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PENNSYLVANIA BULLETIN

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Agencies in this issue:

The General Assembly
The Courts
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Transportation
Game Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Board of Optometry

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

No. 367, June 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2005 GENERAL ACTS ENACTED—ACT 002					
002	May 9	HB0486	PN0525	Immediately	Project 70 lands—release and imposition of restrictions on lands in Upper Dublin Township, Montgomery County

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

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ROBERT ZECH,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 05-1074. Filed for public inspection June 3, 2005, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Order Amending Rules 1910.16-4, 1910.16-6 and 1910.17; No. 430 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 17th day of May, 2005, Rules 1910.16-4, 1910.16-6 and 1910.17 of the Pennsylvania Rules of Civil Procedure are amended as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

* * * * *

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or **alimony pendente lite** (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support these children, the guideline amount of spousal support or **alimony pendente lite** shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or **alimony pendente lite**, and awarding the net difference **either** to the non-custodial parent as spousal support/**alimony pendente lite** or to the **custodial parent as child support as the circumstances warrant.**

* * * * *

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

* * * * *

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, **as long as a statutory duty of support is owed to the party who is paying the premium.** If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers a party to whom no statutory duty of support is owed or other persons who are not parties to the support action or

children who are not the subjects of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event this portion is not known or cannot be verified, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not **owed a statutory duty of support, or are not parties to, or the subject of the support action.** The resulting amount is excluded from allocation.

[For example, if] *Example 1.* If the parties are separated, but not divorced, and Husband pays \$200 per month [for] toward the cost of a health insurance policy provided through his employer which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total \$80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S.A. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

Example 2. If the parties are divorced and Father pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, the parties' child and two additional children from a previous marriage, the portion of the premium attributable to Father and the two additional children will not be allocated between the parties. Thus, using the same calculations in Example 1, the amount of the premium attributable to Father and the two other children is \$120 (\$40 per person multiplied by three) and that amount is deducted from the total cost of the premium, leaving \$80 (\$200 - \$120=\$80) to be allocated between the parties.

(3) Pursuant to 23 Pa.C.S.A. § 4326, the non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost on an employment-related or other group basis.

* * * * *

Official Note: Subdivision (b) of this [Rule] rule does not apply to Medical Assistance. See 23 Pa.C.S.A. § 4326(l). The 2005 amendments to Rule 1910.16-6(b)(1) and (2) clarify that the portion of the insurance premium covering the party carrying the insurance cannot be allocated between the parties if there is no statutory duty of support owed to that party by the other party. See *Maher v. Maher*, 575 Pa. 181, 835 A.2d 1281 (2003) and 23 Pa.C.S.A. § 4321.

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their

respective net incomes. **Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party.** The court may direct that obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

* * * * *

[Explanatory Comment—2003

Subdivision (b)(2) has been amended to clarify that in calculating the amount of the health care premium to be allocated between the parties, subdivision (b)(1) requires the inclusion of that portion of the health insurance premium covering the party who is paying the premium, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order.]

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order.

(a) An order of support shall be effective from the date of the filing of the complaint or petition for modification unless the order specifies otherwise. **However, a modification of an existing support order may be retroactive to a date preceding the date of filing if the petitioner was precluded from filing a petition for modification by reason of a significant physical or mental disability, misrepresentation of another party or other compelling reason and if the petitioner, when no longer precluded, promptly filed a petition.**

Official Note: Subdivision (a) was amended in 2005 to include the statutory provision at 23 Pa.C.S.A. § 4352(e) that authorizes the court to enter a modified order that is effective to a date prior to the date on which the petition for modification was filed in certain circumstances. To the effect that the holding in *Kelleher v. Bush*, 832 A.2d 483 (Pa. Super. Ct. 2003), is inconsistent, it is superseded. See 23 Pa.C.S.A. § 4352(e) for additional provisions.

* * * * *

[Pa.B. Doc. No. 05-1075. Filed for public inspection June 3, 2005, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 7]

Order Amending Rule 705; No. 320 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the May 18, 2005 amendments to Rule of Criminal Procedure 705. These amendments 1) require the sentencing judge to state the date a sentence to imprisonment is to commence, and 2) clarify that, if the sentence is to run concurrently with any other sentence, the sentence commences on the date of imposition unless otherwise ordered by the judge. These changes fill in the gaps in procedures created in

1996 when then-paragraphs (b) and (c) of the rule (then-Rule 1406) were deleted. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 18th day of May, 2005, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published before adoption at 33 Pa.B. 6412 (December 27, 2003), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 835), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 705 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective August 1, 2005.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A. Sentencing Procedures

Rule 705. Imposition of Sentence.

(A) **When imposing a sentence to imprisonment, the judge shall state the date the sentence is to commence.**

(B) **[Whenever]** When more than one sentence is imposed at the same time on a defendant, or **[whenever]** when a sentence is imposed on a defendant who is sentenced for another offense, the judge shall state whether the sentences shall run concurrently or consecutively. **If the sentence is to run concurrently, the sentence shall commence from the date of imposition unless otherwise ordered by the judge.**

Comment

[In] This rule was amended in 1996 [, paragraph (a) was amended and paragraph (c) was deleted] to eliminate language that created a presumption that certain sentences run concurrently unless the judge states otherwise, **and by deleting former paragraph (b) as unnecessary.** The rule now requires the judge to state whether sentences run concurrently or consecutively. **[Paragraph (b) was deleted as unnecessary.]**

The 2005 amendments adding new paragraph (A) and adding language to paragraph (B) clarify the procedures for determining the date of commencement of sentences of imprisonment.

The computation of sentences and credit for time served also are **[governed by]** addressed in the Sentencing Code. See 42 Pa.C.S. §§ 9760 and 9761.

Official Note: Rule 1406 adopted July 23, 1973, effective 90 days hence; amended March 21, 1975, effective March 31, 1975; amended November 7, 1996, effective January 1, 1997; renumbered Rule 705 and Comment revised March 1, 2000, effective April 1, 2001; **amended May 18, 2005, effective August 1, 2005.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the amendments concerning date of commencement of sentence published with the Court's Order at 35 Pa.B. 3218 (June 4, 2005).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 705

Date of Commencement of Sentence

On May 18, 2005, effective August 1, 2005, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 705. These rule changes 1) require the sentencing judge to state the date a sentence to imprisonment is to commence, and 2) clarify that, if the sentence is to run concurrently with any other sentence, the sentence commences on the date of imposition unless otherwise ordered by the judge. These changes fill in the gaps in procedures created in 1996 when then-paragraphs (b) and (c) of the rule (then-Rule 1406²) were deleted.

Background

Since the 1996 amendments to Rule 705, the Committee has received some correspondence concerning the procedural gaps created by those amendments. The correspondence pointed out that, notwithstanding the Committee's explanatory *Final Report* language to the contrary,³ "there is no statute or Rule providing that sentences ordered to run concurrently with sentences imposed on a prior date must run from the date of imposition," and this gap is causing confusion for members of the bench and bar, and the defendants who are sentenced. The Committee was asked to consider adding to the rule language similar to the language deleted in 1996, which had provided "a sentence to imprisonment shall be deemed to commence and shall be computed from the date of commitment for the offense or offenses for which such sentence is imposed, which date shall be specified by the judge."⁴

The Committee reviewed the relevant sections of the Sentencing Code, 42 Pa.C.S. §§ 9760 and 9761, and Chapter 7 of the Criminal Rules, confirming the correspondents' premise that, with the 1996 amendments to Rule 705, there no longer are provisions specifically providing for the date of commencement of sentence or that a sentence ordered to run concurrently with a sentence or sentences imposed on a prior date must run from the date of imposition. We also perused the case law, finding little guidance other than references to the provisions of former Rule 1406 and the predecessor to the Sentencing Code provisions, 19 P. S. 894,⁵ that had filled the void now under consideration. In view of the correspondence and our research, and after lengthy discussions about the evolution of Rule 705 and the recurring issues, the Committee concluded an amendment to Rule 705 requiring the judge to state the date the sentence is to commence and providing guidance concerning the commencement of concurrent sentences would be helpful to the bench, bar, and defendants.

Discussion of Changes to Rule 705

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² Rule 1406 was renumbered Rule 705 as part of the Court's March 1, 2000 Order reorganizing and renumbering the Criminal Rules.

³ See Committee's Final Report, 26 Pa.B. 5694 (November 23, 1996), explaining the 1996 changes to Rule 705.

⁴ The correspondence also requested the rule provide that the judge should address the defendant receiving credit for time served. As a practical matter, however, the information concerning the defendant's time served is not always available to the judge at the time of sentencing.

⁵ 19 P. S. § 894 was repealed as part of the Judiciary Act Repealer Act and replaced by 18 Pa.C.S. § 1360, which subsequently was transferred to 42 Pa.C.S. § 9760.

During our discussions of how to address the issues raised in the correspondence, the Committee first considered changing Rule 705 by adding language that if a sentence imposed is concurrent with another of the defendant's sentences, the sentence shall commence from the date of imposition. We noted, however, that the language concerning commencement of sentences that had been in the rule prior to the 1996 changes addressed all sentences, not only concurrent sentences. The broader application in the former Rule 1406(b) provision made sense to the members. Accordingly, new paragraph (A) requires the judge to state the date a sentence to imprisonment commences. Because new paragraph (A) addresses the date of imposition of sentence, the current Rule 705 provisions requiring the judge to state whether the sentences run concurrently or consecutively have been moved to new paragraph (B). Paragraph (B) also clarifies that the date of commencement of sentence when the sentence is to be concurrent ordinarily is the date of imposition, unless the judge orders a different date for commencement of the sentence.

[Pa.B. Doc. No. 05-1076. Filed for public inspection June 3, 2005, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 400]

Order Renaming Chapter 400 and Adopting New Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 219 Magisterial Doc. No. 1

The Minor Court Rules Committee has prepared a Final Report explaining the Supreme Court of Pennsylvania's Order renaming Chapter 400 and adopting new Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, effective July 1, 2006. These rule changes provide a procedural mechanism for the assignment of judgments in the magisterial district courts. The Final Report follows the Court's Order.

Order

Per Curiam:

And Now, this 17th day of May, 2005, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 34, *Pennsylvania Bulletin*, page 4022 (July 31, 2004), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Chapter 400 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be, and hereby is, renamed, and new Pa.R.C.P.M.D.J. No. 401.1 be, and hereby is, adopted, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2006.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 400. [EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY] ENFORCEMENT OF JUDGMENTS RENDERED BY MAGISTERIAL DISTRICT JUDGES FOR THE PAYMENT OF MONEY

Rule 401.1. Assignment of Judgment; Parties.

