Robinson Boulevard, Pitts-
burgh, PA 15221, (PWSID #5020056) Penn Hills, **Alle-
gheny County** on March 10, 2005, for the operation of
facilities approved under Construction Permit No.
0299509.

Operations Permit issued to: **Somerset Township
Municipal Authority**, 2209 North Center Avenue,
Somerset, PA 15501, (PWSID #4560002) Somerset Town-
ship, **Somerset County** on March 29, 2005, for the
operation of facilities approved under Construction Per-
mit No. 5602501.

Permit No. 0202502-A1, Minor Amendment. Public
Water Supply.

Applicant **Moon Township Municipal
Authority**
1700 Beaver Grade Road
Suite 200
Moon Township, PA 15108

Borough or Township Moon Township
County **Allegheny**

Type of Facility Disinfection system changes

Consulting Engineer Nichols & Slagle Engineering,
Inc.
333 Rouser Road
Airport Office Park
Building 4, Suite 600
Moon Township, PA 15108

Permit to Construct March 23, 2005
Issued

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>
Summit Hill Borough	116 West Ludlow Street Summit Hill, PA 18250	Carbon

Plan Description: The approved plan provides for a systematic plan to identify and propose corrective measures for portions of the Borough's wastewater collection system that may be subject to excessive amounts of infiltration/inflow (I/I). The CAP also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of the Borough of Summit Hill's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, the Borough of Summit Hill shall contact the Department, in writing, and discuss the need to alter the CAP at the earliest possible time. Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Coaldale Borough	P. O. Box 116 Coaldale, PA 18218	Schuylkill
Lansford Borough	P. O. Box 126 Lansford, PA 18232	Carbon
Summit Hill Borough	116 West Ludlow Street Summit Hill, PA 18250	Carbon

Plan Description: The CAP proposes a systematic plan to identify and propose corrective measures for portions of the Authority's wastewater conveyance and treatment facilities that may be subject to excessive amounts of infiltration/inflow (I/I). The CAP also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of the Official Sewage Facilities Plans of Coaldale Borough, Lansford Borough, and Summit Hill Borough.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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>
Logan Township	800 39th Street Altoona, PA 16602-1799	Blair

Plan Description: The approved Weaver Street Sanitary Sewer Extension plan provides for installation of a sanitary sewer line to connect 13 existing residential homes and 2 commercial sites that are currently serviced by existing on lot sewage systems. A 1,500 linear foot sanitary sewer line extension will be constructed. The new 8-inch sanitary sewer line will tie into the existing Westmont Interceptor at a manhole near Mill Run Road. The sewage will be treated at the Westerly Sewage Treatment Plant, which is operated and maintained by the Altoona City Authority. 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>
Huston Township	R. R. 2, Box 54 Martinsburg PA 16662	Blair County

Plan Description: The approved plan provides for construction of a Small Flow Treatment Facility for the Clappertown Christian Missionary & Alliance Church to repair an existing malfunctioning on lot sewage disposal system. The proposed sewage flows are 1,600 gallons per day with a discharge to an UNT of Piney Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Settlement under HSCA and CERCLA Bishop Tube Site, East Whiteland Township, Chester County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a Prospective Purchaser Agreement (Agreement) with Constitution Drive Partners, L. P. (CDP) regarding the Bishop Tube HSCA Site.

The Bishop Tube Site is located approximately 1/4 mile south of US Route 202 in East Whiteland Township, Chester County. The Site consists of land totaling approximately 13.7 acres and was formerly used as a precious metals and stainless steel manufacturing facility. The Department has determined that there is significant soils and groundwater contamination at the Site.

The Site was acquired by the Central and Western Chester County Industrial Development Authority for potential redevelopment and has now been sold to CDP for purposes of commercial redevelopment. Other than potential liability associated with its purchase of the Site, CDP has asserted, and the Department has no information to indicate otherwise, that it neither caused, contributed to nor is otherwise liable for any contamination at the Bishop Tube Site. Under the terms of the Agreement with the Department, which was executed immediately prior to CDP's acquisition of the Site, CDP agrees: (1) to assess and clean up soils contamination at the Site to one

of the standards set forth in the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908); (2) not to exacerbate any existing contamination at the Site; and (3) to provide access and right of entry to the Department for potential future remediation of groundwater contamination in exchange for a covenant not to sue and contribution protection from the Commonwealth.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113). The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting either George Horvat at (484) 250-5717 or Anderson Lee Hartzell at (484) 250-5866. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to George Horvat at the previously listed address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

3742 Main Street, City of Philadelphia, Philadelphia County. Rodd W. Bender, Manko, Gold, Katcher & Fox, LLP on behalf of Tina Roberts, 3780 Main St. Assoc., LP has submitted a Final Report concerning remediation of site soil contaminated with inorganics, PAH and PCB. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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

Westinghouse Air Brake Technology Company, Borough of Wilmerding, **Allegheny County.** Bruce Shaw, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Monroeville, PA 15668-1848 (on behalf of Westinghouse Air Brake Technology Company, 1001 Air Brake Avenue, Wilmerding, PA 15148) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with heavy metals, solvents, BTEX and PHCs. The report is intended to document remediation of the site to meet the Site Specific Standard.

#1 Cochran Automotive, Borough of Monroeville, **Allegheny County.** David J. Birchard, Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Rob Cochran, #1 Cochran Automotive, 4200 William Penn Highway, Monroeville, PA 15146, and William Krahe, ECHO Real Estate, 701 Alpha Drive, Pittsburgh, PA 15328 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with benzene, naphthalene, MTBE, and ethyl benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Stackpole Center Ind. Site Northeast Area, City of St. Marys, **Elk County.** Emsource St. Marys LLC, 111 Commercial St., Suite 400, Portland ME 04101 has submitted a Final Report concerning remediation of site Soil and Groundwater contaminated with Trichlorethene, 1,2-dichlorethene and 1,2-dichloroethane and Vinyl Chloride, Cadmium, Nickel and Lead. The report is intended to document remediation of the site to meet the Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a

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

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

The Department has received the following plans and reports:

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

Defense Distribution Depot Susquehanna, Pennsylvania (DDSP) N-PX Gas Station, Fairview Township, York County. Defense Distribution Depot Susquehanna, 2001 Mission Drive, New Cumberland, PA 17070, submitted a combined Remedial Investigation and Risk Assessment concerning remediation of site soils and groundwater contaminated with solvents and BTEX compounds. The site is being remediated to a Site-Specific standard. The combined report was approved by the Department on March 24, 2005.

Agway Curryville Property, North Woodbury Township, Blair County. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9307, on behalf of Agway, Inc., 5790 Widewaters Parkway, Dewitt, NY 13214, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics, pesticides and herbicides. The final report demonstrated attainment of a combination of the State-wide Health and Site-specific standards. The Remedial Investigation and Final Report were approved by the Department on March 25, 2005.

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

McKeesport Steel Casting, City of McKeesport, Allegheny County. Charles Haefner Jr., P. G., KU Resources Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Stahl Gear & Machine, P. O. Box 720, Duquesne, PA 15110) has submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, heavy metals, PAHs and SVOCs. Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan were approved by the Department on March 3, 2005.

Retail Parcel—Former Auld Lumber, Hampton Township, Allegheny County. Robert J. Valli, P. G., Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Northwest Savings Bank, 225 Second Avenue, P. O., Box 128, Warren, PA 16365) has submitted a Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and PAHs. The Final Report demonstrated attainment of the nonresidential Statewide Health Standard and was approved by the Department on March 3, 2005.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

Registration Under General Permit No. WMGR090R041. Whitehall Township, 319 MacArthur Road, Whitehall, PA 18052-2900.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on March 29, 2005.

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

AIR QUALITY

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

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

48-310-053GP3: Northledge LLC (930 East Market Street, Bethlehem, PA 18017) on March 24, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility at Box 186, Route 611, Lower Mount Bethel Township, **Northampton County**.

40-323-015GP4: Graham Packaging—PET Technologies Incorporated (12 Maplewood Drive, Hazleton, PA 18201) on March 24, 2005, to construct and operate a burn-off oven and associated air cleaning device at their facility in Hazle Township, **Luzerne County**.

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

GP4-07-03050: Altoona-Beasley Manufacturing, Inc. (210 East Plant Road, Altoona, PA 16603) on March 23, 2005, authorized to operate burn off ovens in City of Altoona, **Blair 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.

48-328-007: Green Knight Economic Development Corp. (2147 Pen Argyl Road, Pen Argyl, PA 18072) on March 16, 2005, for installation of a new turbine core at their facility in Plainfield Township, **Northampton County**.

48-307-061: Waylite Division—International Mill Service, Inc. (1155 Business Center Drive, Horsham, PA 19044) on March 21, 2005, to construct a steel slag processing plant and portable power screen operation to replace the existing system at their facility in Bethlehem, **Northampton County**.

45-317-001A: CHS, Inc. (P. O. Box 147, Mount Pocono, PA 18344) on March 21, 2005, to modify a flour milling operation and associated air cleaning devices at their facility in Pocono Township, **Monroe County**.

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

38-03007A: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) on March 24, 2005, to construct a gas-fired cremation chamber at their facility in Heidelberg Township, **Lebanon County**.

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

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

46-0037N: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on March 25, 2005, to amend the operation of a tantalum production line in Douglass 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.

48-306-008D: Northampton Generating Co. LP (1 Horwith Drive, Northampton PA 18067) on March 24, 2005, to modify a fluidized bed boiler and associated air cleaning device at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

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

60-303-003: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on March 18, 2005, to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis until July 16, 2005, in Buffalo Township, **Union 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.

04-00719A: Lehigh Cement Co. (3111 Water Street, Richmond, VA 23223) on March 22, 2005, to complete construction on the dock expansion at the Bulk Cement Terminal in Aliquippa, **Beaver County**. This plan approval was extended.

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.

67-05030: CP Converters, Inc. (15 Grumbacher Road, York, PA 17402) on March 24, 2005, for a Title V Operating Permit Renewal in Manchester Township, **York County**.

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

24-00009: Weyerhaeuser, Inc. (100 Center Street, Johnsonburg, PA 15845) on March 21, 2005, to issue the Title V Amendment Operating Permit to operate their paper mill in Johnsonburg Borough, **Elk County**. As a result of potential emissions of NOx and VOC, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

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

65-00044: Texas Eastern Production Pipeline Co. Limited Partnership—TEPPCO (P. O. Box 4040, Route 136, Greensburg, PA, 15601-8040) on March 28, 2005. The facility's major sources of emissions include two liquid petroleum gas (LPG) flares, LPG dehydrators and a

salt bath heater at their Greensburg Terminal in Hempfield Township, **Westmoreland County**.

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

62-00035: IA Construction Corp.—Warren Plant (240 River Road, Warren, PA 16365) on March 22, 2005, for a Synthetic Minor Permit to operate their hot mix asphalt plant in Conewango Township, **Warren County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

10-00230: IA Construction Corp.—Zelienople Plant (158 Lindsay Road, Zelienople, PA 16063) on March 22, 2005, for a Synthetic Minor Permit to operate a hot mix asphalt plant in Jackson Township, **Butler County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

25-00395: Eriez Manufacturing Co. (2200 Asbury Road, Erie, PA 16506) on March 23, 2005, for a Natural Minor Permit for two spray surface coating operations at their Eriez Magnetics Plant in Millcreek Township, **Erie 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.