If the judgment has been assigned, upon request of the real party in interest the magisterial district judge shall:

(1) Cause a docket entry to be made indicating the assignment and the name of the original plaintiff and the name of the real party in interest.

(2) Issue an amended notice of judgment indicating the assignment and the name of the original plaintiff and the name of the real party in interest.

Official Note: The real party in interest (assignee) must produce an assignment of judgment on a form prescribed in accordance with Rule 212, properly executed by the original plaintiff (assignor), before the magisterial district judge notes the assignment on the docket or issues an amended notice of judgment.

When an assignment is entered on the docket pursuant to this rule, the real party in interest becomes the plaintiff as defined in Rule 401, and the original plaintiff shall have no further rights with respect to the judgment.

If the judgment is assigned while there is an outstanding order of execution, the real party in interest should notify the executing officer who is holding the order to assure that any proceeds are distributed properly.

If the judgment has been entered in the court of common pleas the magisterial district judge may not take any action pursuant to this rule. See Rule 402D(4).

FINAL REPORT¹**Renaming Chapter 400 and Adopting New Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges****Enforcement of Judgments; Assignment of Judgments; Parties**

On May 17, 2005, effective July 1, 2006, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania renamed Chapter 400 and adopted new Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.³

I. Background

The Minor Court Rules Committee (hereinafter the Committee) considered issues relating to the assignment of civil judgments after the Committee learned that some magisterial district judges are receiving notices that judgments have been assigned along with requests for the issuance of amended notices of judgment. The Committee learned that in some areas of the Commonwealth it is becoming common for "judgment enforcement" businesses to purchase civil judgments from plaintiffs who are having difficulty enforcing the judgments. Then, so as to avail themselves of enforcement procedures in an effort to collect the judgments, these businesses request that the

magisterial district judge note the assignment on the docket and issue an amended notice of judgment showing the assignee as the real party in interest.

The Committee determined that, although the assignment of common pleas level judgments is not an uncommon practice, it is much less common at the district court level. In addition, there is no procedural mechanism for a magisterial district judge to note the assignment of a judgment on the docket or to issue an amended notice of judgment reflecting the assignment and the name of the real party in interest. The Committee noted that the practice of assigning judgments is recognized in the Rules of Civil Procedure. Specifically, Rule 3026 (Parties) provides in part that "[i]f the judgment has been assigned or transferred, the caption shall contain the name of the original judgment plaintiff and the name of the real party in interest." Pa.R.C.P. No. 3026(b).

The Committee determined it would be helpful to district courts and parties if the rules of civil procedure for magisterial district judges would provide some guidance regarding assignments. Therefore, the Committee recommended a new Rule 401.1 to address assignments.

II. Discussion of Rule Changes

As noted above, to address the assignment of civil judgments at the district court level the Committee recommended a new Rule 401.1 entitled "Assignment of Judgment; Parties." The new rule is placed in Chapter 400 so as to be included with other rules relating to execution and enforcement of money judgments. The rule provides for a docket entry to indicate that a judgment has been assigned, as well as for the issuance of an amended notice of judgment reflecting the name of the original plaintiff (assignor) and the real party in interest (assignee).

The Official Note to the new rule makes clear that the assignee must produce an assignment of judgment, properly executed by the assignor, before the magisterial district judge notes the assignment on the docket or issues an amended notice of judgment. To ensure that the magisterial district judge receives accurate and complete information regarding the assignment, the Committee anticipates that the Administrative Office of Pennsylvania Courts (AOPC) will develop an acknowledgement form to be produced by the statewide district court computer system (MDJS),⁴ and that all assignments filed in the district courts would be filed using this form. In addition, the Official Note makes clear that if the judgment has been entered in the court of common pleas prior to the assignment, the magisterial district judge may not take any action.⁵

In addition to the new rule, the Committee also recommended that the title of Chapter 400 be changed to "ENFORCEMENT OF JUDGMENTS RENDERED BY MAGISTERIAL DISTRICT JUDGES FOR THE PAYMENT OF MONEY" to more accurately describe the rules in the chapter.

[Pa.B. Doc. No. 05-1077. Filed for public inspection June 3, 2005, 9:00 a.m.]

¹ The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Report.

² Recommendation No. 4 Minor Court Rules 2004.

³ Supreme Court of Pennsylvania Order No. 219 Magisterial Docket No. 1 (May 17, 2005).

⁴ See Pa.R.C.P.D.J. No. 212 (Design of Forms). The July 1, 2006 effective date of this rule change was established to allow sufficient time for the AOPC to develop forms and to make other significant MDJS programming changes needed to implement the rule change.

⁵ See Pa.R.C.P.D.J. No. 402D (4) ("[O]nce the judgment is entered in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge.")

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

General Revisions

The State Board of Optometry (Board) amends §§ 23.1, 23.33—23.35, 23.42, 23.64 and 23.71 and adds §§ 23.3 and 23.72 (relating to means and methods for the examination, diagnosis and treatment of conditions of the visual system; and prescriptions) to read as set forth in Annex A.

Response to Comments

Notice of proposed rulemaking was published at 33 Pa.B. 1120 (March 1, 2003). Following publication, the Board received public comments from the Pennsylvania Optometric Association (POA), the Pennsylvania Medical Society (PMS), the Pennsylvania Academy of Ophthalmology (Academy), and John C. Maher, M.D. Additionally the State Board of Medicine (Medical Board) sent comments to the Board. On April 1, 2003, the House Professional Licensure Committee (HPLC) submitted comments. On April 30, 2003, the Independent Regulatory Review Commission (IRRC) submitted comments. The majority of the comments submitted related to the definition of the means and methods for the examination, diagnosis and treatment of conditions of the visual system that may be employed by optometrists.

The POA noted its full support for the proposed rulemaking regarding the means and methods for the examination, diagnosis and treatment of conditions of the visual system that may be employed by optometrists. The POA also approved of the proposed rulemaking regarding practice in an office used exclusively for the practice of optometry, professional corporations and fictitious names, the equipment required for a basic ophthalmic examination, termination of patient care, recordkeeping and contact lens, spectacle and pharmaceutical prescriptions.

The Academy wrote to the Board on April 14, 2003, and asserted that the proposed rulemaking “would allow optometrists to order the administration of intravenous and inhalation anesthetic agents to allow examinations under anesthesia,” “would allow optometrists to provoke attacks of glaucoma” and “would allow an optometrist to pass a steel probe through the tear duct opening in the eyelid of a six-month old, down the entire length of the tear duct, perforating fleshy tissue on the way into the nose.” In addition, the Academy opined that ordering computer assisted tomography (CAT) and magnetic resonance imaging (MRI) scans and angiography procedures are the practice of medicine. The Academy opined that “[w]hile optometrists and technicians may perform the ultrasound scans” the selection of lens implant power is the surgeon’s responsibility. Finally, the Academy questioned the paragraph regarding insurance billing codes. Dr. Maher, who wrote the response for the Academy, submitted comments that were essentially identical to the Academy’s comments.

On April 8, 2003, the PMS provided comments on the proposed rulemaking. The PMS asked that the Board

clarify that optometrists could use only diagnostic lasers. The PMS opined that treatment of the lacrimal system was surgical and involved incision, excision, repair or probing, and asked that the Board modify the section referencing treatment of the lacrimal system. The PMS also questioned the need to include language regarding billing codes. Finally, the PMS pointed out that the ability of an optometrist to provide optometric services might be limited by the Health Care Facilities Act (35 P. S. §§ 448.101—448.901).

In addition to drafting suggestions, the HPLC asked the Board to provide a detailed explanation of the training of optometrists in order to perform the services listed in § 23.3, as well as an explanation of how long each service has been a part of optometric practice. Additionally, the Committee requested information as to the extent these services are considered to be within the scope of optometric practice in other states.

IRRC suggested that the delineation of the means and methods for the examination, diagnosis and treatment of conditions of the visual system was a substantive provision that had been improperly placed in the regulation’s definition section. IRRC suggested the provisions be relocated under the title “scope of practice.” The Board has relocated the section by adding § 23.3 under the topic “General Provisions.” The Board has retained the title “means and methods for the examination, diagnosis and treatment of conditions of the visual system” to correlate with section 3(a)(2.1) of the Optometric Practice and Licensure Act (act) (63 P. S. § 244.3(a)(2.1)).

The final-form rulemaking was delivered to the HPLC, the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and IRRC on October 1, 2004. The HPLC requested additional information and the Board withdrew the final-form rulemaking on October 15, 2004, to further answer the HPLC’s questions. At the request of the Commissioner of the Bureau of Professional and Occupational Affairs (Bureau) and representatives from the POA, the PMS and the Academy were invited to meet with the Commissioner and Chairperson of the Board to further discuss the rulemaking. The Board has made various amendments to the rulemaking in response to the concerns expressed, which are reflected in Annex A. Remaining points of disagreement are specifically noted in the following discussion.

Use of computerized or automatic refracting devices

Refraction is the process by which an optometrist determines the correct lens correction for a visual deficiency. Since the advent of optometry in the 1800s, optometrists have performed refractions. In the past, optometrists performed refractions by simply holding different lenses in front of the patient’s eyes and asking the patient which lens provided the patient with the clearest vision. Advances in technology have created automatic and computerized refracting devices, which enable optometrists to determine the correct refractions with greater accuracy. Automatic and computerized refracting devices have been in use since 1970 and all states consider refraction part of the practice of optometry. Optometrists are taught to perform refractions using computerized and automated devices in their first year of optometry school, and refractions are a standard part of students’ practice during their internship years. The

Academy and the PMS agree that the use of computerized or automatic refracting devices are routine to the practice of optometry.

Visual field testing such as manual or automatic perimetry

Optometrists have performed visual field testing on patients since 1920. Visual field testing is used to test a patient's peripheral vision and is an early diagnostic tool for glaucoma. The first automated perimeters came onto the market in the 1970s. In 2001, the journal of the Indiana School of Optometry published an article indicating that, in the last decade or so, automated perimetry had become the "gold standard" in visual field assessment. *Demirel, Shaban, Recent Advances in Automated Perimetry*, Ind. J. of Optometry, vol. 4, no. 1, p. 3. Visual field testing is taught in the classroom and clinics at optometry schools, with students having about 1,000 encounters with the procedure as part of their optometric education. Visual field testing is a standard part of the practice of optometry in all states. The Academy and the PMS agree that the employment of visual field testing such as manual or automatic perimetry is routine to the practice of optometry.