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

22-05023: Pittsburgh Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) on March 21, 2005, to operate their Harrisburg Terminal in Swatara Township, **Dauphin County**. The Synthetic Minor Operating Permit was administratively amended to reflect a change in ownership from ExxonMobil Oil Corporation to Pittsburgh Terminals Corp. This is Revision No. 2 to this operating permit.

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

55-00003: Susquehanna University (514 University Avenue, Selinsgrove, PA 17870) on March 22, 2005, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to provide greater flexibility, with respect to coal and fuel oil usage, in achieving compliance with the facility's 100 ton per 12 consecutive month period synthetic minor sulfur oxides emission limitation in Selinsgrove Borough, **Snyder County**.

17-399-018: DuPenn, Inc.—Metaltech Division (Route 219 South, DuBois, PA 15801) on March 24, 2005, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to allow the use of additional lubricants/lubricant blends in three powdered metal parts sintering furnaces in Sandy Township, **Clearfield 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.

11773037 and NPDES Permit No. PA0069159. Cooney Brothers Coal Company, P. O. Box 246, Crescon, PA 16630, surface mining permit renewal for reclamation only in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving streams: UNTs to and Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2005. Permit issued March 23, 2005.

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

33010103 and NPDES No. PA0241954. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Revision to an existing bituminous strip operation to modify the abatement plan in Winslow Township, **Jefferson County**. Receiving streams: UNT to Sandy Lick Creek. Application received: January 10, 2005. Permit Issued: March 22, 2005.

33010103 and NPDES No. PA0241954. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 103.0 acres. This renewal is issued for an additional 5-year term. Receiving streams: UNT to Sandy Lick Creek. Application received: January 10, 2005. Permit Issued: March 22, 2005.

16920107 and NPDES No. PA0211435. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Revision to an existing bituminous strip, tippel refuse disposal, and beneficial use of coal ash operation to add 7.0 acres in Perry and Licking Townships, **Clarion County**. Receiving streams: UNTs to Cherry Run. Application received: November 3, 2004. Permit issued: March 22, 2005.

5974-16920107-E-5. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Application for a stream encroachment to mine through and reconstruct approximately 1,100 feet of an UNT No. 1 to Cherry Run in Perry and Licking Townships, **Clarion County**. Receiving streams: UNT to Cherry Run. Application received: November 3, 2004. Permit issued: March 22, 2005.

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

54880201R3. Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Pine Grove Township, **Schuylkill County** affecting 19.6 acres, receiving stream: none. Application received August 24, 2004. Renewal issued March 24, 2005.

Noncoal Permits Actions

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

26840301 and NPDES Permit No. PA0200042. Norman Thomson (P. O. Box 10, Lemont Furnace, PA 15456). NPDES Permit renewal issued continued reclamation and treatment of discharges at a noncoal surface mine located in North Union Township, **Fayette County**, affecting 50.2 acres. Receiving stream: UNT to Cove Run. Application received: January 18, 2005. NPDES renewal issued: March 23, 2005.

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

50050802. Robert H. Snyder (R. R. 4 Box 4267, Duncannon, PA 17020), commencement, operation and restoration of a Small Noncoal (Shale and Topsoil) Quarry operation in Watts Township, **Perry County** affecting 5.0 acres. Receiving stream: Tributary to the Susquehanna River. Application received January 28, 2005. Permit issued March 21, 2005.

58050802. Edward Greene, III (R. R. 3 Box 217A-3, Susquehanna, PA 18847), commencement, operation and restoration of a Small Noncoal (Shale and Sandstone) Quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: East Branch of Canawacta Creek. Application received December 22, 2004. Permit issued March 22, 2005.

66032803. Walter Flagstone, Inc. (R. R. 1 Box 40, Sugar Run, PA 18846), commencement, operation and restoration of a bluestone quarry operation in Windham Township, **Wyoming County** affecting 4.0 acres, receiving stream: none. Application received August 18, 2003. Permit issued March 25, 2005.

58040834. Anthony P. Bennett (R. R. 1 Box 4056, Wyalusing, PA 18853), commencement, operation and restoration of a bluestone quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 4, 2004. Permit issued March 25, 2005.

58042808. Timothy Mark Smith (R. R. 3 Box 329-E, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received December 9, 2004. Permit issued March 25, 2005.

58042809. Timothy Mark Smith (R. R. 3 Box 329-E, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received December 9, 2004. Permit issued March 25, 2005.

50050801. Denny W. Metz (2149 Rock Hollow Road, Loysville, PA 17047), commencement, operation and restoration of a quarry operation in Saville Township, **Perry County** affecting 5.0 acres, receiving stream: none. Application received January 11, 2005. Permit issued March 25, 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.

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

23054002. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Creekside Run in Bethel Township, **Delaware County** with an expiration date of April 17, 2006. Permit issued March 21, 2005.

23054003. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Mill Ridge in Aston Township, **Delaware County** with an expiration date of April 17, 2006. Permit issued March 21, 2005.

52054104. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Ranch Lands in Lehman Township, **Pike County** with an expiration date of April 30, 2006. Permit issued March 21, 2005.

28054103. T. J. Angelozzi, Inc. (7845 Kabik Court, Woodbine, MD 21797), construction blasting on Joann Drive in Greencastle Borough, **Franklin County** with an expiration date of March 18, 2006. Permit issued March 23, 2005.

38054109. Keystone Blasting Service (381 Reifsyder Road, Lititz, PA 17543), construction blasting for Hornings Roadside Market in Jackson Township, **Lebanon County** with an expiration date of December 30, 2005. Permit issued March 23, 2005.

48054102. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Saddle Brook Development in Upper Mt. Bethel Township, **Northampton County** with an expiration date of March 11, 2006. Permit issued March 23, 2005.

21054116. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Bent Creek Development in Silver Spring Township, **Cumberland County** with an expiration date of August 1, 2005. Permit issued March 24, 2005.

09054003. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at Towering Oaks of Yardley in Lower Makefield Township, **Bucks County** with an expiration date of December 31, 2005. Permit issued March 25, 2005.

09054002. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at Arbor Point in Buckingham Township, **Bucks County** with an expiration date of June 30, 2006. Permit issued March 25, 2005.

09054004. West End Drilling & Blasting, Inc. (P. O. Box 1646, Brodheads ville, PA 18322), construction blasting at Reserves @ New Briton in Chalfont Borough, **Bucks County** with an expiration date of April 25, 2006. Permit issued March 25, 2005.

06054007. Schlouch, Inc. (Excelsior Industrial Park P. O. Box 69, Blandon, PA 19510), construction blasting at Governor Point in Cumru Township, **Berks County** with an expiration date of April 21, 2006. Permit issued March 25, 2005.

46054005. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Woodmont in Lower Moreland Township, **Montgomery County** with an expiration date of April 22, 2006. Permit issued March 25, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E67-775: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Washington Township, **York County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a 76-inch by 48-inch concrete elliptical pipe culvert at the channel of an unnamed tributary to North Branch Bermudian Creek (WWF) and associated improvements on SR 4043, Section 003 to improve the traffic safety condition located about 0.75 mile northwest of Bermudian Village (Dillsburg, PA Quadrangle N: 5.23 inches; W: 6.25 inches) in Washington Township, York County.

E31-200: Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Clay Township, **Huntingdon County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a 14-foot by 6.67-foot box culvert at the channel of an unnamed tributary to Three Springs Creek (CWF) and associated improvements on SR 2004 Segment 0020, Offset 0000 in order to improve the traffic safety condition located about 0.7 mile southeast of Three Springs Borough (Orbisonia, PA Quadrangle N: 11.15 inches; W: 14.17 inches) in Clay Township, Huntingdon County.

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

E08-419. Wysox Creek Watershed Association, Inc., P. O. Box 174, Rome, PA 18837. Northeast School/Johnson Creek Restoration Project, in Pike and Orwell Townships, **Bradford County**, ACOE Baltimore District (Le Raysville, PA Quadrangle N: 20.2 inches; W: 15.7 inches).

To construct, operate and maintain a stream stabilization project consisting of 10,776 linear feet of Johnson Creek and 579 linear feet of Beaver Creek. The construction is broke into two phases labeled phase one and phase two. Phase one consists of lower Johnson Creek stabilization of 2,023 linear feet in length between stations 66+50 and 86+73. The project will consist of 4 "J"-hook veins, 10 cross veins, 2 log veins and 46 root wads. This phase also includes the 579 linear feet of Beaver Creek which includes 3 "J"-hook veins, 6 cross veins, 1 log vein and 14 root wads. Phase two of the permit consists of the construction between stations 0+00 through 66+50 of Lower Johnson Creek and construction of the entire 2,086 linear foot upper Johnson Creek Reach between stations 0+00—20+86. The phase will include 49 "J" hook veins, 40 cross veins, 15 log veins, and 209 root wades. This permit also includes 401 Water Quality Certification.

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

E02-1480. Borough of West Mifflin, 3000 Lebanon Church Road, West Mifflin, PA 15122. To construct a stream enclosure in the Borough of West Mifflin, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 19.9 inches; W: 1.2 inches and Latitude: 40° 21' 35"—Longitude: 79° 53' 01"). To remove the existing 78-inch diameter culvert and to construct and maintain a new 78-inch diameter stream enclosure 135.0 feet in length in the channel of an unnamed tributary to Thompson Run (WWF) for the purpose of improving the entrance road to West Mifflin Park. The project is located on the north side of Bettis Road, approximately 1,500 feet southwest from the intersection of Bettis Road and Union Road. This permit also authorizes the construction and maintenance of a temporary road crossing and a temporary 24-inch diameter diversion pipe and will impact a total of 155.0 linear feet of stream channel.

E63-556. Maronda Homes, Inc., 202 Park West Drive, Pittsburgh, PA 15275. To construct a concrete box culvert and fill wetlands in North Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 21.2 inches; W: 9.5 inches and Latitude: 40° 14' 30"—Longitude: 80° 11' 35"). To remove the existing driveway crossing, to place and maintain fill in 0.02 acre of wetlands, to construct and maintain a concrete box culvert 10 feet wide and 8 feet high (depressed 1 foot with baffles) approximately 92 feet long with 12 feet long concrete aprons on the upstream and downstream sides and a riprap energy dissipater for 26 feet on the downstream end of the culvert, to place and maintain fill along the left bank flood plain for approximately 300 feet and construct and maintain a stormwater outfall in, along and to an UNT to Chartiers Creek (WWF) for a proposed residential development to be known as Maple Ridge. The project will be located on the south side of SR 519 approximately 0.6 miles east of its southbound exit off of SR 79.

E63-568. Washington County Commissioners, 100 West Beau Street, Suite 702, Washington, PA 15301. To construct a single span bridge in Hanover and Robinson Townships, **Washington County**, Pittsburgh ACOE District. (Clinton, PA Quadrangle N: 11.3 inches; W: 15.9 inches and Latitude: 40° 26' 14"—Longitude: 80° 21' 51"). To remove the existing structure and to construct and maintain a single span bridge having a normal clear span of 73 feet 9 inches at a 70° skew angle and an underclearance of approximately 11 feet 7 inches over Raccoon Creek (WWF), to construct and maintain various outfalls to Raccoon Creek and to place and maintain fill in a deminimus area of palustrine emergent wetland equal to 0.0001 acre. The bridge (T-500, Donaldson Bridge Raccoon Creek No. 7) is located on Raccoon Creek Road.