Ophthalmoscopy and gonioscopy

Ophthalmoscopy is the term used to describe viewing the interior portions of the eye by looking through the patient's iris. An indirect ophthalmoscope is a binocular, stereoscopic instrument that allows the optometrist to gain a wide-field view of the vitreous and retina. A light source from the indirect ophthalmoscope is directed into the patient's eye by an adjustable mirror and a condensing lens gathers the reflected light to form a virtual inverted image of the retina. Gonioscopy is the term used for ophthalmoscopy where the lens utilized is a gonio lens rather than a condensing lens. The angle of the eye, where the cornea meets the iris, can only be examined with a specialized lens such as a gonio lens. The gonio lens is applied to the surface of the cornea under topical anesthesia to evaluate the anatomy of the angle. This is a diagnostic procedure essential to the evaluation and management of patients with glaucoma. Optometrists have performed direct ophthalmoscopy since 1920 and have performed indirect ophthalmoscopy and gonioscopy since 1973. The procedure is taught throughout the optometric curriculum, with students having about 2,000 contacts with direct ophthalmoscopy, 2,000 contacts with indirect ophthalmoscopy and 100 contacts with gonioscopy. Ophthalmoscopy and gonioscopy are utilized in all states.

Several comments related to proposed subparagraph (i)(C) in § 23.1 (relating to definitions), which provides for "[o]phthalmoscopy, including ophthalmoscopy of a patient who has been anesthetized by a practitioner authorized to provide anesthesia services and in accordance with applicable law and regulation governing the anesthesia provider and facility, and with or without the use of diagnostic lenses, including, but not limited to, any and all condensing lenses, gonioscopy lenses, and fundus contact lenses." The Academy commented that it believed the subparagraph would allow optometrists to order the administration of intravenous and inhalation anesthetic agents. The Medical Board commented that there "is no optometric need for an examination to be performed under anesthesia." Dr. Maher commented optometrists do not have the training to deal with the anesthetized patient. The HPLC and IRRC commented that the subparagraph appeared to authorize optometric offices as facilities in which anesthesia may be administered.

The Board does not agree that the proposed definition would have authorized optometrists to order or administer anesthesia or that the subsection would have authorized the administration of anesthesia in optometric offices. The Board did not intend either to authorize optometrists to order intravenous or inhalation anesthetic agents or to provide for the administration of anesthesia in optometric offices. The reference to an anesthetized patient was included to encompass the practice of optometrists who work in a hospital setting and who may be asked to perform ophthalmoscopy on a patient who has been anesthetized under the order of, and under the care of, a physician. Because of the confusion generated by this subparagraph, the Board has determined that the subsection should be amended to eliminate any reference to anesthesia.

The Board amended the definition to refer to ophthalmoscopy and gonioscopy in renumbered § 23.3(3). The Academy and the PMS agree that ophthalmoscopy and gonioscopy are standard optometric practices.

Testing for glaucoma

Optometrists have been testing patients to detect glaucoma since 1920. In the early years, imprecise tests such as provocative testing were employed. Provocative testing has not been used for many years, as technology has advanced and optometrists have employed more sophisticated tests for glaucoma. Glaucoma diagnosis and treatment is taught throughout the optometry school curriculum, and students have approximately 2,000 contacts with glaucoma patients throughout their education. Section 2 of the act (63 P. S. § 244.2) specifically authorizes optometrists to perform diagnostic tests for glaucoma and to use topical pharmaceutical agents to treat primary open angle glaucoma, exfoliation glaucoma and pigmentary glaucoma. Testing for and treatment of glaucoma is part of optometric practice in all states.

Several commentators addressed subparagraph (i)(E) of the proposed rulemaking, which mentioned provocative tests for glaucoma. The Academy, the Medical Board and Dr. Maher commented that because optometrists were not authorized to treat acute glaucoma, they should not be authorized to provoke acute glaucoma attacks. IRRC asked the Board to address these comments. The Board agrees with the comments that provocative tests for glaucoma are not currently utilized and would be inappropriate for a provider to perform as newer, more accurate testing methods have been available for many years. Therefore, the Board has deleted the language referring to provocative tests. The Board retained the general language regarding testing for glaucoma in renumbered § 23.3(5). The Academy and the PMS agree that testing for glaucoma is part of standard optometric practice.

Electrodiagnostic testing

Clear vision depends on optimal function of each component of the eye's sensory mechanisms. In response to visual stimuli, the eye's photoreceptors create electrical impulse, which are then transmitted by means of the optic nerve into the visual cortex of the brain. When visual function becomes impaired, electrodiagnostic tests can help pinpoint the source of the malfunction. Optometrist have performed electrodiagnostic testing since 1970, and the testing is taught in multiple courses and clinics in schools of optometry.

There are several types of electrodiagnostic tests utilized for the diagnosis of various conditions of the visual system. One example is the electro-oculogram (EOG) test

that evaluates the retinal pigment epithelium (RPE) and the photoreceptors. The RPE is affected quite early in many hereditary degenerative visual disorders. Electrodes are placed on the skin on either side of the eye. The patient is asked to fixate on target lights that alternately illuminated causing a 30° excursion of the eyes horizontally. The developed potential between the electrodes induces a current that is amplified and displayed on recording equipment. The EOG is valuable particularly in the evaluation of patients suspected of having disorders that affect the RPE, such as retinitis pigmentosa.

Another type of electrodiagnostic testing is the electroretinogram that measures the mass retinal response to a stimulus of light using a corneal electrode and neutral electrodes placed on the skin around the eye. The corneal electrode is placed gently behind the lower lid and contracts the cornea. A topical anesthetic is employed in adult patients. A flash of light is shown to the patient and the electrodes record the retinal potentials that develop as a response to the flash. This diagnostic procedure is useful in diagnosing hereditary eye diseases and in distinguishing between a variety of retinal disorders such as cone dystrophy and retinal pigmentosa.

Electrodiagnostic testing became widespread in the late 1990s and is utilized in all states. The Academy and the PMS agree that electrodiagnostic testing is part of standard optometric practice.

Use of lasers for diagnostic purposes

Several comments were submitted on proposed subparagraph (i)(F), which related to the use of lasers for diagnostic purposes. Diagnostic lasers have been in use since 1978 in all states and, because of the variety of diagnostic devices with integrated diagnostic lasers, their use is taught throughout the optometric curriculum. The PMS suggested the subparagraph would be clarified by being rewritten "the use of lasers for diagnostic imaging purpose." The Medical Board commented that the use of lasers is inherently dangerous and even in diagnostic applications has been known to cause anatomical changes to the eye. The HPLC noted the PMS's comment.

The Board considered the comments and amended the language of proposed § 23.1(i)(F). The Board cannot adopt the language suggested by the PMS because not all diagnostic tests commonly employed by optometrists and that utilize lasers produce images, for example, laser interferometry. Laser interferometry is used on children with a "lazy eye" diagnosis to determine the potential best vision after vision therapy. However, to clarify, the Board added the adjective "diagnostic" to "lasers" and, at the suggestion of the HPLC staff, referenced section 2 of the act, which prohibits optometrists from performing surgery, including laser surgery, in new § 23.3(a)(6). The Academy and the PMS agree that the Board's amended language addresses their concerns and have no further issues with optometrists utilizing diagnostic lasers for diagnostic purposes.

Employment of vision therapy and visual rehabilitation

The Academy and the PMS agree that optometric practice includes vision therapy and visual rehabilitation. The HPLC expressed concern that the Board's rulemaking might restrict the practice of educators who work with the visually impaired. The Pennsylvania College of Optometry (College) offers master's degree programs in vision impairment, low vision rehabilitation, orientation and mobility, rehabilitation teaching and education of children and youth with visual and multiple impairments. The Board consulted with the College in the development

of this final-form rulemaking, and the College did not express any concerns that educators of the visually impaired would be restricted in any way by the final-form rulemaking. Individuals who are not optometrists but who hold one of these specialized master's degrees implement, rather than design, treatment plans, and use, rather than prescribe, devices. In addition, these master's educated nonoptometrists do not diagnose visual impairments or use orthoptics. Similarly, occupational therapists licensed by the Bureau, implement treatment plans designed by an optometrist or physician. An occupational therapist may not prescribe devices or diagnose a visual impairment. The Board has concluded that the final-form rulemaking will not interfere with the practice of nonoptometrists. Former subparagraph (i)(G) and (H) was renumbered as § 23.3(8) and (9), respectively, and definitions of "vision therapy" and "visual rehabilitation" were added to § 23.1 (relating to definitions).

Treatment of the lacrimal system

Section 2 of the act authorizes optometrists to employ any and all means for the examination and diagnosis of conditions of the human visual system, which includes the lacrimal system. Section 2 of the act also specifically authorizes optometrists to treat the lacrimal system by nonsurgical means. Optometrists have been diagnosing and treating conditions of the lacrimal system through nonsurgical dilation and irrigation since 1978. Optometrists have used punctal plugs for over 20 years. The diagnosis and treatment of the lacrimal system are taught in multiple courses, including clinical courses in optometry schools, and are part of the practice of optometry in all states.

The Academy commented that "the bible of medical and surgical insurance coding" lists the placement of punctual plugs as a surgical procedure. Dr. Maher echoed the comments of the PMS. The use of punctual plugs is not a surgical procedure. Optometrists have been using punctual plugs and obtaining insurance reimbursement for the use of punctual plugs for approximately 20 years. Following the Commissioner's meeting in late 2004, the Academy and the PMS agreed that the use of punctual plugs was part of the practice of optometry.

Regarding the more general language in subparagraph (i)(I), the PMS stated that the majority of the procedures for the treatment of the lacrimal system involve incision, excision, repair and probing, many of which require the administration of anesthesia. The PMS suggested that subparagraph (i)(I) be deleted or modified to include only diagnostic and nonsurgical treatment of the lacrimal system. The Academy commented that treatment of the lacrimal system requires the use of surgical procedures and suggested that subparagraph (i)(I) "would allow optometrists to pass a steel probe through the tear duct opening in the eyelid of a six-month old, down the entire length of the tear duct, perforating fleshy tissue on the way into the nose." The Medical Board commented that subparagraph (i)(I) authorized probing of the lacrimal system and noted that lacrimal probing was a surgical procedure that, if not performed carefully, could result in the metal probe penetrating the brain.

The Board agrees that treatments involving incision, excision, surgical repair and probing the entire length of the tear duct would constitute surgery prohibited by section 2 of the act, and agrees that optometrists do not now, and do not wish to, perform these procedures. The Board has amended subparagraph (i)(I), renumbered as § 23.3(10), to clarify that the means and methods for the examination, diagnosis and treatment of conditions of the visual system that may be employed by a licensed

optometrist include only "diagnosis and treatment of the lacrimal system through the use of punctual plugs, dilation of the punctum and irrigation of the lacrimal system." Through their omission in § 23.3(10), incision, excision, surgical repair and probing the entire length of the tear duct are prohibited.

Following the Board's suggested amendment of subparagraph (i)(I) to address the concerns raised by the Academy and the PMS, the Academy, at the meeting of the parties in late 2004, opposed the provision which would allow an optometrist to perform irrigation of the lacrimal system. At the meeting, the Academy representatives were asked to share any professional literature that suggested that dilation and irrigation of the lacrimal system by optometrists was problematic. The Academy did not provide the Board with any professional literature suggesting a problem with optometrists performing this procedure. The Board asked the research librarian at the College to search all medical, ophthalmological and optometric journals to find any reported injuries caused by optometrists performing this procedure. No journal references were found to suggest that the performance of this procedure is a risk to the public. The Board's research shows that optometrists have performed dilation and irrigation since 1978 without any reported incidents of injury to the public. In addition, in accordance with its statutory mandate, the Board determined that optometrists are educated and clinically trained to diagnose and treat conditions of the lacrimal system, including dilation and irrigation. The Board therefore retained this language in the final-form rulemaking.

Epilation of lashes

The Medical Board commented on subparagraph (i)(J), regarding epilation, or plucking, of eyelashes, stating that no matter how simple this procedure may seem "it is a surgical procedure that can create serious risk of infection and other harm to the patients." In addition, the Medical Board expressed concern that plucking an eyelash without a medical examination may delay the proper diagnoses of medical conditions underlying the presenting symptomology of the patient. The Board disagrees. Epilation is a nonsurgical treatment that has long been a part of the practice of optometric practice. The Academy had no objection to this procedure being included on the list of the means and methods employed by optometrists. The section was renumbered as § 23.3(10).

Ultrasound examination of the eye and orbit

The Academy commented that although optometrists and technicians may perform ultrasound scans, only a surgeon can analyze data from an ultrasound scan to order a lens implant. In addition, the Medical Board stated that the purpose of the examinations is to determine whether there is a need for surgical intervention and "because the surgeon is ultimately responsible for the surgical results, it is imperative that the responsibility for the measurements of the eye and the calculation of the implant power be vested in the surgeon." Dr. Maher objected to subparagraph (i)(K) because, he stated, "A scans are used to determine intraocular lenses and is pre-surgical." Dr. Maher reasoned that if optometrists are prohibited from performing surgery, they would also be prohibited from performing presurgical testing.

The Board agrees with the Academy that optometrists, and even technicians, may perform ultrasound examinations of the eye. The Board also acknowledges that A-scans are currently used to calculate lens implant power prior to cataract surgery. However, A-scans are also

used to measure anterior chamber depth for diagnostic purposes in managing certain glaucoma patients whom optometrists are authorized to treat.

At their meeting in December 2004, the Academy agreed that ultrasound examination of the eye and orbit, including both A-scans and B-scans, should be included within the repertoire of diagnostic tests used by optometrists. The Academy suggested that intraocular lens calculations should be addressed separately, as this is a measurement taken in anticipation of surgery. The Board agreed that this calculation would only be performed by an optometrist who was working with an ophthalmologist, in anticipation of surgery by the ophthalmologist. The Board and the Academy agreed that the current language, which allows optometrists to perform all types of ultrasound examination of the eye and orbit, but limits the performance of intraocular lens calculations and lens implant power, is consistent with the role of the optometrist. The section was renumbered as § 23.3(11).

Diagnostic radiology

Comments were also submitted on subparagraph (i)(K)—(M). The Academy stated that the ordering of CAT and MRI scans is the practice of medicine. Dr. Maher commented that the purpose of ordering radiographs, MRIs or CAT scans was to evaluate medical issues or in the possible planning of surgery. Dr. Maher again reasoned that since the act does not allow optometrists to practice medicine or perform surgery, optometrists should not order diagnostic tests that may reveal a condition that would require medical intervention or surgery. The Medical Board commented that the performance of diagnostic scans is complex and involves systems of the human anatomy beyond the visual system. IRRC asked the Board to respond to the previous comments.

At the December 2004, meeting, the Board suggested that its rulemaking be amended to permit optometrists to recommend diagnostic radiology to a patient's physician. The Board believed that this amendment would be consistent with the education and training of optometrists who have studied diagnostic radiology in their clinical medicine and neuro-ophthalmic disease courses since 1980. The Academy objected to this language because it feared "it may give a false impression of expertise to the physician." The Academy recommended that the language related to diagnostic radiology be stricken entirely. Given the difficulty in finding language that accurately reflects an optometrist's role in discussing diagnostic radiology with a patient's physician, the Board determined that the Academy's suggestion was a good suggestion, and has removed the references to diagnostic radiology in the final-form rulemaking.

Laboratory work

The Academy, the PMS and Dr. Maher had no comments on subparagraph (i)(L), regarding laboratory work. Similarly, neither the HPLC nor IRRC commented on this subparagraph. Nevertheless, in its January 3, 2005, letter, the Academy opined that it opposed "the ordering of any and all laboratory work by optometrists." The Board strongly disagrees.

Ordering and, when properly equipped, performing, laboratory tests are integral to the safe and effective practice of optometry. An optometrist may order a laboratory test to determine the type of conjunctivitis (eye infection) in a patient, as bacterial, viral and gonococcal infections are appropriately treated with different drugs. An optometrist may order and perform a scrape and culture of a corneal ulcer as different medications are

required to treat different types of corneal ulcers. Similarly, there are many types of uveitis that require laboratory testing for rheumatoid factor to properly diagnose and treat. Optometrists diagnose and treat many different conditions of the visual system; to expect optometrists to practice safely and effectively without the aid of simple diagnostic laboratory tests is absurd and would be a great disservice to the public.

Angiographic studies

The Board received numerous comments regarding ordering and interpretation of angiographic studies, subparagraph (i)(M) of the proposed rulemaking. The standard of practice in this Commonwealth requires an optometrist to utilize an angiographic specialist or physician to perform an angiography. For this reason, the Board did not anticipate that it would receive comments regarding an optometrist performing angiography.

The Academy commented that optometrists cannot administer intravenous injections and, therefore, should not be authorized to "order a nurse to administer intravenous contrast agents." The Academy suggested that subparagraph (i)(M) would allow an optometrist to order arteriograms of the carotid arteries. As optometrists are limited to diagnosing and treating the visual system, the Board does not agree that proposed subparagraph (i)(M) would have authorized optometrists to order arteriograms of the carotid arteries.

Regarding angiographic studies, Dr. Maher also reasoned that because optometrists cannot perform injections, they could not order others to perform injections. The Board notes that the act does not prohibit optometrists from performing injections for diagnostic purposes. The act provides that optometrists may not "use injections in the treatment of ocular disease." In addition, Dr. Maher noted that "it is not clear that this does not exclude angiography of the orbit," which is part of the ocular vasculature. According to Dr. Maher, arteriography carries a 10% mortality rate and optometrists do not have sufficient education and training to order arteriograms. Regarding angiography, the Medical Board noted that these studies involve intravenous introduction of dyes and that some percentage of patients will have an adverse effect that can lead to death. The Medical Board stated that these are specialized tests that are usually performed by retinal specialists who maintain adequate emergency response measures.

Based on the comments, and with the approval of the Academy and the PMS, the Board has amended its final-form rulemaking to refer only to interpreting and reporting on angiographic studies at the request of an ophthalmologist. This amended provision is consistent with the practice of optometry in this Commonwealth and is also consistent with the education and training optometrists have received since 1978.

Levels of management and practice

Several comments were submitted on subparagraph (ii), regarding levels of management and practice. After considering the comments, the Board determined that the subparagraph was inappropriate in a Board regulation and has deleted the provision.

Other comments

IRRC commented that § 23.33(a) (relating to practice) should be amended to make the subsection gender neutral. In drafting the final-form rulemaking, the Board conformed to § 6.10(b) (relating to gender) of the *Pennsylvania Code and Bulletin Style Manual*.

Regarding § 23.33(b), IRRC asked if the Board intended to allow optometrists to provide services in facilities other than licensed health care facilities. The Board intended to provide for the practice of optometry in all facilities in which there is a need for optometric services. The most common facilities that are not licensed health care facilities where optometrists are asked to provide optometric services, particularly visual screening, are schools, prisons, fire halls and township buildings. Some optometrists operate mobile practices. IRRC also commented that the phrase "optometric services" was vague and asked if an optometrist could provide the full range of optometric services in other facilities. The Board intended to allow optometrists to perform the full range of optometric practice. Just as some ophthalmologists perform laser surgery by transporting equipment in a mobile van, an optometrist can transport diagnostic equipment and perform any testing enabled by that equipment. IRRC also asked the Board to define "visual screening" as used in § 23.33(e). The Board has added the definition to § 23.1. Regarding § 23.34 (relating to professional corporations), IRRC questioned with what other health care professionals an optometrist could incorporate. The section allows incorporation with other optometrists, medical doctors, doctors of osteopathy, dentists, psychologists, podiatrists, chiropractors and other health care professionals if the incorporation is authorized by the practice acts of the respective professions and 15 Pa.C.S. §§ 2901—2907 (relating to preliminary provisions).

IRRC commented on § 23.71(b) (relating to patient records). IRRC asked why a patient's request for a contact lens prescription was at the discretion of the optometrist. The Board's regulations currently provide that a patient's request for a contact lens prescription is at the discretion of the patient's optometrist. The Board's intent had been to maintain this provision, which was, at the time, consistent with Federal law. However, the United States Congress recently enacted the Fairness to Contact Lens Consumers Act (15 U.S.C.A. §§ 7601—7610) which became effective in early February 2004. The Board has amended its final-form rulemaking to conform to the new Federal statute. The Board also amended the requirement regarding release of a spectacle prescription to conform to the Federal Trade Commission Ophthalmic Practice Rules (16 CFR 456.1—456.4).