E65-856. Youngwood Borough, 17 South Sixth Street, Youngwood, PA 15697-1231. To remove and construct a box beam bridge in Youngwood Borough, **Westmoreland County**, Pittsburgh ACOE District. (Mt. Pleasant, PA Quadrangle N: 20.8 inches; W: 10.5 inches and Latitude: 40° 14' 22"—Longitude: 79° 34' 31"). To (work authorized as stated on permit) remove the existing structures and 1) to construct and maintain a precast adjacent box beam, single span bridge having a clear span of 80.0 feet and an underclearance of 12.0 feet over Jacks Run (WWF); 2) to realign and maintain 380 linear feet of Jacks Run (WWF) and to place and maintain R-8 rock riprap for bank protection along the realigned section of stream; and 3) to construct and maintain one 48-inch diameter and two 24-inch diameter stormwater outfalls in Jacks Run (WWF). The project will permanently impact 380 linear feet of perennial stream; no vegetated wetlands will be impacted. The project is located on Depot Street.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for Proposed Total Maximum Daily Loads (TMDLs) for the Proposed Amendments to the Laurel Run Watershed Final TMDL in Fayette County

Greensburg District Mining Office: Mike Gardner, Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA 15601.

The Department of Environmental Protection (Department) is holding a public meeting on April 26, 2005, at 7 p.m. at the Ohiopyle State Park Office in Ohiopyle, PA to discuss and accept comments on the proposed amendments to the Laurel Run Watershed Final TMDL, approved April 9, 2003, by the United States Environmental Protection Agency (EPA). The proposed amendments address the misclassification of Laurel Run, the oversight of two permitted discharges and the absence of aluminum waste load allocations for permitted discharges in the approved final TMDL.

The data and all supporting information used to develop the proposed amendments to the TMDL are available from the Department. To request a copy of the proposed Amended Laurel Run Watershed Final TMDL and an information sheet, contact Mike Gardner at (724)-925-5522 between 8 a.m. and 3 p.m., Monday through Friday. E-mail will be received at mgardner@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previously listed address and must be received by June 8, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on April 22, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 05-656. Filed for public inspection April 8, 2005, 9:00 a.m.]

Citizens Advisory Council Meeting Change

The April 19, 2005, Citizens Advisory Council (Council) meeting previously scheduled to start at 10:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA has been moved to 11 a.m. or immediately following the conclusion of the Environmental Quality Board meeting. An agenda and meeting materials for this meeting will be available on the Council's website at www.cacdep.state.pa.us.

Questions concerning the Council's next scheduled meeting should be directed to Stephanie Mioff at (717) 787-4527 or stmioff@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-657. Filed for public inspection April 8, 2005, 9:00 a.m.]

Pennsylvania Energy Development Authority; Funding Opportunity Available

The Pennsylvania Energy Development Authority (Authority) was established to promote applied energy research, to provide financial incentives for the deployment

of clean alternative energy projects in this Commonwealth and to promote investment in this Commonwealth's energy sector. The Authority is seeking applications for innovative, advanced energy research and deployment projects and for businesses interested in locating their advanced energy operations in this Commonwealth. For this round of funding, projects must be related to electric power.

For purposes of this financial assistance opportunity, "alternative energy projects and related research" refers to deployment projects, manufacturing or applied research involving the following types of fuels, technologies or measures: solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; and demand management measures, including recycled energy and energy recovery, energy efficiency and load management.

Under this program, the Authority may award financial assistance in the form of grants, loans or loan guarantees. Eligibility differs depending on the type of assistance requested.

For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; individuals; municipalities in this Commonwealth; and any public corporations, authorities or bodies whatsoever. In the case of applied research grants, the Authority encourages the formation of public and private partnerships among postsecondary and private sector organizations. Applications for applied research grants proposed by a partnership will be given priority over those proposed by a single entity.

For loans, the following entities are eligible to apply: corporations; partnerships and other legal business entities; municipalities in this Commonwealth; and any public corporations, authorities or bodies whatsoever. Eligibility for loan guarantees is limited to corporations, partnerships and other legal business entities.

Funding is competitive and will be determined by vote of the Board of Directors. Guidelines and applications may be viewed and downloaded from the Authority's website at www.dep.state.pa.us (DEP Keyword PEDDA). Applications will be accepted through May 13, 2005.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-658. Filed for public inspection April 8, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held on April 26, 2005, at 10 a.m. at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-659. Filed for public inspection April 8, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee Meeting

The State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the development of the State Water Plan. The meeting will be held on May 4, 2005, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-660. Filed for public inspection April 8, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Proposed Federal Child Care and Development Fund State Plan Public Hearing

The Department of Public Welfare (Department), Office of Child Development will hold a public hearing on the proposed Federal Child Care and Development Fund (CCDF) State Plan for the period October 1, 2005, through September 30, 2007. The hearing will be held on May 9, 2005, from 1 p.m. to 4 p.m. in Hearing Room 3, First Floor, Keystone Building, Forster Street and Commonwealth Avenue, Harrisburg, PA. The purpose of the public hearing is to gather comments on the proposed CCDF State Plan from the general public. Based upon comments received, the Commonwealth will consider necessary revisions to the proposed plan and develop a final plan to send the Federal government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Office of Child Development, P. O. Box 2675, Harrisburg, PA 17120. Comments are due within 30 days of this notice.

Persons who would like to review the proposed plan should call the Office of Child Development at (717) 346-9320 after April 20, 2005, to request a description of the content of the proposed plan.

Persons wishing to testify at the public hearing should register by May 2, 2005, by calling Michele Messinger, Office of Child Development at (717) 346-9320.

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).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 05-661. Filed for public inspection April 8, 2005, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board Meeting Change

The April 19, 2005, Environmental Quality Board (Board) meeting previously scheduled to start at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA has been moved to 10 a.m. An agenda and meeting materials for this meeting will be available on the Department of Environmental Protection's website at www.dep.state.pa.us (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727 or nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-662. Filed for public inspection April 8, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-392	Environmental Quality Board Environmental Laboratory Accreditation 35 Pa.B. 519 (January 22, 2005)	2/22/05	3/24/05

Environmental Quality Board Regulation #7-392 (IRRC #2454)

Environmental Laboratory Accreditation

March 24, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Environmental Quality Board (EQB) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 22, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

GENERAL

1. Use of the Consumer Price Index to adjust fees.—Statutory authority; Consistency with statute and Reasonableness.

Under 27 Pa.C.S. § 4104(6), the Department of Environmental Protection (Department) has the power and duty to:

Require a fee for the processing of an application for a certificate of accreditation, including the issuance, renewal, modification or other action relating to the certificate, *in an amount sufficient to pay the department's cost of implementing and administering the accreditation program.* (Emphasis added.)

To fulfill this obligation, the EQB proposes Section 252.204(a) (relating to fees) to establish base fees. Under Section 252.204(b), these base fees will then be adjusted every three years by applying the applicable Consumer Price Index (CPI).

We do not see the nexus between the statutory requirement to charge fees "sufficient to pay the department's cost" and the CPI mechanism in the proposed regulation. Therefore, we object to this proposal for the following reasons:

- The regulation does not allow for consideration of

actual program costs to determine the fees charged to the regulated community.

- The regulation would circumvent the opportunity for affected parties to comment on fee changes.
- The regulation assumes that all 34 fees will increase at the same rate.
- There is no corrective mechanism for insufficient or excess revenues. How will the Department maintain its obligation to administer and enforce the laboratory accreditation program if the CPI adjusted fees do not cover the program costs? Conversely, what will be done if the CPI adjusted fees produce excess revenue?

We recommend the EQB delete this provision and replace it with a fee adjustment mechanism that reflects actual or projected program costs. If the EQB maintains the proposed CPI mechanism, it must provide convincing data to establish that the CPI mechanism will closely track the direct costs experienced by the Department, as required by 27 Pa.C.S. § 4104(6).

Section 252.206(4) (relating to out-of-state onsite reimbursement) also uses the CPI to adjust the \$50 per hour rate for assessor's travel time. For the reasons discussed above, we question why the CPI is used rather than the direct experience of wages and benefits.

2. Unique needs.—Consistency with statute and setting lesser standards for individuals or small businesses.

The statute at 27 Pa.C.S. § 4105(d) states,

Unique needs. To the extent possible, the Environmental Quality Board shall establish requirements and procedures that address the unique needs of small businesses, municipalities, municipal authorities and in-house laboratories.

In the Preamble, the EQB states,

To the extent possible, the unique needs of small businesses, municipalities, municipal authorities and in-house laboratories (collectively referred to as "small laboratories") have been considered and addressed throughout this proposed rulemaking where compatible with the goals of creating an effective and sensible environmental laboratory accreditation program.

Nonetheless, commentators requested changes to the regulation to accommodate small businesses, municipalities, municipal authorities and in-house laboratories. Throughout our comments on specific provisions, we have acknowledged public comment related to the statutory provision of "unique needs." The concerns include the fee structure, accreditation-by-rule, need for accreditation of certain testing and personnel requirements. In the final-form regulation, the EQB should explain how the "unique needs" provision of the statute was applied in development of the regulatory requirements.

3. Coordination of regulatory initiatives.—Consistency with existing regulations and implementation procedures.

The Regulatory Analysis Form submitted with this proposed regulation states that laboratory certification requirements found in Subchapter H of 25 Pa. Code Chapter 109 will be deleted and moved to this regulatory package. However, this proposed rulemaking does not include deletion of the Chapter 109 requirements.

Additionally, Section 252.302 lists among the qualifications for laboratory supervisor, in Subsections (h)(2) and

(3), certification under the Water and Wastewater Systems Operators' Certification Act. However, the Department has acknowledged that the certification program is only in the development stage, and is not ready to be proposed as a regulation. Commentators have justifiably objected to a requirement that is not yet in place.

The Department has stated that both the Chapter 109 revisions and the upcoming certification for water or wastewater subclassification are not yet ready for proposal but are expected to be submitted in the near future. We request that the EQB coordinate these regulatory initiatives and put them in place at the same time. The other regulatory packages should be proposed before this regulation is submitted in final-form. Unless these provisions are all implemented contemporaneously, the result will be redundant, confusing and conflicting requirements.

Subchapter A. GENERAL PROVISIONS

4. Section 252.1. Definitions.—Consistency with statute and setting lesser standards for individuals or small businesses.

Laboratory supervisor

The definition in the regulation does not include the term "analytical" used in 27 Pa.C.S. § 4102. The regulation should read, "... and reporting of analytical data."

5. Section 252.3. Scope.—Clarity.

Commentators seek clarification concerning the applicability of this regulation to laboratory work performed to meet requirements that are not listed in this section. These include programs run by the Environmental Protection Agency, the federal Clean Water Act, the Clean Air Act and Pennsylvania's Air Pollution Control Act. The regulation should include a clear understanding of what laboratory work falls within the scope of this regulation.