IRRC also commented that § 23.71(c) included the phrase "in his discretion" and stated that the Board should amend this phrase to make it gender neutral. On final-form rulemaking, the Board deleted § 23.71(c).

IRRC commented on § 23.72 and suggested that an optometric prescription include the optometrist's telephone number in § 23.72(a). To conform to the new Federal law, the Board has added both the telephone number and facsimile number to the final-form rulemaking.

Finally, regarding § 23.72(b), IRRC asked if the 1-year expiration date referred to the date of the patient's examination or the date when the optometrist wrote the prescription. The Fairness to Contact Lens Consumers Act provides that an optometrist must provide a patient with a copy of the patient's contact lens prescription when the contact lens fitting is complete. The 1-year expiration date would run from the date the prescription is issued.

Other amendments to proposed rulemaking

Following delivery of the final-form rulemaking on October 1, 2004, the HPLC commented that § 23.64(c)(1) (relating to professional conduct) should include a provi-

sion requiring an optometrist to give a patient time and assistance in securing alternate care. The Board has made this amendment. In addition, the HPLC commented that the Board should refer to statutorily set fees for medical records in § 23.64(c)(2). The Board make this amendment. In addition, § 23.64(c) was renumbered as § 23.64(d), and § 23.64(c) was added to provide that an optometrist will be subject to discipline under section 7 of the act for violating standards of professional care, including those in § 23.3(12) and (14).

Statutory Authority

Section 3(a)(2.1) of the act provides that the Board shall have the duty “[t]o determine, in accordance with optometric education, training, professional competence and skill, the means and methods for examination, diagnosis and treatment of conditions of the visual system.” Section 3(a)(3) of the act requires the Board “[t]o record all licenses in its office.” Section 3(b)(9) of the act authorizes the Board “[t]o establish and administer a records system which records shall be open to public inspection during the regular business hours of the Board.” Finally, section 3(b)(14) of the act authorizes the Board “[t]o promulgate all rules and regulations necessary to carry out the purposes of this act.”

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should have no fiscal impact on licensees, the Board, the private sector, the general public or any political subdivisions. The regulations should not create additional paperwork for the Board or the private sector.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 12, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 1120, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 12, 2005, the final-form rulemaking was approved by the HPLC. On April 27, 2005, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 28, 2005, and approved the final-form rulemaking.

Additional Information

Persons who would like additional information regarding this final-form rulemaking should contact Deborah Smith, Board Administrator, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments has been given under sections 201 and 202 of the

act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking is necessary and appropriate for the administration of the act.

(4) Amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 33 Pa. B. 1120.

Order

The Board therefore orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by amending §§ 23.1, 23.33—23.35, 23.42, 23.64 and 23.71 and by adding §§ 23.3 and 23.72 to read as set forth in Annex A.

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

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

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

STEVEN J. RETO, O.D.,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 2972 (May 14, 2005).)

Fiscal Note: Fiscal Note 16A-528 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 23. STATE BOARD OF OPTOMETRY
GENERAL PROVISIONS**

§ 23.1. Definitions.

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

Act—The Optometric Practice and Licensure Act (63 P. S. § 244.1—244.12).

Board—The State Board of Optometry of the Commonwealth.

Child abuse—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Clinical Skills Assessment Examination—A clinical skills competency examination developed, prepared, administered and scored by the NBEO, which the Board adopts as the State clinical examination for licensure.

Continuing education hour—Fifty minutes of continuing education.

Continuing education program—A group, self-study, correspondence or other program approved by the Board for which continuing education hours are given.

Inactive status—The status of not having one's license currently registered.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

NBEO—The National Board of Examiners in Optometry.

National Board Examination—A written academic examination developed, prepared, administered and scored by the NBEO, which the Board adopts as the National uniform written examination for licensure.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Retired practitioner—One who is no longer engaged in the practice of optometry as defined in section 2 of the act (63 P. S. § 244.2; see the definition of "practice of optometry").

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

TMOD—Treatment and Management of Ocular Disease Examination—An examination developed, prepared, administered and scored by the NBEO, which the Board adopts as the examination for certification in pharmaceutical agents for therapeutic purposes.

Vision therapy—A term meaning any of the following:

(i) Design of treatment plans for problems of eye teaming, focusing, tracking, sensory adaptation and visual information processing.

(ii) Prescription of devices and procedures that modify the oculomotor and sensory aspects of the visual process.

(iii) Orthoptics.

Visual rehabilitation—A term meaning any of the following:

(i) Diagnosis of a visual impairment.

(ii) Prescription of lenses, prisms, filters, occluders mirrors, and optical and electrooptical magnification and minification.

(iii) Design of treatment plans to compensate for central and peripheral visual field defects.

Vision screening—The limited process of surveying an individual for problem areas such as visual acuity, eye muscle coordination and refractive error.

§ 23.3. Means and methods for the examination, diagnosis and treatment of conditions of the visual system.

The means and methods for the examination, diagnosis and treatment of conditions of the visual system that may be employed by licensed optometrists include:

(1) The use of any computerized or automatic refracting device.

(2) Visual field testing such as manual or automatic perimetry.

(3) Ophthalmoscopy and gonioscopy.

(4) Anterior and posterior segment photography.

(5) Testing for glaucoma.

(6) Electrodiagnostic testing.

(7) The use of diagnostic lasers for diagnostic purposes consistent with section 2 of the act (63 P. S. § 244.2), which excludes the use of therapeutic lasers and laser surgery.

(8) The employment of vision therapy.

(9) Visual rehabilitation.

(10) Diagnosis and treatment of the lacrimal system through the use of therapeutic agents, punctal plugs, dilation of the punctum and irrigation of the lacrimal system.

(11) Epilation of lashes.

(12) Ultrasound examination of the eye and orbit. An optometrist may perform intraocular lens calculations upon the written order of an ophthalmologist. The ophthalmologist shall make final selection of lens implant power.

(13) Ordering laboratory work.

(14) At the request of an ophthalmologist, interpreting and reporting of angiographic studies of ocular vasculature and blood flow.

BUSINESS PRACTICES

§ 23.33. Practice.

(a) An optometrist engaged in the active practice of optometry shall practice in a room used exclusively for the practice of optometry when practicing in the optometrist's office. A change in this address, or the addition of places of practice, shall comply with §§ 23.43 and 23.44 (relating to offices; and additional practice locations).

(b) In compliance with § 23.36 (relating to consultant, advisor, staff or employe optometry), an optometrist may arrange the professional practice to include service to a licensed health care service facility, including in-patient or out-patient hospitals and emergency rooms, nursing homes and long-term care facilities, or any facility with the need for optometric services.

(c) An optometrist may, as a professional courtesy, accept a request to attend the patients of another optometrist in the office of the other optometrist, during a temporary absence from practice, if consistent with other duties.

(d) An optometrist may provide services to a patient who is physically incapable of coming to the optometrist's office, at that patient's residence or location.

(e) An optometrist may provide vision screening at any location, public or private, within this Commonwealth.

(f) An optometrist shall carry his wallet renewal card on his person as proof of current licensure, for presentation on demand, whenever rendering optometric services outside of his regular practice location.

§ 23.34. Professional corporations.

An optometrist licensed by the Board may professionally incorporate with other optometrists, medical doctors, doctors of osteopathy, dentists, psychologists, podiatrists, chiropractors and other health care professionals if this incorporation is authorized by the practice acts of the relevant professions.

§ 23.35. Fictitious names.

An optometrist practicing as a sole proprietor, in association with other optometrists, or in a business form other than a professional corporation, may do business under a fictitious name.

OFFICE OF OPTOMETRIST

§ 23.42. Equipment

An office maintained for the practice of optometry shall be fully equipped for the making of a basic optometrical examination including the following:

- (1) Keratometer.
- (2) Ophthalmoscope and retinoscope.
- (3) Trial case and its accessories or a phoropter.
- (4) Visual acuity charts.
- (5) Ophthalmic chair.

- (6) Field testing equipment.
- (7) Slitlamp—Biomicroscope.
- (8) Tonometer.

UNLAWFUL PRACTICES

§ 23.64. Professional conduct.

(a) Registered optometrists shall adhere to the standards of professional conduct which are generally accepted by the profession of optometry of this Commonwealth.

(b) The standards of professional conduct for registered optometrists are higher than, and may not partake of the standards and practices of the market place.

(c) Failure of an optometrist to conform to the standards of professional conduct, including those in § 23.3(12) and (14) (relating to means and methods for the examination, diagnosis and treatment of conditions of the visual system) may subject the optometrist to disciplinary action under section 7 of the act (63 P. S. § 244.7).

(d) An optometrist may terminate the optometric care of a patient who, in the professional opinion of the optometrist, is not adhering to appropriate regimens of care and follow-up.

(1) The optometrist shall notify the patient, in writing, that the optometrist is terminating the professional relationship and the reasons for the termination.

(2) The optometrist shall provide the patient with at least 60 days of continued care after the notice of termination is sent and provide reasonable assistance to the patient to find alternative care.

(3) In addition, the optometrist shall make a copy of the patient's medical record available to the patient or successor eye care provider designated by the patient, and may charge a fee for copying the record consistent with the fees in 42 Pa.C.S. § 6152(a)(2)(i) (relating to subpoena of records).

PROFESSIONAL PRACTICE

§ 23.71. Patient records.

(a) An optometrist shall use professional judgment to determine what services are to be provided to his patients. Records of the actual services rendered shall be maintained for a minimum of 7 years after the last consultation with a patient. Records must indicate when a referral has been made to a physician. An examination may include the following:

- (1) Complete history.
- (2) Uncorrected visual acuity.
- (3) Detailed report of the external findings.
- (4) Ophthalmoscopic examination (media, fundus, blood vessels, disc).
- (5) Corneal curvature measurements (dioptral).
- (6) Static retinoscopy.
- (7) Amplitude of convergence and accommodation.
- (8) Ocular muscle balance.
- (9) Subjective refraction test.
- (10) Fusion.
- (11) Stereopsis.
- (12) Color vision.
- (13) Visual fields (confrontation).

(14) Visual fields including manual or automated perimetry.

(15) Prescription given and visual acuity obtained.

(16) Biomicroscopy (slit lamp).

(17) Tonometry.

(18) Prognosis, stable or unstable.

(19) Pharmaceutical agents used or prescribed, including strength, dosage, number of refills and adverse reaction, if applicable.