6. Section 252.5. NELAP equivalency.—Reasonableness.

In addition to NELAP accreditation programs, the Act (27 Pa.C.S. § 4104(1)) also states; "The program may also include any other specific broad-based Federal or State accreditation program for certification." How does the Department plan to evaluate other accreditation programs which meet the statutory criteria?

7. Section 252.6. Accreditation-by-rule.—Need; Reasonableness; setting lesser standards for individuals or small businesses and clarity.

In-house laboratories and small laboratories

There was a wide range of public comment on accreditation-by-rule. Commentators:

- Question the need for in-house laboratories to be accredited-by-rule for internal procedures. They cite quality assurance and other testing that is not done with the purpose of complying with environmental regulations.
- Believe this section does not include testing that should qualify for accreditation-by-rule, such as testing to maintain NPDES discharge permits.
- Express concern that small laboratories may be overly burdened by fees and should qualify for accreditation-by-rule.
- Question why the regulation grants accreditation-by-rule broadly to drinking water laboratories meeting the requirements specified in 25 Pa. Code Chapter 109.704, but in contrast grants accreditation-by-rule to a limited number of wastewater laboratories.

In development of the final-form regulation, the EQB should explain how the parameters selected for accreditation-by-rule are appropriate.

Subsection (a) Purpose.

Paragraph (1) requires conformance with “promulgated methods and guidelines established by the Department.” Paragraph (2) requires handling “in accordance with guidelines governing quality control established by the Department.” What are these guidelines and where can they be found? The regulation should include these guidelines or provide a specific reference to them.

Subsection (d) Industrial wastewater treatment facility laboratory.

This subsection, by referencing Subsection (a), cross references Section 252.707 which addresses a written plan for record maintenance or transfer if a laboratory transfers ownership or terminates operations. The statute specifies: “Records required under this chapter shall be maintained for five years unless otherwise specified in regulation.” (See 27 Pa.C.S. § 4111) Commentators request that accredited-by-rule laboratories and in-house laboratories only be required to maintain records in accordance with applicable permits, some of which may only require retention for three years. We agree that records should only be retained as long as they are needed or required by statute. The EQB should review this requirement and allow shorter record retention where feasible.

Also, commentators questioned whether this should apply to a laboratory that was accredited-by-rule or for a support facility at a power plant that is subsequently closed. Is it necessary to retain records under these circumstances?

Subsection (d) Industrial wastewater treatment facility laboratory.

Subsection (e) Wastewater facility laboratory.

Subsection (d) states environmental laboratories operated by an industrial wastewater facility “will be deemed to be accredited under this chapter to perform testing or analysis *not mandated by the Department* and those tests identified in subsection (f).” (Emphasis added.) Similar language is used in Subsection (e) for wastewater facility laboratories. Commentators are concerned that these provisions would encompass testing and analysis that does not fall under the category of an environmental laboratory. We agree that these provisions are written broadly. Why does the Department need to accredit-by-rule testing and analysis “not mandated by the Department”?

Subsection (f) Other testing and analysis.

This subsection lists 25 tests and analyses that will be deemed accredited under this chapter. Commentators have noted additional items that should also be included in this list, such as “BOD,” “COD,” “TDS,” “TSS,” “TKN,” “nitrite” and “phosphate detection.” The EQB should review this list and consider these tests and analyses.

Subchapter B. APPLICATION, FEES AND SUPPORTING DOCUMENTS

8. Section 252.201. Application and supporting documents.—Consistency with statute; Need and reasonableness.

Time of application

Under 27 Pa.C.S. § 4107(b) of the statute, “All environmental laboratories shall apply for accreditation within

six months after the Environmental Quality Board establishes an accreditation requirement by regulation for a type of laboratory.” Why wasn’t this statutory provision included in the regulation? How will laboratories be notified of this requirement?

Subsection (d)

The EQB should explain the need to accredit mobile laboratories separately. If one entity owns several mobile laboratories that perform the same testing, will the EQB consider mobile laboratories to be accredited as a group? Additionally, must mobile laboratories maintain a laboratory supervisor for each mobile laboratory?

9. Section 252.204. Fees.—Consistency with statute and setting lesser standards for individuals or small businesses.

Subsection (a) of the regulation assigns the same fee regardless of the size of a laboratory. The proportional impact of the fee may be more onerous on a small laboratory compared to a larger laboratory. Does the EQB anticipate its costs relating to applications will be similar regardless of the laboratory size? Also, the EQB should consider whether the fees should be amended to correspond to various sized laboratories.

The regulation also imposes the same \$700 fee for “Application fee—initial and renewal” of accreditation. Why are these fees the same? It would appear that the Department would incur more costs reviewing an initial application compared to a renewal.

10. Section 252.206. Out-of-state onsite reimbursement.—Costs to the private sector and clarity.

Paragraph (3) of this section establishes a reimbursement of “Travel time for each assessor at a rate of \$50/hour.” It is not clear what specific hours this reimbursement is intended to cover. The regulation should specify to what aspects of travel this rate applies.

Subchapter C. GENERAL STANDARDS FOR ACCREDITATION

11. Section 252.301. Laboratory supervisor.—Reasonableness and clarity.

Subsection (a)

This subsection requires that testing, analysis and reporting of data “shall be under the direct supervision of a laboratory supervisor.” What constitutes “direct supervision” in this subsection? Also, how does the direct supervision requirement apply to environmental laboratories maintained on separate premises as specified in Section 252.201(c)?

Subsection (f)

This subsection triggers temporary measures when a laboratory supervisor is absent for 15 calendar days. We agree with commentators that the 15-day trigger point would unnecessarily include a typical two week vacation (i.e., 16 days if weekends are included). This provision should be amended to a time period longer than 15 days.

12. Section 252.304. Personnel requirements.—Economic impact; Need and clarity.

Subsection (a) General requirements for technical staff.

Paragraph (1) states, “An environmental laboratory shall have sufficient personnel with the necessary education, training, technical knowledge and experience for their assigned functions.” How will a laboratory know when it has satisfied this requirement? How will the requirement be enforced?

Subsection (b) Laboratory management responsibilities.

Paragraph (3)(vii) requires "A demonstration of continued proficiency by at least one of the following every 12 months for each method that relates to the employee's job responsibilities: . . ." Commentators believe this will be costly and was not properly reflected in the projected costs of this regulation. One commentator cites an example where seven employees run more than seven tests on a regular basis. Another commentator believes this provision is unnecessary unless there is a change in method or instrumentation, or the laboratory performs unsatisfactorily. The EQB should explain the need for a requirement this stringent and costly.

Paragraphs (4) and (8) are vague requirements for documentation. Both should be expanded to describe what documentation is required.

13. Section 252.306. Equipment, supplies and reference materials.—Need; Reasonableness and clarity.*Calibration requirements*

Commentators have suggested that the constant calibration and measurement of laboratory equipment required in this section is unmanageable and excessive. Are these detailed equipment requirements needed in regulation? How does the Department intend to enforce them? Also, will this section allow for advancement in technology?

Subsection (f)

Paragraph (4)(vii) requires a "qualified person" to service and calibrate analytical balances. Who is considered a "qualified person"?

Paragraph (11) uses the term "visual comparison devices." This term should be defined.

14. Section 252.307. Methodology.—Clarity.*Analytical method*

Numerous provisions in this section and Subchapter D refer to "the method." These provisions should reference the "analytical method" developed to meet the requirements of this section.

Subsection (c)

Under this subsection, a laboratory may apply to the Department for permission to use an alternative or experimental procedure. How will a laboratory apply to or appeal a decision by the Department under this subsection? What process will the Department use to establish criteria for validating the method in Paragraph (4)? Finally, how will laboratories be notified of the Department's decision?

Subchapter D. QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS**15. Section 252.401. Basic requirements.—Clarity.**

Subsection (i)(4) includes the phrase, "out-of-control situations." What constitutes an "out-of-control" situation?

16. Section 252.403. Essential quality control requirements—toxicity testing.—Clarity.*Subsection (c)*

This subsection states, "An environmental laboratory that measures toxicity or bioaccumulation of contaminants shall comply with guidance issued by the Department regarding counting of neonates, algae cells and weighing of fish for selected endpoints." The regulation should cross reference the guidance document.

Subsection (m)

Paragraph (1) references "refrigerator-sized incubators." To improve clarity, the incubators size requirements should be clearer, such as a measurement in cubic feet.

17. Section 252.405. Essential quality control requirement—radiochemistry.—Clarity.

Subsection (d)(8) states, "Acceptance criteria for instrument suitability verification standards *in the method or regulation shall be followed.*" (Emphasis added.) Are there any situations where the method or regulation would differ?

Subchapter E. PROFICIENCY TEST STUDY REQUIREMENTS**18. Section 252.501. Proficiency test study requirements.—Clarity.***Subsection (a)*

This subsection states the Department will publish a list of fields of accreditation for which proficiency test studies are available. Where and how often will these lists be published? The regulation should state where an environmental laboratory can find an updated list of proficiency test studies for fields of accreditation.

Subsection (k)

This subsection sets the standard of "if an environmental laboratory *fails* to successfully analyze a proficiency test study . . ." (Emphasis added.) What constitutes a failure? For example, if a laboratory successfully completes several analyses, but fails on one, is this considered an overall failure?

Subchapter G. MISCELLANEOUS PROVISIONS**19. Section 252.707. Recordkeeping.—Consistency with statute and clarity.**

Subsection (c) requires that record be retained "for a minimum of 5 years *unless otherwise specified.*" (Emphasis added.) However, 27 Pa.C.S. § 4111 states, "Records required under this chapter shall be maintained for five years *unless otherwise specified in regulation.*" (Emphasis added.) The law contemplates that the Department will specify in this proposal another timeframe that records must be kept. Therefore, the phrase "unless otherwise specified" should be deleted, unless other timeframes are specified in the regulation.

20. Section 252.709. Reporting and notification requirements.—Reasonableness and clarity.

Subsection (b) requires the following:

An environmental laboratory shall notify the Department, in writing, within 30 calendar days of changes in laboratory supervisors, analysts, supervisor or analyst assignments, testing or analysis equipment and facilities which affect accredited fields of accreditation.

Commentators believe this provision may produce more reporting than intended. For example, this provision could be interpreted to require reporting of every change in personnel or even the use of a new thermometer. The EQB should clarify these reporting requirements.

21. Miscellaneous clarity issues.

- The term "confirmation" is defined in Section 252.1. However, we could not find this term used within the regulation. Is this definition needed?

- The terms "MCL," "Matrix spike," "Mobile laboratory" and "Relative standard deviation" are defined in Section

252.1, but each term is used only once in the body of the regulation. The EQB should review these definitions to determine whether it may be clearer to define them in the portions of the regulation where they are used, rather in the definitions section.

- As printed in the *Pennsylvania Bulletin*, Paragraph (4) of Section 252.206 refers to "the fee imposed under subsection (c)." Was the intent to reference the fee in Paragraph (3) rather than Subsection (c)?

- The word "are" should be inserted between "areas" and "as" in Section 252.404(d).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-663. Filed for public inspection April 8, 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>
16-33	Department of State Fees for Notary Services	3/29/05
16A-528	State Board of Optometry General Revisions	3/24/05
57-234	Pennsylvania Public Utility Commission Public Utility Security Planning and Readiness	3/24/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-664. Filed for public inspection April 8, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Balmer Insurance Agency, Inc. under Act 143; Penn National Insurance; Doc. No. AT05-02-002

A review shall occur on May 18, 2005, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before May 4, 2005, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-665. Filed for public inspection April 8, 2005, 9:00 a.m.]

Altoona Hospital; Prehearing

Appeal of Altoona Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-03-004

On or before March 30, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 8, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 20, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 14, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 11, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-666. Filed for public inspection April 8, 2005, 9:00 a.m.]

Randy Aikens Citgo; Hearing

Appeal of Randy Aikens Citgo under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 03-065(F); Doc. No. UT05-01-038

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing shall occur on May 3, 2005, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-667. Filed for public inspection April 8, 2005, 9:00 a.m.]

Reynelle Davidson; Hearing

Appeal of Reynelle Davidson under 40 P. S. §§ 991.2101—991.2193; Keystone Health Plan; Doc. No. HC05-03-015

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on April 13, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 7, 2005. The hearing shall occur on April 28, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 30, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before April 6, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-668. Filed for public inspection April 8, 2005, 9:00 a.m.]

Thomas Gore, M.D.; Prehearing

Appeal of Thomas Gore, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-03-005

On or before March 30, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's February 8, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 20, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings

Administrator on or before April 14, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 11, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-669. Filed for public inspection April 8, 2005, 9:00 a.m.]

HealthAmerica—Eastern Pennsylvania Service Area; Medical Base Rates; Rate Filing

On March 25, 2005, the Insurance Department (Department) received a filing from HealthAmerica Pennsylvania, Inc. to increase the current approved base medical rates by 15.2% for the Eastern Pennsylvania rating area. The proposed effective date is July 1, 2005. This filing will impact approximately 52,000 contracts and generate additional revenue of \$21 million.

Unless formal administrative action is taken prior to June 23, 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. 05-670. Filed for public inspection April 8, 2005, 9:00 a.m.]

HealthAmerica—Western Pennsylvania Service Area; Medical Base Rates; Rate Filing

On March 25, 2005, the Insurance Department (Department) received a filing from HealthAmerica Pennsylvania, Inc. to increase the current approved base medical rates by 13.9% for the Western Pennsylvania rating area. The proposed effective date is July 1, 2005. This filing will impact approximately 67,000 members and generate additional revenue of \$25 million.

Unless formal administrative action is taken prior to June 23, 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. 05-671. Filed for public inspection April 8, 2005, 9:00 a.m.]

Thomas W. and Elaine S. Maurer; Hearing

Appeal of Thomas W. and Elaine S. Maurer under 40 P. S. §§ 3401—3409; Doc. No. P05-03-020

A hearing shall occur on April 25, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-672. Filed for public inspection April 8, 2005, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Guy and Betty Lombardo; file no. 05-188-01229; Erie Insurance Group; doc. no. P05-03-019; May 11, 2005, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer

documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-673. Filed for public inspection April 8, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1509, Twin Borough Shopping Center, 51 East Bridge Street, Spring City, PA 19475.

Lease Expiration Date: 90-day status since March 1, 1997
Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of Bridge and Main Streets, Spring City.

Proposals due: April 29, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2314, 42 Alpha Drive, Newtown Square, PA 19073.

Lease Expiration Date: September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 2-mile radius of Routes 3 and 252 in Newtown Square.

Proposals due: April 29, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-674. Filed for public inspection April 8, 2005, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water and Drinking Water State Revolving Fund Programs Public Meeting on Federal Fiscal Year 2005 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2005 Intended Use Plans (IUPs). These IUPs include a list of drinking water and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from FY 2005 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF) programs.

The Department has scheduled a public meeting for 10 a.m. on May 10, 2005, in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the FY 2005 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the set-aside Work Plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Administrative Services Section at the following address or telephone number or amaisano@state.pa.us by 4 p.m. on May 9, 2005. When written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan from the State Revolving Fund (SRF) programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed in the FY 2005 IUPs are on the Commonwealth's FY 2004/2005 Project Priority Lists and are expected to proceed with design and engineering or to construction in the near future.

The DWSRF will be capitalized with approximately \$26.3 million of Federal FY 2005 funds and approximately \$5.3 million of State funds. Some \$8.1 million of the Federal funds will be set aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. The DWSRF IUP also includes a narrative Work Plan that describes how these set-aside funds will be used.

The CWSRF will be capitalized with approximately \$42.7 million of Federal funds and approximately \$8.5

million of State funds. Some \$2.0 million of the Federal funds will be set aside for program administration costs.

A public meeting will be held. After the public meeting and assessment of comments received, the Final FY 2005 IUPs will be completed, and potentially, they may include other projects from the Project Priority Lists. A project must appear on a PENNVEST approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the Project Priority Lists does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

Federal guidance on development of the IUPs requires that they be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside Work Plan or the IUP list of projects. Interested persons may submit written comments to the Department at the following address. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Administrative Services Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano at amaisano@state.pa.us or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUP lists, as well as the FY 2004/2005 Project Priority Lists and the narrative portion of the IUPs and set-aside Work Plan may be requested from or are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website: www.dep.state.pa.us/dep/deputate/watermgt/wsm/WSM_TAO/Finan_Tech_Asst.htm.

Department of Environmental Protection
Bureau of Water Supply and Wastewater
Management
Division of Municipal Financial Assistance
Administrative Services Section
10th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101
(717) 787-6744

PENNVEST
22 S. Third Street
4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority

and
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 05-675. Filed for public inspection April 8, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of the Alternative Energy Portfolio Standards Act of 2004

Public Meeting held
March 23, 2005

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

*Implementation of the Alternative Energy Portfolio
Standards Act of 2004; Doc. No. M-00051865*

Implementation Order

By the Commission:

The Commission has been charged by the Pennsylvania General Assembly ("General Assembly") with carrying out the provisions of the Alternative Energy Portfolio Standards Act of 2004 ("Act 213" or the "Act"). In order to fulfill this obligation, the Commission has commenced a stakeholder process with interested parties to address relevant issues. This Implementation Order will provide guidance on the schedule by which the Commission will meet its obligation to develop the rules and regulations necessary to implement the Act and the schedule for compliance with the Act's mandates for electric distribution companies ("EDCs") and electric generation suppliers ("EGSs").

Background and History of this Proceeding

Governor Edward Rendell signed Act 213 of 2004 into law on November 30, 2004. Act 213, which took effect on February 28, 2005, established an alternative energy portfolio standard for Pennsylvania. Generally, the Act requires that an annually increasing percentage of electricity sold to retail customers in Pennsylvania by EDCs and EGSs be derived from alternative energy resources. The Commission has been charged with using its general powers to carry out, execute and enforce the provisions of the Act. The Pennsylvania Department of Environmental Protection ("DEP") has been specifically charged with ensuring compliance with all environmental, health and safety laws and standards relevant to the Act's implementation. The Commission and the DEP are to jointly monitor compliance with the Act, the development of the alternative energy market, the costs of alternative energy and to conduct an ongoing alternative energy planning assessment. The Commission and the DEP are to report their findings and any recommendations for changes to the Act to the General Assembly on a regular basis.

The Commission, in conjunction with the DEP, hosted a technical conference on January 19, 2005 in order to provide a forum to discuss the implementation of the Act. Interested parties were given the opportunity to file comments and reply comments on various aspects of the Act's implementation at this time.

The Commission then convened the first meeting of the Alternative Energy Portfolio Standards Working Group ("Working Group") on March 3, 2005. The Working Group has been tasked with helping to develop rules for the participation of demand side management and energy efficiency resources in the alternative energy market. The Working Group will also help develop net metering and interconnection rules so that distributed generation resources can participate in this new market. The Working

Group will attempt to develop a consensus and make recommendations to the Commission on the rules and regulations to be adopted.

Discussion

A. Act 213 and the Public Utility Code

Act 213 does not represent an amendment or supplement to the Public Utility Code, 66 Pa.C.S §§ 101—3316. However, the Public Utility Code and the Act both involve the regulation of electric distribution companies, electric generation suppliers and the sale of electric energy to retail customers in the Commonwealth of Pennsylvania. The Commission notes that Act 213 makes repeated reference to various portions of the Public Utility Code, including 66 Pa.C.S. §§ 511, 1307, 2807, 2812, and 3315. The Act also makes express use of certain definitions found at 66 Pa.C.S. § 2803. As such, the Act and the Public Utility Code are in *pari materia* and shall be construed together as one statute. See 1 Pa.C.S. § 1932. Therefore, the provisions of the Public Utility Code and its associated regulations will be applied to the implementation and enforcement of the Act, except where prohibited by the express language of Act 213 or necessary implication thereof. Any new regulations adopted by the Commission as part of the implementation of the Act will be codified at Title 52 (pertaining to Public Utilities) of the *Pennsylvania Code*.

B. Act 213 Implementation Schedule

The Act includes a schedule by which the Commission must issue proposed rules and regulations necessary for the Act's implementation. The Act also establishes a timetable by which EDCs and EGSs will comply with its provisions. This section of this Order addresses the compliance schedule for EDCs and EGSs and the schedule for the creation and banking of alternative energy credits during the cost-recovery period.

1. Compliance Schedule for Act 213

The Act establishes a 15 year schedule for complying with its mandates. The percentage of Tier I and Tier II alternative energy resources that must be included in sales to retail customers gradually increases over this period. Compliance is to be monitored for successive twelve month reporting periods that begin on June 1 and conclude on May 31 of the following calendar year. The Act provides for a true-up period, during which EDCs and EGSs may acquire any additional alternative energy credits needed for compliance, at the conclusion of each reporting period. This true-up period runs from the conclusion of each reporting period through September 1 of the same calendar year. After the conclusion of the true-up period, the Commission will verify compliance and impose alternative compliance payments as appropriate after providing notice and opportunities for hearings to affected parties.

Subsection 3(b)(1) provides that "Two years after the effective date of this act, at least 1.5% of the electric energy sold by an electric distribution company or electric generation supplier to retail electric customers in this Commonwealth shall be generated from Tier I alternative energy sources." Pursuant to Section 7, the Act took effect 90 days after it was signed into law. As the Act was signed into law on November 30, 2004, the effective date is February 28, 2005. EDCs and EGSs, to the extent that compliance is not otherwise exempted, must therefore begin to include alternative energy resources from Tier I in their sales to retail customers no later than February 28, 2007.

Though compliance is not required until February 28, 2007, the Act expressly provides for a reporting period that runs from June 1 through May 31 of the following year. February 28, 2007 would fall within a June 1, 2006 through May 31, 2007 reporting year. The Commission will give effect both to the language of Subsection 3(b)(1) and the definition for "reporting period" found in Section 2. See 1 Pa.C.S. § 1933. Accordingly, the Commission finds that while Year One commences on June 1, 2006, compliance will only be calculated during this period on energy sales to Pennsylvania customers for the period from February 28, 2007 through May 31, 2007.