(b) An optometrist shall provide a patient with a copy of the patient's contact lens prescription in accordance with the Fairness to Contact Lens Consumers Act (15 U.S.C.A. §§ 7601—7610). An optometrist shall provide a patient with a copy of the patient's spectacle prescription in accordance with the Federal Trade Commission Ophthalmic Practice Rules (16 CFR 456.1—456.4).

§ 23.72. Prescriptions.

(a) Optometric prescriptions shall bear:

(1) The name, address, telephone number, facsimile telephone number and license number of the optometrist.

(2) The name of the patient.

(3) The date the prescription is issued by the licensed practitioner.

(4) The expiration date.

(b) Contact lens prescriptions shall specify the lens type, the specifications necessary for the ordering and fabrication of the lenses, number of refills and expiration date consistent with the type and modality of use of the contact lens being prescribed, but the expiration date may not be greater than 1 year. The prescription may include a statement of caution if the statement is supported by appropriate findings and documented in the patient's medical record.

(c) Pharmaceutical prescriptions shall specify the name of the drug prescribed, quantity and potency prescribed, expiration date, number of refills allowed, instructions for use and any indicated precautionary statements.

(d) Spectacle prescriptions shall specify any information that would be relevant to manufacturing glasses including the dioptic value of the sphere, astigmatism, prism, slab off, add power and axis or orientation of the astigmatism correction. The expiration date of a spectacle prescription may not be greater than 2 years.

[Pa.B. Doc. No. 05-1078. Filed for public inspection June 3, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 26, 2005, meeting, proposed the following rule-making:

Amend § 135.107 (relating to Middle Creek Wildlife Management Area) to permit the Director to designate dates for deer hunting outside of the established seasons and bag limits in the Middle Creek Wildlife Management Area and to eliminate redundant language.

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

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

The proposed rulemaking was made public at the April 26, 2005, meeting of the Commission. Comments can be sent until June 24, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Section 137.107 allows special deer hunts to take place on controlled areas of the Middle Creek Wildlife Management Area. However, hunters are required to apply for and receive a permit prior to taking part in these special hunts. Under § 135.161(2) (relating to Commission-owned or leased), these special hunts are currently required to be held in conformity with established seasons and bag limits.

The Commission has recently identified a trend indicating that, in addition to the properly permitted hunters who are authorized to hunt inside of these controlled areas, a heavy concentration of hunters tend to surround the boundary lines of these areas hoping to harvest deer as they go to and from the Middle Creek Wildlife Management Area. The combination of increased deer movement and the high concentration of hunters in and around these controlled areas poses a significant safety concern. To address this safety concern, the Commission is proposing to amend § 135.107 to allow the Director to designate dates for the special deer hunts in the Middle Creek Wildlife Management Area to take place outside of the established seasons and bag limits. This amendment should help dilute the heavy concentration of hunters in and around the Middle Creek Wildlife Management Area during established deer hunting seasons.

Section 135.107(b)(4) and (c)(4) currently contains the language "or a designee." The creation of this language was intended to allow the Director to designate another individual the authority to suspend special hunts and cancel the remaining permits when an adequate number of game animals had been harvested. However, after additional review of the definition of "Director" in section 102 of the code (relating to definitions), it is apparent that the term "designee" is already covered by the definition. Therefore, the Commission is proposing to amend § 135.107(b)(4) and (c)(4) by eliminating the "or a designee" language in these provisions since it is redundant and unnecessary.

Section 322(c)(2) of the code (relating to powers and duties of the commission) specifically empowers the commission to "Remove protection, declare an open season or increase, reduce or close a season." Section 322(c)(6) of the code specifically empowers the Commission to "Limit the number of hunters or furtakers in any designated area. . . ." Section 322(c)(10) of the code specifically empowers the commission to "Manage and develop its lands and waters...as it considers advisable and, by proper action and proceedings, enact and enforce regulations to insure the prudent and proper use of these lands." Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations . . .for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 135.107 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will permit the Director to designate dates for deer hunting outside of the established seasons and bag limits in the Middle Creek Wildlife Management Area and will eliminate redundant language.

3. *Persons Affected*

Persons wishing to take part in any special game hunts that take place on controlled areas of the Middle Creek Wildlife Management Areas may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. *Contact Person*

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-210. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.107. Middle Creek Wildlife Management Area.

* * * * *

(b) The following apply to special deer hunts on the controlled areas:

* * * * *

(4) The Director [or a designee] reserves the right to suspend the hunt and cancel remaining permits when an adequate number of deer have been taken.

* * * * *

(8) Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Director may designate dates for deer hunting outside of established seasons and bag limits.

(c) The following apply to special rabbit and squirrel hunts on the controlled hunting areas:

* * * * *

(4) The Director [or a designee reserve] reserves the right to suspend the hunt and cancel remaining permits when an adequate number of rabbits [and] or squirrels, or both, have been taken.

* * * * *

[Pa.B. Doc. No. 05-1079. Filed for public inspection June 3, 2005, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 26, 2005, meeting, proposed the following rule-making:

Amend Chapter 141, Appendix G (relating to hunting hours) to reflect the annual change in days and subsequent hunting times for the 2005-2006 hunting license year.

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

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

The proposed rulemaking was made public at the April 26, 2005, meeting of the Commission. Comments can be sent until June 24, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Each year there is a shift in calendar days for each month. As a result of this occurrence, the table of hunting hours found in Appendix G must be amended and updated on an annual basis to reflect the upcoming year's accurate dates and hours for legal hunting. Towards this end, the Commission is proposing to amend Appendix G by updating the table of hunting hours to accurately reflect the dates and hours of legal hunting for the 2005-2006 hunting year.

Section 322(c)(1) of the code (relating to powers and duties of the Commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth. . . ." The amendment to Appendix G was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Appendix G to update the table of hunting hours to accurately reflect the dates and hours of legal hunting for the 2005-2006 hunting year.

3. Persons Affected

Persons wishing to hunt or trap within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-211. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Appendix G

(Editor's Note: As part of this proposal, the Commission is proposing to delete the Table of Hunting Hours, which appears at 58 Pa. Code pages 141-25 and 141.26, serial pages (304857) and (304858), and replace it with the following table.)

* * * * *

TABLE OF HUNTING HOURS FOR JUNE 26, 2005 THROUGH JULY 1, 2006

<i>Dates</i>	<i>Begin a.m.</i>	<i>End p.m.</i>	<i>Dates</i>	<i>Begin a.m.</i>	<i>End p.m.</i>
June 26—July 2	5:06	8:33	Jan. 1—Jan. 7	6:53	4:46
July 3—July 9	5:10	8:31	Jan. 8—Jan. 14	6:52	4:53
July 10—July 16	5:15	8:28	Jan. 15—Jan. 21	6:51	5:00
July 17—July 23	5:21	8:23	Jan. 22—Jan. 28	6:47	5:08
July 24—July 30	5:27	8:16	Jan. 29—Feb. 4	6:42	5:16
July 31—Aug. 6	5:34	8:09	Feb. 5—Feb. 11	6:35	5:25
Aug. 7—Aug. 13	5:40	8:00	Feb. 13—Feb. 19	6:27	5:33
Aug. 14—Aug. 20	5:47	7:50	Feb. 19—Feb. 25	6:18	5:41
Aug. 21—Aug. 27	5:54	7:40	Feb. 26—Mar. 4	6:09	5:49
Aug. 28—Sept. 3	6:00	7:29	Mar. 5—Mar. 11	5:58	5:57
Sept. 4—Sept. 10	6:07	7:17	Mar. 12—Mar. 18	5:47	6:04
Sept. 11—Sept. 17	6:14	7:06	Mar. 19—Mar. 25	5:37	6:12
Sept. 18—Sept. 24	6:20	6:54	Mar. 26—Apr. 1	5:24	6:19
Sept. 25—Oct. 1	6:27	6:43	Apr. 2—Apr. 8	6:13	7:26
Oct. 2—Oct. 8	6:34	6:31	Apr. 9—Apr. 15	6:02	7:33
Oct. 9—Oct. 15	6:41	6:21	Apr. 16—Apr. 22	5:51	7:40
Oct. 16—Oct. 22	6:49	6:11	Apr. 23—Apr. 29	5:41	7:47
Oct. 23—Oct. 29	6:56	6:02	Apr. 30—May 6	5:32	7:54
Oct. 30—Nov. 5	6:04	4:54	May 7—May 13	5:24	8:01
Nov. 6—Nov. 12	6:13	4:47	May 14—May 20	5:16	8:08
Nov. 13—Nov. 19	6:21	4:41	May 21—May 27	5:10	8:14
Nov. 20—Nov. 26	6:28	4:38	May 28—June 3	5:06	8:20
Nov. 27—Dec. 3	6:35	4:36	June 4—June 10	5:03	8:25
Dec. 4—Dec. 10	6:42	4:35	June 11—June 17	5:01	8:29
Dec. 11—Dec. 17	6:47	4:35	June 18—June 24	5:01	8:32
Dec. 18—Dec. 24	6:50	4:37	June 25—July 1	5:03	8:33
Dec. 25—Dec. 31	6:52	4:41			

[Pa.B. Doc. No. 05-1080. Filed for public inspection June 3, 2005, 9:00 a.m.]

**[58 PA. CODE CH. 143]
Hunting and Furtaker Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 26, 2005, meeting, proposed the following rule-making:

Amend §§ 143.201 and 143.203 (relating to purpose and scope; and drawing) to correct language recognizing the different classifications of elk licenses available and make the drawing requirements for the different classifications of the elk license more consistent.

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

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

The proposed rulemaking was made public at the April 26, 2005, meeting of the Commission. Comments can be sent until June 24, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Since the creation of the elk license a short time ago, only two classifications of the elk license have been available, the antlered and the antlerless elk license. In an effort to promote and increase elk hunter success within this Commonwealth, the Commission has added a third classification to the elk license. This new classification entitles the holder of the license to harvest either an antlered or antlerless elk. This means that the hunter may choose which sex of elk is harvested according to factors such as preference, availability, weather conditions, and the like.

The new antlered and/or antlerless elk license classification should be available to elk hunters in the near future. However, before this new classification of elk license can be sold, the Commission must amend §§ 143.201 and 143.203 to correct language recognizing the different classifications of elk licenses available and also to make the drawing requirements for the different classifications of the elk license more consistent. Currently, § 143.201 only recognizes that the Commission will establish a quantity of tags for antlered and antlerless elk. Since the new classification of elk license permits

either antlered or antlerless elk to be harvested, the Commission is proposing to amend this language by inserting "/or" to recognize all classifications of the elk license currently available.