This start date will apply to both Tier I and Tier II resources. The Act does not specifically identify a start date for Tier II compliance, and in the absence of express language to the contrary, we conclude that the General

Assembly intended Tier I and Tier II resources to have the same compliance schedules. The Act clearly contemplates that rules for net metering and interconnection, standards for the participation of demand side management and energy efficiency resources, and the parameters of an alternative energy credits program will have to be developed for the Act's successful implementation. Finally, the Commission notes that all EDC service territories are currently exempt from compliance through the end of this year. No purpose can be served by commencing the first reporting year for Tier II resources on June 1, 2005. Therefore, the Commission finds that Tier II compliance will also commence on February 28, 2007. This determination results in the following fifteen year compliance schedule for Tier I and Tier II resources, and the solar photovoltaic share of Tier I:

		<i>Tier I % (incl. Solar)</i>	<i>Tier II%</i>	<i>Solar PV %</i>
Year 1:	June 1, 2006 through May 31, 2007	1.5%	4.2%	.0013%
Year 2:	June 1, 2007 through May 31, 2008	1.5%	4.2%	.0013%
Year 3:	June 1, 2008 through May 31, 2009	2.0%	4.2%	.0013%
Year 4:	June 1, 2009 through May 31, 2010	2.5%	4.2%	.0013%
Year 5:	June 1, 2010 through May 31, 2011	3.0%	6.2%	.0203%
Year 6:	June 1, 2011 through May 31, 2012	3.5%	6.2%	.0203%
Year 7:	June 1, 2012 through May 31, 2013	4.0%	6.2%	.0203%
Year 8:	June 1, 2013 through May 31, 2014	4.5%	6.2%	.0203%
Year 9:	June 1, 2014 through May 31, 2015	5.0%	6.2%	.0203%
Year 10:	June 1, 2015 through May 31, 2016	5.5%	8.2%	.2500%
Year 11:	June 1, 2016 through May 31, 2017	6.0%	8.2%	.2500%
Year 12:	June 1, 2017 through May 31, 2018	6.5%	8.2%	.2500%
Year 13:	June 1, 2018 through May 31, 2019	7.0%	8.2%	.2500%
Year 14:	June 1, 2019 through May 31, 2020	7.5%	8.2%	.2500%
Year 15:	June 1, 2020 through May 31, 2021	8.0%	10.0%	.5000%

Years 16 and thereafter use the Tier I, Tier II and solar photovoltaic compliance thresholds in effect for Year 15 to the extent that these obligations are not later modified by the General Assembly.

2. Compliance Exemption Periods

Act 213 provides that compliance with the schedules for Tier I and Tier II utilization is exempted for the duration of the "cost recovery period" in each EDC service territory, as defined in Section 2 of the Act. This is either the period for which competitive or intangible transition charges are being collected within a given territory, or for the duration of a generation rate plan that has been approved by the Commission no later than February 28, 2006, whichever period is longer. The currently approved stranded cost recovery periods and EDC provider of last resort ("POLR") plans are set to expire at various dates between now and December 31, 2010. The current expiration dates for the cost recovery period in each EDC service territory and their compliance start dates for compliance is as follows:

	<i>Exemption expires¹</i>	<i>Compliance begins</i>
Pike County Power and Light	December 31, 2005	February 28, 2007
Citizens Electric of Lewisburg	February 28, 2006	February 28, 2007
Wellsboro Electric Company	February 28, 2006	February 28, 2007
UGI Utilities Inc.—Electric Division	December 31, 2006	February 28, 2007
Pennsylvania Power Company	December 31, 2006	February 28, 2007
Duquesne Light Company	December 31, 2007	January 1, 2008
West Penn Power Company ²	December 31, 2008	January 1, 2009
PPL Electric Utilities, Inc.	December 31, 2009	January 1, 2010
Pennsylvania Electric Company	December 31, 2010	January 1, 2011
Metropolitan Edison Company	December 31, 2010	January 1, 2011
PECO Energy Company	December 31, 2010	January 1, 2011

¹ The Commission has approved interim POLR plans for a number of EDCs (Pike, Citizens, Wellsboro and UGI) where the currently approved rates expire prior to February 28, 2007. The Commission has also approved POLR rates in the Duquesne territory through December 31, 2007. The Commission will continue to approve interim POLR plans for these companies until final POLR regulations become effective. The Commission's Notice of Proposed Rulemaking for POLR regulations was published in the *Pennsylvania Bulletin* on February 26, 2005. *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00041069 (Order entered December 16, 2004). Initial public comments are due on April 27, 2005, and comments from the Independent Regulatory Review Commission ("IRRC") will be received in late June. After completing its review of the comments, the Commission will issue a final proposed rulemaking order, which must be approved by IRRC and the Pennsylvania Office of the Attorney General. Accordingly, the effective date of POLR regulations cannot be known with any certainty at this time. The exemption period for some EDC service territories may therefore be extended beyond the dates identified in this Order as a result of approving additional, interim POLR plans.

² On September 7, 2004, the Commission was asked to approve a settlement agreement that would extend West Penn Power's stranded cost recovery period through December 31, 2010. *Petition of West Penn Power Company for Issuance of Further Supplement to its Previous Qualified Rate Orders Under Sections 2802 and 2812 of the Public Utility Code*, Docket No. R-00039022; *Joint Petition of the West Penn Power Company's Restructuring Plan and Related Proceeding*; Docket No. R-00973891. The proposed settlement is pending before the Office of Administrative Law Judge for a Recommended Decision on its merits.

The expiration of an exemption period during the middle of a reporting period raises a compliance calculation issue. For example, the Commission approved stranded cost recovery period for the PECO Energy Company does not expire until December 31, 2010. That date falls within Year 5 of the compliance schedule, which is June 1, 2010 through May 31, 2011. Under Subsection 3(d) of the Act, PECO would not be obligated to comply with the schedules of Tier I and Tier II until its cost recovery period expires on January 1, 2011. Accordingly, PECO's compliance for Year 5 would only be calculated on sales of electricity to retail customers made from January 1, 2011 through May 31, 2011. EGSs who sold electricity to retail customers within PECO's service territory would only have to meet the compliance obligation for the January 1 through May 31 portion of Year 5 as well.

Finally, Subsection 3(d) of the Act requires EDCs and EGSs to comply with the Tier I and Tier II thresholds that are in effect at the time that their exemption expires. Using the previous example, at least 9.2% of the energy sold to retail customers by PECO for the period of January 1, 2011, and May 31, 2011 would have to be derived from alternative energy resources (3.0% from Tier I and 6.2% from Tier II).

3. Banking of Alternative Energy Credits

Under the schedule previously identified, EDCs and EGSs will not have to comply with the Tier I and Tier II requirements for several more years. However, these parties may bank alternative energy credits for sales of alternative energy made now for use when their exemption period expires. Parties may also bank credits for activities taken after the conclusion of their exemption period for use in later reporting years. This Order will identify the inception and expiration dates for credits created during the cost-recovery period. The actual qualification process for alternative resources and certification of credits will be addressed separately by the Commission at a later date.

Subsection 3(d)(7) specifically addresses banking of credits prior to the conclusion of the compliance exemption period. It provides that credits may be accrued for retail sales of Tier I and Tier II resources made "prior to the end of the cost-recovery period and after the effective date of this act." As noted, the effective date of the Act is February 28, 2005. Accordingly, EDCs and EGSs may begin to bank credits for sales of Tier I and Tier II resources made after February 28, 2005.

There is one exception to this rule. Subsection 3(e)(10) provides that credits related to reductions due to DSM and energy efficiency measures may begin to accrue "starting with the passage of this act." The Act was passed on November 30, 2004. In resolving this seeming conflict, the Commission will apply 1 Pa.C.S. § 1933 to give effect to both provisions. Accordingly, the Commission finds that EDCs and EGSs may bank alternative energy credits for DSM and energy efficiency measures taken on November 30, 2004 and later, but for all other activities credits may only be banked for sales of alternative resources made after February 28, 2005.

Subsection 3(e)(7) states that credits may only be accrued to the extent that the sales of these Tier I and Tier II resources exceed the volume of sales from those same resources by an EDC or EGS during the twelve month period preceding the effective date of the Act. For example, if 1% of the energy sold by PECO to its retail customers in the period February 28, 2004 through February 28, 2005 was derived from Tier I resources,

PECO could only earn and bank credits during the exemption period for those Tier I sales in excess of 1% in the period following the effective date of the Act.

Subsection 3(e)(7) also identifies the time period that these banked credits retain their value. Specifically, they are available for compliance "for no more than two reporting years following the conclusion of the cost-recovery period." For example, PECO's cost-recovery period expires on December 31, 2010, during Year 5 of the compliance schedule, which runs from June 1, 2010, through May 31, 2011. The Commission finds that Subsection 3(e)(7) would allow PECO to use credits it banked during its exemption period for Year 5 and Year 6. Year 5 would be the first reporting period following the conclusion of its cost-recovery period on December 31, 2010, and Year 6 would be the second reporting period in which banked credits could be used. In this example, banked credits held by PECO beyond the conclusion of Year 6 on May 31, 2012, would be deemed void for compliance purposes.

C. Alternative Energy Portfolio Standards Working Group

The Act requires the Commission to utilize a stakeholder process to develop rules for net metering and interconnection. Accordingly, the Commission has convened the previously mentioned Working Group in order to comply with this mandate.³ The Commission has also referred the development of DSM and energy efficiency rules to the Working Group for consideration. The Commission charges the Working Group to study these issues, to attempt to develop consensus to the degree possible, and to make a recommendation to the Commission on the nature of the rules to be adopted. The Act establishes a schedule by which the Commission must issue these rules for public comment.

1. Interconnection and Net Metering

Section 5 of the Act requires the Commission to develop interconnection and net metering rules for distributed generation resources within nine months of the effective date of the Act. This requires that the Commission issue rules by November 30, 2005. The Commission will issue these rules for public comment in the form of proposed rulemaking orders. The proposed rulemaking order on interconnection standards will be issued at the rulemaking docket opened last November on this subject. *Advance Notice of Proposed Rulemaking Regarding Small Generation Interconnection Standards and Procedures*, Docket No. L-00040168 (Order entered November 19, 2004). A new rulemaking docket will be opened at a later date for net metering standards. While net and interconnection will be addressed through separate rulemakings, the Commission acknowledges that these issues are interrelated and will take this into consideration when it issues proposed regulations.

Act 213 intends for distributed resources to play an important role in the alternative energy market. The Act recognizes that standard rules for the interconnection of these resources and net metering for customer-generators are necessary for this to occur. In order to facilitate the participation of these resources in this market, the Act

³ The Commission has established an electronic distribution list to manage future communications between Commission staff and participants in the Working Group. Interested parties who intend to participate in the Working Group, and who have not already asked to be included in the list, should forward their contact information to Carrie Beale at cbeale@state.pa.us.

provides that the Commission will adopt rules that are consistent with those of other states in the region, and in particular those of the PJM Interconnection, LLC ("PJM") control area.