Currently, § 143.203 only restricts successful applicants issued an "antlered elk license" from applying for another elk license for 5 license years. Due to the fact that the new classification of elk license entitles the holder to harvest either an antlered or antlerless elk, the Commission is proposing to amend § 143.203 to restrict successful applicants issued any license entitling them to take an antlered elk from applying for another elk license for 5 license years. This amendment should maintain a certain level of fairness in the lottery drawing process for all applicants.

Section 2705(15) of the code (relating to classes of licenses) provides that "To ensure sound management of Pennsylvania's wild elk population, the commission may promulgate regulations to establish a limited number of licenses." Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife . . . in this Commonwealth." The amendments to §§ 143.201 and 143.203 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will correct language referring to the different classifications of the elk license available to hunters by adding the language "/or" and also make the drawing requirements for the different classifications of the elk license more consistent by prohibiting all applicants successfully drawn for any elk license entitling them to take an antlered elk from reapplying for another elk license for 5 license years.

3. Persons Affected

Persons wishing to apply for an elk license entitling them to harvest an antlered or an antlerless elk within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-208. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.201. Purpose and scope.

If the Commission approves an elk hunting season, this subchapter establishes methods of applying for elk licenses. The Commission will set the number of licenses to be issued, establishing a quantity of tags for antlered and/or antlerless elk.

§ 143.203. Drawing.

* * * * *

(c) [**An applicant issued an antlered elk license is not permitted to apply for another elk license for 5 license years.**] Applicants issued a license entitling them to take an antlered elk are not permitted to apply for an elk license for 5 license years.

* * * * *

[Pa.B. Doc. No. 05-1081. Filed for public inspection June 3, 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 17, 2005.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-13-05	Pocono Community Bank Stroudsburg Monroe County	Route 209 Brodheads ville Monroe County	Approved
5-13-05	Parkvale Savings Bank Monroeville Allegheny County	1420 Greengate Centre Circle Greensburg Westmoreland County	Approved
5-13-05	York Traditions Bank York York County	2450 Eastern Boulevard York Springettsbury Township York County	Filed
5-16-05	Jersey Shore State Bank Jersey Shore Lycoming County	2050 North Atherton Street State College Centre County	Opened

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-16-05	Jersey Shore State Bank Jersey Shore Lycoming County	<i>Into:</i> 2050 North Atherton Street State College Centre County <i>From:</i> 1952 Waddle Road State College Centre County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-11-05	Steel Seven Credit Union, Harrisburg, and Pennsylvania Central Federal Credit Union, Harrisburg Surviving Institution— Pennsylvania Central Federal Credit Union, Harrisburg	Harrisburg	Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1082. Filed for public inspection June 3, 2005, 9:00 a.m.]

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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 24, 2005.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-19-05	KNBT Bancorp, Inc., Bethlehem, to acquire 100% of the voting shares of Northeast Pennsylvania Financial Corp., Hazleton, and thereby indirectly acquire First Federal Bank, Hazleton, and Northeast Pennsylvania Trust Company, Hazleton	Bethlehem	Effective

KNBT Bancorp, Inc. is the parent company of Keystone Nazareth Bank and Trust Company, Bethlehem, and Northeast Pennsylvania Financial Corp. is the parent company of First Federal Bank, Hazleton, and Northeast Pennsylvania Trust Company, Hazleton.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-24-04	First Financial Bank Downingtown Chester County	Downingtown	Effective
	Assumption of certain deposit liabilities of a branch of Firsttrust Savings Bank, Conshohocken Located at: 125 East Swedesford Road* Exton Chester County		
	*Note—No real estate was involved in this transaction; the subject branch was subsequently closed by Firsttrust Savings Bank.		
5-19-05	Keystone Nazareth Bank & Trust Company, Bethlehem, and First Federal Bank, Hazleton, and Northeast Pennsylvania Trust Company, Hazleton Surviving Institution— Keystone Nazareth Bank & Trust Company, Bethlehem	Bethlehem	Effective

All offices of the merging institutions became offices of Keystone Nazareth Bank & Trust Company, including the former main offices of both First Federal Bank and Northeast Pennsylvania Trust Company.

Branches Acquired by Means of Merger

31 West Broad Street Hazleton Luzerne County	611 Schuylkill Mall Frackville Schuylkill County
12 East Broad Street Hazleton Luzerne County	5 North Main Street Shenandoah Schuylkill County
240 Laurel Mall Route 93 Hazleton Luzerne County	333 Center Avenue Schuylkill Haven Schuylkill County
345 Laurel Mall Route 93 Hazleton Luzerne County	111 North First Street Lehighton Carbon County
669 State Route 93 Sugarloaf Luzerne County	140 Carbon Street Weatherly Carbon County
24 South Hunter Highway Route 309 Drums Luzerne County	17 East Main Street Bloomsburg Columbia County

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	360 South Mountain Boulevard Mountain Top Luzerne County	2691 Columbia Boulevard Bloomsburg Columbia County	
	196 North Main Street Shavertown Luzerne County	Route 209 South and Weir Lake Road Brodheads ville Monroe County	
	111 East Norwegian Street Pottsville Schuylkill County	183 Market Street Kingston Luzerne County	
5-20-05	Northwest Savings Bank, Warren, Pennsylvania, and Jamestown Savings Bank, Jamestown, New York	Warren, PA	Effective

Branches Acquired by Means of Merger

2513 West State Street Olean Cattaraugus County, NY	295 Main Street Buffalo Erie County, NY
7 West Third Street Jamestown Chautauqua County, NY	2981 Delaware Avenue Buffalo Erie County, NY
210 West Main Street Falconer Chautauqua County, NY	4545 Transit Road Buffalo Erie County, NY
1 West Third Street Jamestown Chautauqua County, NY	3150 Sheridan Drive Buffalo Erie County, NY
768 Foote Avenue Jamestown Chautauqua County, NY	3517 Union Road Cheektowaga Erie County, NY (Approved; Unopened)
311 East Fairmount Avenue Lakewood Chautauqua County, NY	3670 South McKinley Parkway Hamburg Chautauqua County, NY (Approved; Unopened)
29 South Erie Street Mayville Chautauqua County, NY	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-12-05	First Penn Bank Philadelphia Philadelphia County	1032 Arch Street Philadelphia Philadelphia County	Opened
5-13-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Moorestown Acme 350 Young Avenue Moorestown Burlington County, NJ	Opened
5-18-05	Abington Savings Bank Jenkintown Montgomery County	Messenger service to service customers in Bucks, Montgomery and Philadelphia Counties	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-2-05	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>To:</i> 741 South 25th Street Palmer Township Northampton County	Effective
		<i>From:</i> 3091 William Penn Highway Palmer Township Northampton County	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1083. Filed for public inspection June 3, 2005, 9:00 a.m.]

**DEPARTMENT OF
COMMUNITY AND
ECONOMIC DEVELOPMENT****Community Services Block Grant State Plan Public
Hearing**

The Department of Community and Economic Development (Department) will hold a public hearing to revise the Community Services Block Grant State Plan at 10:30 a.m. on Thursday, June 16, 2005, in PUC Hearing Room 3, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of the hearing is to: (1) receive comments on the designation of the Center for Community Services (a not-for-profit agency) as the Community Action Agency for Bedford, Fulton and Huntingdon Counties; and (2) transfer the services for Mifflin and Juniata Counties to the Union/Snyder Community Action Agency. If approved, the Keystone Community Action Program would no longer serve Mifflin, Bedford, Fulton, Huntingdon and Juniata Counties. These changes would be effective July 1, 2005.

Written comments may be submitted until close of business on June 16, 2005, to JamesEtta Reed, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Susan Butler at (717) 787-1984 to discuss how the Department may accommodate their needs.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 05-1084. Filed for public inspection June 3, 2005, 9:00 a.m.]

**Weatherization Assistance Program State Plan
Public Hearing**

The Department of Community and Economic Development (Department) will hold a public hearing at 10 a.m. on Wednesday, June 22, 2005, in Room H-West, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for the program year 2005-2006.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984.

Written comments may be submitted until 5 p.m. on June 22, 2005, to Dennis Darling, Director, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Dennis Darling at (717) 787-1984 to discuss how the Department may accommodate their needs.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 05-1085. Filed for public inspection June 3, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0085600 (Industrial Waste)	Ono Industries, Inc. 10622 Allentown Boulevard P. O. Box 150 Ono, PA 17077	Dauphin County East Hanover Township	Reeds Creek 7D	Y
PA0053007 (Sewage— Transfer)	ARC III, LLC 1 Mark Lane Honey Brook, PA 19344	Berks County Richmond Township	Maiden Creek 3-B	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>
PA0027341	PPG Industries, Inc. No. 8 P. O. Box 800 Meadville, PA 16335	Greenwood Township Crawford County	UNT to Conneaut Outlet 16-D	Y
PA0223000	Kalyumet Campground R. R. 1, Box 672 Lucinda, PA 16235	Highland Township Clarion County	Calihan Run 17-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0101745 Amendment No. 1	Clarview Nursing and Rehabilitation Center 14663 Route 68 Sligo, PA 16255	Piney Township Clarion County	UNT to Licking Creek 17-B	Y

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

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

PA # 0061123, Sewage, **Moscow Sewer Authority**, P. O. Box 525, 309 Market Street, Moscow, PA 18444-0525. This proposed facility is located in Moscow Borough, **Lackawanna County**.

Description of Proposed Activity: Proposed increased discharge of treated sewage.

The receiving stream, Roaring Brook Creek, is in the State Water Plan watershed No. 5A and is classified for: HQ-CWF. The nearest downstream public water supply intake for American Water Company is located on Roaring Brook Creek, 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.300 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	15.6	23.4	31.2
Total Suspended Solids	17.5	26.3	35.0
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH			
Total Residual Chlorine	0.4		1.0
Nitrates/Nitrites	8.2		16.4
Phosphorus (Total)	0.4		0.8

Chesapeake Bay monitoring for Outfall 001.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia—N	Report	Report	Report
Kjeldahl—N	Report	Report	Report
Nitrite—N	Report	Report	Report
Nitrate—N	Report	Report	Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report

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

Application No. PA 0080845, Industrial Waste, SIC Code 4911, **Reliant Energy**, 121 Champion Way, Canonsburg, PA 15317. This facility is located in Catharine Township, **Blair County**.