The Commission has been closely following the recent adoption of interconnection and net metering rules in New Jersey, which has a renewable portfolio standard. *Net Metering and Interconnection Standards for Class I Renewable Energy Systems*, N.J.A.C. § 14:4-9. The Commission is also studying the tariff revisions filed by PJM with the Federal Energy Regulatory Commission ("FERC") on January 18, 2005 that will govern the interconnection of small distributed generation resources with the transmission system in the PJM control area. *PJM Interconnection, L.L.C.*, Docket No. ER05-462-000. Finally, the Commission has been actively participating in the Mid-Atlantic Distributed Resources Initiative, ("MADRI") a coalition representing regional state utility commissions, FERC, PJM, the U.S. Department of Energy and the United States Environmental Protection Agency that are working to develop uniform rules for demand response and distributed generation. The Commission was a founding member of MADRI and holds a seat on its steering committee. A common touchstone to all of these processes is the Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems ("IEEE 1547"). IEEE 1547 is a uniform, technical standard for the interconnection of distributed resources that has served as a basis for the rules adopted by New Jersey and other states, and the proposed rules filed by PJM with FERC.⁴ While it is an evolving standard, the Commission intends to base its rules on IEEE 1547, as it represents the best available technical standard for the interconnection of distributed generation resources.⁵

2. Energy Efficiency, Demand Side Management and Load Management

Subsection 3(e)(11) of the Act requires the Commission to propose rules within one hundred and twenty days of the Act's effective date that will enable the participation of demand side management ("DSM"), energy efficiency and load management resources in the alternative energy market. Primarily, the Commission must propose standards for verifying and tracking savings that result from these measures. Additionally, the Commission must develop a depreciation schedule for alternative energy credits created as a result of these activities. Subsection 3(e)(10) requires that these rules eventually be issued in the form of proposed regulations. The Act establishes a 60 day public comment period after these rules are first proposed, and the Commission must then issue final standards within 30 days of the comment period's expiration. Given the complexity of this topic, this matter has been referred to the Working Group for further study and a recommendation to the Commission.

One hundred and twenty days from the Act's effective date is June 28, 2005. Accordingly, the Commission intends to release its initial proposal for these rules on or before June 28, 2005. The Commission will schedule a thirty day comment period that will commence with the publication of this Order. Interested parties will have an additional thirty days to submit reply comments at the conclusion of this period.

Therefore, the Commission will announce its proposed standards in the following manner. The Commission will

⁴ These standards may be viewed at the IEEE's public internet domain at http://grouper.ieee.org/groups/scc21/dr_shared/.

⁵ Act 213, in the definition of "customer-generator" references interconnection rules promulgated by the IEEE.

issue its initial proposal in the form of a tentative order. After the conclusion of the sixty day comment and reply comment period, a final order will be issued establishing these standards. The Commission intends to closely monitor the effectiveness of these DSM, energy efficiency and load control technology rules for a reasonable trial period. At the conclusion of the period, the Commission will propose regulations governing the verification and tracking of these measures, as required under Subsection 3(e)(10) of the Act.

As already noted, the primary issue for consideration is the means of verifying and tracking the reductions or shifting of electricity consumption by retail customers due to DSM, energy efficiency and load management measures. This is a challenging assignment, and it is noteworthy that Pennsylvania is the only state within the PJM region to include these resources within its alternative energy standard. The Working Group must consider the scope of the savings to be tracked and the most efficient means of measuring the reduction or shifting of electricity consumption by retail customers.

A secondary issue is the development of a depreciation schedule for alternative energy credits that are created as a result of using these programs and technologies. The Working Group is to study what was intended by this portion of the Act and the method for implementing this provision without discouraging the development of these resources.

3. Other Issues for the Working Group

The Working Group is intended to serve as a forum for addressing the technical standards, business rules, and regulatory framework necessary for the Act's successful implementation. At this time, the Commission is considering referring the development of the rules for an alternative energy credits trading program to the Working Group. This referral likely will not occur until after the Working Group has submitted its recommendation to the Commission on DSM and energy efficiency standards. Interested parties may suggest additional topics to be considered by the Working Group in the comments filed in response to this Order.

D. Request for Comments

Act 213 presents a number of legal and policy questions that will require resolution by the Commission. Some of these questions were previously addressed by the stakeholders in the comments and reply comments filed in connection with the January 19, 2005 technical conference. The Commission recognizes that, given the relatively short notice afforded in advance of the technical conference, all interested parties may not have had the chance to respond or sufficient time to fully address various questions. The Commission has also identified some additional issues that are in need of resolution since the conclusion of the previous comment period. The Commission will solicit input from interested stakeholders as we continue to implement the Act. Parties may offer comments on the topics addressed in this Order consistent with the instructions in ordering paragraph one.

E. The Pennsylvania Sustainable Energy Board

Four regional sustainable energy funds were established as a result of Commission approved electric restructuring settlements. The Commission later established the Pennsylvania Sustainable Energy Board

("PASEB") to provide guidance and oversight to these regional funds. *Electric Distribution Companies' Sustainable Energy Funds*, Docket Nos. R-00973953, R-00973954, R-00973981, R-00974008, R-00974009 (Order entered July 1, 1999). The role of the PASEB was more fully defined by the Commission in 2003. *Statewide Sustainable Energy Board*, Docket No. M-00031715 (Order entered August 12, 2003). The PASEB worked throughout 2004 to develop proposed drafts of its own governing bylaws and best practices for the regional sustainable energy funds. These drafts were to be eventually submitted to the Commission for its review and approval.

The passage of Act 213 on November 30, 2004 resulted in the PASEB being assigned additional responsibilities. Specifically, the PASEB has been designated the recipient of all alternative compliance payments made pursuant to Subsection 3(g) of the Act. The PASEB is to make these monies available to the four regional funds only for projects that "will increase the amount of electric energy generated from alternative energy resources."

This delegation of responsibility presents a number of questions. This includes the manner of the receipt and custody of alternative compliance payments and the process by which they are disbursed to the regional funds. The Commission directs the PASEB to meet as appropriate and address these issues. The PASEB should consider needed changes to its draft bylaws and best practices for the regional funds. The PASEB should submit revised drafts of its bylaws and best practices, and any other recommendations, to the Commission for approval no later than April 1, 2006.

F. Conclusion

The Commission is committed to ensuring the successful implementation of Act 213 and looks forward to working with the DEP and all interested parties in achieving this objective. The Commission encourages all stakeholders in this process to participate in the activities of the Alternative Energy Portfolio Standards Working Group as may be appropriate; *Therefore,*

It Is Ordered That:

1. An original and 15 copies of any written comments on the issues identified herein be submitted within 60 days of the entry date of this order to the Pennsylvania Public Utility Commission, Attn.: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265. Reply comments will be due 30 days from the last date of the comment period. All comments will be posted on the Commission's public internet domain, and accordingly service on other parties is not required. To facilitate posting, all filed comments and reply comments should be forwarded by means of electronic mail to Shane Rooney and Carrie Beale at srooney@state.pa.us and cbeale@state.pa.us. Courtesy copies should be forward to Britte Earp of the DEP at bearp@state.pa.us.

2. Electric distribution companies and electric generation suppliers will adhere to the schedule for compliance with Act 213 identified in this order, to the extent that their obligations are not otherwise modified by the Commission or the Pennsylvania General Assembly.

3. The Pennsylvania Sustainable Energy Board shall meet and examine how Act 213 should be implemented regarding the receipt of alternative compliance payments and their disbursement to the regional sustainable energy funds. Previous deadlines for the submission to the Commission of bylaws for the Pennsylvania Sustainable

Energy Board and best practices for the regional energy funds are waived in light of the impact of Act 213 on the Pennsylvania Sustainable Energy Board's duties and obligations. Bylaws and best practices shall be filed with the Commission for approval by April 1, 2006.

4. This order be published in the *Pennsylvania Bulletin* and a copy of this order served on all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the DEP.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-676. Filed for public inspection April 8, 2005, 9:00 a.m.]

Merger

A-310580F0009, et al. Verizon Communications, Inc., MCI, Inc. and MCI, Inc.'s Pennsylvania Jurisdictional Subsidiaries. Joint application of Verizon Communications, Inc., MCI, Inc. and MCI, Inc.'s Pennsylvania jurisdictional subsidiaries for approval of agreement and plan of merger.

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 25, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: Verizon Communications, Inc. and MCI, Inc.

Through and By Counsel: Julia A. Conover, Esquire, Vice President and General Counsel, 1717 Arch Street, 32nd Floor, Philadelphia, PA 19103; and Michelle Painter, Esquire, Senior Counsel, 22001 Loudoun County Parkway, Ashburn, VA 20147.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-677. Filed for public inspection April 8, 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 May 2, 2005. Documents

filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00121624. Buffalo Township Emergency Medical Services (EMS), Inc. (663 Ekastown Road, Sarver, Butler County, PA 16055), a corporation of the Commonwealth—persons in paratransit service, between points in the Counties of Butler, Armstrong and Westmoreland, and from points in said counties and from points in the County of Allegheny, to points in Pennsylvania, and return.

A-00121571. Cloyd B. Colyer, Jr., t/a C. B. Colyer Transportation (R. R. 2, Box 2030, McAlisterville, Fayette Township, Juniata County, PA 17049)—persons, upon call or demand, in the County of Juniata.

A-00121506, Folder 3. Lasting Impressions DeeJay and Limousine Service, Inc. (P. O. Box 1406, Westminster, MD 21158), a corporation of the State of Maryland—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of York, Adams and Franklin, and from points in said territory, to points in Pennsylvania, and return.

A-00121625. T & S Limousines, Incorporated (1362 Randy Drive, Pottstown, Montgomery County, PA 19464), a corporation of the Commonwealth—persons, in limousine service, between points in the Counties of Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

A-00121623. Harold F. Wilson (13 Mountain Laurel Lane, Milroy, Mifflin County, PA 17063-9470)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania, and return.

A-00121626. Rezman Express, Inc. (800 Cedar Lane, Teaneck, NJ 07666), a corporation of the State of New Jersey—persons, in limousine service, between points in the Counties of Bucks, Chester, Delaware, Lackawanna, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike and Wayne, and from points in said counties to points in Pennsylvania, and return. *Attorney:* Brian R. Koch, 5775 Lower York Road, Lahaska, PA 18931.

A-00121410. Nancy S. and Cletus E. Ressler, Tenants by Entirety (81 Hertzog Drive, Leola, Lancaster County, PA 17540-1507)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and points in the Township of Honey Brook, Chester County, and from points in said territory, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-00121474 (Corrected). Erik Matthew Snyder (422 Edison Street, West Mifflin, Allegheny County, PA 15122)—household goods in use, between points in the County of Allegheny.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-678. Filed for public inspection April 8, 2005, 9:00 a.m.]

Telecommunications

A-311275F7018. Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 05-679. Filed for public inspection April 8, 2005, 9:00 a.m.]

Telecommunications

A-311275F7019. Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 05-680. Filed for public inspection April 8, 2005, 9:00 a.m.]

Telecommunications

A-311275F7021. Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 05-681. Filed for public inspection April 8, 2005, 9:00 a.m.]

Telecommunications

A-311275F7020. Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agree-

ment and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 05-682. Filed for public inspection April 8, 2005, 9:00 a.m.]

Telecommunications

A-311275, F7007. Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on February 11, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 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 Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 05-683. Filed for public inspection April 8, 2005, 9:00 a.m.]

Transfer of Regulatory Oversight; Doc. No. M-00051868

Under the act of July 16, 2004 (P.L. 758, No. 94) (Act 94), regulatory oversight of the Philadelphia Medallion taxicab industry and various other types of passenger carriers serving Philadelphia was transferred from the Pennsylvania Public Utility Commission (Commission) to the Philadelphia Parking Authority (Authority).

The Commission and the Authority have entered into an agreement to effectuate the transfer, as required by section 22 of Act 94. Transfer of regulatory oversight is effective immediately. Carriers serving Philadelphia should contact the Authority to ensure continued regulatory compliance. The Authority can be contacted at (215) 683-9785 or www.philapark.org.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-684. Filed for public inspection April 8, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-025.5, Asbestos Removal & Boiler Demolition, Pier 38 South, until 2 p.m. on Thursday, May 5, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 19, 2005. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on April 28, 2005, at 10 a.m. at Pier 38 S., Columbus Blvd. and Christian St., Philadelphia, PA 19147.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-685. Filed for public inspection April 8, 2005, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #05-027.1, Design/Build a Perimeter Motion Video Motion Detection & Alarm System at Piers 78 through 84 South, until 3 p.m. on Thursday, May 5, 2005. The Request for Proposals (RFP) documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor,

Philadelphia, PA 19134, (215) 426-2600 and will be available April 19, 2005. Additional information and project listings can be found at www.philaport.com. The cost of the RFP document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending the prebid meeting. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on April 28, 2005, at 9 a.m. at the PRPA Office, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-686. Filed for public inspection April 8, 2005, 9:00 a.m.]

SUPREME COURT

Investment Advisory Board; Request for Information

The Supreme Court of Pennsylvania, through its Investment Advisory Board (IAB), plans to issue a request for information (RFI) for fixed income and equity money management services. The RFI will cover the investment services of three court-appointed boards operating independently of each other, within the purview of the Supreme Court. The Supreme Court has decided to consolidate the investment activity of the boards to maximize overall investment returns, reduce investment costs, and increase operating efficiencies. The IAB is responsible for this consolidation and future investment oversight. The purpose of this notice is to determine your firm's interest in responding to the soon-to-be-released RFI.

The services being sought will be to invest funds in accordance with the IAB's investment policy and asset allocation plan. The expected size of the consolidated portfolio is in the \$20 million range. Source of funds are attorney assessments and fees for service.

If you are interested in receiving a copy of the RFI, please contact by letter the Administrative Office of Pennsylvania Courts, P. O. Box 719, Mechanicsburg, PA 17055, Attention IAB-RFI, or email to IAB-RFI@pacourts.us, by April 22, 2005.

MANUEL STAMATAKIS,
Chairperson

[Pa.B. Doc. No. 05-687. Filed for public inspection April 8, 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.

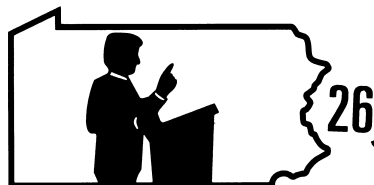
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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.

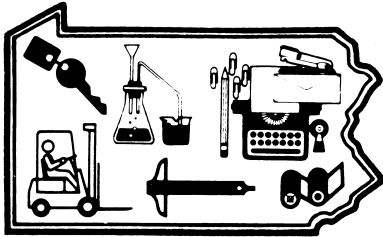
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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@ptreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer

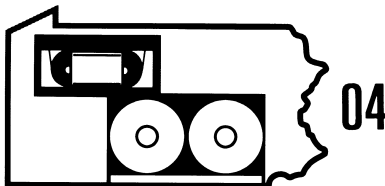


Commodities

SU-04-23 Contractor to provide printing of the Undergraduate Catalog 2005-2007 for Shippensburg University in accordance with the specifications provided with the solicitation package. Printer must be able to guarantee that all deadlines can be met. Bids are due 4 p.m. on April 25, 2005. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; FAX (717) 477-1350 or email mmholt@ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Delivery required no later than June 4, 2005
Contact: Mona M. Holtry, (717) 477-1386

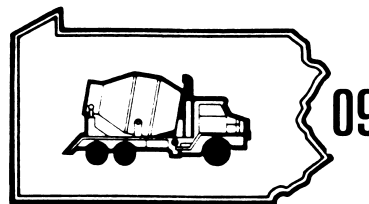
SERVICES



Audio/Video

SU-04-24 Shippensburg University is seeking vendors who are interested in providing a comprehensive Equipment Maintenance Management Program of all copiers, facsimile machines, collators, paper folders/inserters, and mailroom equipment. Interested vendors may submit a request for bid package either by fax to (717) 477-1350 or send an email to kmsmit@wharf.ship.edu.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: July 1, 2005 to June 30, 2006 with option to renew for four (4) additional one (1) year periods
Contact: Karen Smith, (717) 477-1386



Construction & Construction Maintenance

SSHE 401-BL-767 Work under this project consists of expanding the existing Sutliff parking lot with 32 new stalls asphalt paving parking lot. To obtain a copy of the bid documents submit a \$35.00 non-refundable deposit to Larson Design Group, 1000 Commerce Park Drive, Williamsport, PA 17703-0487, phone (570) 323-6603. The pre-bid conference will be held on April 12, 2005 at 10 a.m. Bloomsburg University, Waller Admin. Bldg., Room 38A, Bloomsburg. The bids will be due April 26, 2005 at 1 p.m.

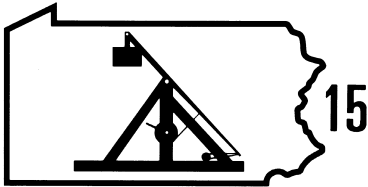
Department: State System of Higher Education
Location: Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815
Duration: 60 calendar days
Contact: Diann Shamburg, (570) 389-4312

#2004-06 Thaddeus Stevens College of Technology will be accepting bids to construct a new entrance to the running track, replace curb depression at the football field, and construct an ADA sidewalk at the Kreider Building.

Department: State
Location: 750 East King Street, Lancaster, PA 17602
Duration: Bid Opening 4/21/05 9 a.m.
Contact: Nancy Froeschle, (717) 299-7787

IN-881 This Project consists of construction of two press box buildings at our South Campus athletic fields, installation of a field drainage system on the varsity soccer field, and associated landscaping work including installation of sod on a portion of the soccer field. Work includes furnishing of all labor, superintendence, materials, tools, and equipment and performing all work necessary to complete the project at the satisfaction of, and subject to approval by IUP Engineering and Construction Group Office.

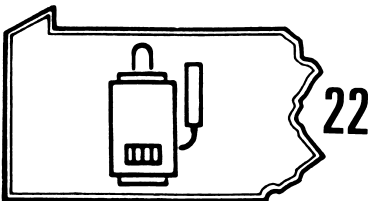
Department: State System of Higher Education
Location: Indiana University of PA, South Campus Athletic Fields, University Drive, Indiana, PA 15705
Duration: IUP anticipates issuance of NTP by May 30, 2005. Project completion date is August 1, 2006
Contact: Ray Wygonik, (724) 357-2289



Environmental Maintenance Service

BOGM 11-101.1 Cleaning Out and Plugging Four (4) Abandoned Gas Wells, (Mr. and Mrs. Bradley S. Regester, Ms. Sandra M. Flack, Mr. David Flack, Mr. Mark A. Flack, Ms. Ora Wakley and Mr. and Mrs. Theodore Wilcox Properties). The principal items of work include cleaning out and plugging four (4) abandoned gas wells, estimated to be between 2,000 and 5,700 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. Plugging the wells will take an estimated 650 hours while using an estimated 2,300 sacks of well plugging cement. This project issues on April 8, 2005 and bids will be opened on May 3, 2005 at 2 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid conference.

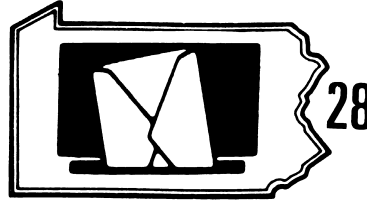
Department: Environmental Protection
Location: Rutland, Sullivan, Farmington and Richmond Townships, Tioga County
Duration: 200 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



HVAC Services

CN00014031 Contractor shall provide all tools, labor, cranes, trucks, and certified mechanics to properly remove and dispose of the existing chiller and furnish and install replacement chiller at the Danville Center for Adolescent Females.

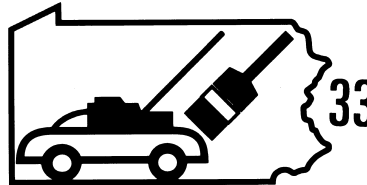
Department: Public Welfare
Location: Danville Center for Adolescent Females, 13 Kirkbride Drive, Danville, PA 17821
Duration: Unknown
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Mailing Services

RFP 2005-1 The contractor will provide printing and first-class mailing of assessment reports in February of each year. Additionally, the contractor will provide printing and certified mailing of the Public Utility Commission's assessment invoices about August of each year. The elements of this contract include, but are not limited to, document design, composition, printing, imaging, and mailing.

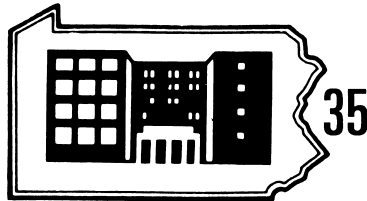
Department: Public Utility Commission
Location: Keystone Building, Room N-303, 400 North Street, Harrisburg, PA 17120
Duration: Three(3) years with an option to renew for two (2) additional one (1) year renewal option.
Contact: Joseph Novobilski, (717) 772-0316



Property Maintenance

W-0501-0401 Replace roof on corridor between Bldgs. Nos. 19-22. Bids can be obtained by calling the purchasing office at 610-740-3425 or fax 610-740-3434.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Contact: Robert Mitchell, Purchasing Agent, (610) 740-3425



Real Estate Services

93826 State owned real estate for sale in Monroe Township, Snyder County, Pennsylvania. The Department of General Services will accept bids for the purchase of 2.2 acres of land and an "old" mill. Bids are due June 17, 2005. Interested parties wishing to receive a copy of Solicitation #93826 should view the Department of General Services' website at www.dgs.state.pa.us or call Victor Piro at (717) 787-5546.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Victor Piro, (717) 787-5546

93808 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 13,620 useable square feet of office space in Chester County, PA, with a minimum parking for 6 ADA accessible on site vehicles, within Malvern, Paoli, or Exton. Downtown locations will be considered. For more information on SFP #93808 which is due on May 9, 2005 visit www.dgs.state.pa.us and click on Real Estate to download an SFP document or call (717) 787-7412.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Jennings Ward, (717) 787-7412

93825 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 32,910 useable square feet of office space in Philadelphia County, PA. with a minimum parking for 8 ADA vehicles in Philadelphia. Downtown locations will be considered. For more information on SFP #93825 which is due on May 16, 2005 visit www.dgs.state.pa.us and click on Real Estate to download a SFP document or call (717) 787-7412.

Department: Labor and Industry

Location: 505 North Office Building, Harrisburg, PA 17125

Contact: Jennings Ward, (717) 787-7412

[Pa.B. Doc. No. 05-688. Filed for public inspection April 8, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