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

The receiving stream, Frankstown Branch, is in Watershed 11-A and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Water Authority located on the Juniata River, approximately 108 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	
pH			from 6.0 to 9.0 inclusive
Total Suspended Solids		50	

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Iron		3.5	

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

The EPA waiver is in effect.

Application No. PA 0023108, Sewage, Borough of Elizabethtown, 600 South Hanover Street, Elizabethtown, PA 17022. This facility is located in Conoy Township, **Lancaster County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	Monitor		
NO ₂ + NO ₃	Monitor		
TKN	Monitor		
Total Nitrogen	Monitor		
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		88,000/100 ml as a geometric average	

The proposed effluent limits for Outfall 002 to Conoy Creek for a wet weather treated effluent overflow of 9.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	5.0		10
(11-1 to 4-30)	8.0		16
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,900/100 ml as a geometric average	

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

The EPA waiver is not in effect.

Application No. PA 0027405, Sewage, **Ephrata Borough Authority**, 124 south State Street, Ephrata, PA 17522. This facility is located in Ephrata Borough, **Lancaster County**.

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

The receiving stream, Cocalico Creek, is in Watershed 7-J and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 16 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 3.8 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
NO ₃ + NO ₂	Monitor		
TKN	Monitor		
Total Nitrogen	Monitor		
Total Phosphorus	2		4
Total Residual Chlorine	0.35		1.1
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		4,600/100 ml as a geometric average	

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

The EPA waiver is not in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0026255, Sewage, **Allegheny Valley Joint Sewer Authority**. This application is for renewal of an NPDES permit to discharge treated sewage from Allegheny Valley Joint Sewer Authority STP in Harmar Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Fox Chapel Water Authority.

Outfall 001: existing discharge, design flow of 5.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0096873, Sewage, **Shirley A. Lenhart**, 104 Frosty Road, Latrobe, PA 15650. This application is for renewal of an NPDES permit to discharge treated sewage from Lenhart Mobile Home Park STP in Cook Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Keffer Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Latrobe Municipal Authority on Loyalhanna Creek.

Outfall 001: existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0203734, Sewage, **Lance Catterall and Charles Simkovich**, 27 Grove Avenue, Pittsburgh, PA 15202. This application is for renewal of an NPDES permit to discharge treated sewage from Catterall and Simkovich Small Flow STP in Franklin Park Borough, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 0.0008 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204498, Sewage, **Marion Center Area School District, Rayne Township Elementary School**, Box 156, Route 403, Marion Center, PA 15799. This application is for renewal of an NPDES permit to discharge treated sewage from Rayne Township Elementary School Sewage Treatment Plant in Rayne Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale to UNT of Crooked Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Armstrong Power Station on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.00676 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.5			7.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218359, Sewage, **Green Township Municipal Authority**, Box 129, Commodore, PA 15729. This application is for renewal of an NPDES permit to discharge treated sewage from Green Township Municipal Authority Wastewater Treatment Plant in Green Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch of Two Lick Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: PA American Water Company on Two Lick Creek.

Outfall 001: existing discharge, design flow of 0.12 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Total Residual Chlorine	0.2			0.7
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 5805401, Sewerage, **Village of Four Seasons Association, Inc.**, R. R. 2, Box 3350, Union Dale, PA 18470. This proposed facility is located in Herrick Township, **Susquehanna County**.

Description of Proposed Action/Activity: This project involves expansion of the Village of Four Seasons sewage treatment plant from .028 mgd to .06 mgd.

WQM Permit No. 4805402, Sewerage, **Borough of Portland**, P. O. Box 476, 1 Division Street, Portland, PA 18351. This proposed facility is located in Portland Borough, **Northampton County**.

Description of Proposed Action/Activity: This project involves construction of a sewage collection system and a pump station to serve Portland Borough.

WQM Permit No. 3905404, Sewerage, **North Whitehall Township**, 3256 Levans Road, Ironton, PA 18037. This proposed facility is located in Whitehall and North Whitehall Townships, **Lehigh County**.

Description of Proposed Action/Activity: This project involves the construction of a new sewer collection system and interceptor to serve the Ormrod section of North Whitehall Township. Sewage will ultimately be conveyed to the City of Allentown Wastewater Treatment Facility.

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

WQM Permit No. 0205407, Sewerage, **Bethel Park Municipal Authority**, 5100 West Library Avenue, Bethel Park, PA 15102-2754. This proposed facility is located in Bethel Park, **Allegheny County**.

Description of Proposed Action/Activity: Application to replace existing 21-inch VCP with 27-inch PVC pipe.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505028	Leo Tigie Jordan Manor Subdivision 945 Tigie Road West Chester, PA 19382	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF) Jordan Run (EV)
PAI011505028	Wilmer Shumaker c/o Yorgy, Daylor, Alleback, Scheffey and Picardi 1129 High Street Pottstown, PA 19464	Chester	West Nantmeal Township	East Branch Brandywine Creek (HQ-TSF-MF)

NOTICES

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305006	Fox Funding LLC c/o Jim Harrison 1 Fox Chase Dr. Watchung, NJ 07069	Carbon	Penn Forest Township	Berry Run and Mill Run EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905015	Bob Johnson Jaindl-Johnson LP 1390 Ridgeview Dr. Suite 302 Allentown, PA 18104	Lehigh	Macungie Borough	Little Lehigh Creek HQ-CWF
PAI023905016	Richard Barger Diakon Lutheran Social Ministry 960 Centry Dr. P. O. Box 2001 Mechanicsburg, PA 17055	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAS10Q180-R	KidsPeace Corporation 4085 Independence Dr. Schnecksville, PA 18078	Lehigh	North Whitehall Township	Jordan 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805013	Stuart Schooley Recreational Concepts Development Corp. 4733 Hanoverville Rd. Bethlehem, PA 18020	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF
PAI024805014	Signature Homes by J. T. Maloney The Farm at Doylestown 610 Farm Lane Doylestown, PA 18901	Northampton	Tatamy Borough	Bushkill 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505012	Sringeri Vidya Bharati Foundation 5 Yates Drive E. Brunswick, NJ 08816	Monroe	Jackson Township	Appenzell Creek HQ-CWF

Schuylkill County Conservation District: 1206 Ag Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025405002	Locust Ridge Wind Farm LLC 90 Weston Place Shenandoah, PA 17976	Schuylkill	Mahanoy and East Union Townships	Davis Run and UNT Catawissa 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>
PAI036705002	PA-Max, Inc. 158 Industrial Road Glen Rock, PA 17327	York	Springfield Township	UNT Seaks Run/HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105003	Department of General Services	Cumberland	Cooke Township	Mountain Creek/HQ-CWF
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI64204002	Bradford Regional Airport 212 Airport Road Suite E Lewis Run, PA 16738	McKean	Lafayette Township	Tributary East Branch Tunungwant Creek and Tributaries to Threemile Run HQ-CWF
PAI064205001	Dominion Transmission, Inc.	McKean and Potter	Eldred Borough Ceres Township McKean County Oswayo and Sharon Townships Shinglehouse Borough Potter County	Butter Creek Plank Creek Honeoye Creek Seely Hollow Karr Hollow Oswayo Creek Horse Run Bell Run Champlin Hollow Kings Run Allegheny River Indian Creek North Branch Indian Creek Barden Brook HQ-CWF
<i>Elk County Conservation District: P. O. Box 448, 300 Center Street, Ridgway, PA 15853.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062405001	MiCale Construction Services 416 Main Street Kersey, PA 15846	Elk	Fox Township	UNT to Byrnes Run EV
<i>Lawrence County Conservation District: 430 Court Street, New Castle, PA 16101, (724) 652-4512.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705002	Turnpike Commission 700 South Eisenhower Road Middletown PA 17057 Attn: Brad Heigel	Lawrence	Little Beaver and North Beaver Townships	North Fork Little Beaver Creek HQ-CWF

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

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

MS4 Notices of Intent Received

<i>Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>					
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG132278	Luzerne County Luzerne County Courthouse 200 N. River Street Wilkes-Barre, PA 18711	Luzerne	Wilkes-Barre	Toby Creek CWF Huntsville Creek CWF Abrahams Creek CWF Wapwallopen Creek CWF Little Nescopeck Creek CWF Susquehanna River WWF	Y

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No.0905507 , Public Water Supply	
Applicant	Greenacres Health System
Township	Buckingham
County	Bucks
Responsible Official	Par Connolly
Type of Facility	PWS
Consulting Engineer	Boucher & James, Inc. 1456 Ferry Road, Bldg. 500 Doylestown, PA 18901
Application Received Date	May 16, 2005
Description of Action	Permitting of a new drilled Well (No. 2) to use as an additional source to serve the Buckingham Valley Nursing Home.

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

Permit No. 3805503 , Public Water Supply.	
Applicant	Timber Service Corporation
Municipality	South Londonderry Township
County	Lebanon
Responsible Official	William B. Care, Director of Public Works P. O. Box 391 Mt. Gretna, PA 17064
Type of Facility	Public Water Supply
Consulting Engineer	David J Gettle Kohl Bros., Inc. P. O. Box 350 Myerstown, PA 17067
Application Received Date	5/4/2005
Description of Action	Construction of a booster pump station and caustic soda addition for pH adjustment.

Permit No. 5005502 , Public Water Supply.	
Applicant	Borough of Blain
Municipality	Blain Borough
County	Perry
Responsible Official	Connie Zellers, Secretary P. O. Box 9, Municipal Bldg. Main Street Blain, PA 17006-0009
Type of Facility	Public Water Supply
Consulting Engineer	Angelo A Tesoriero, P. E. GeoSource Engineers 7 Winter Drive Dillsburg, PA 17019-9550
Application Received Date	5/10/2005
Description of Action	This permit application is for the construction of a finished water storage standpipe, booster pump station and treatment building.

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:

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

Dumitru and Viccaro Residences, Borough of Stroudsburg, **Monroe County**. Alana Kopicz, Environmental Scientist, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Notice of Intent to Remediate (on behalf of Adrian Dumitru and Anthony Viccaro, both of Lee Avenue, Stroudsburg, PA 18360) concerning the remediation of soils found or suspected to have been impacted by an accidental release of home heating oil. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The future use of the site will remain the same, as residential homes.

Former Gehman's Dairy Farm/Mack Trucks Property, Macungie Borough, **Lehigh County**. Ralph Capone, Environmental Consultant, Brinkerhoff Environmental Consultants, Inc., 1913 Atlantic Avenue, Manasquan, NJ 08736 has submitted a Notice of Intent to Remediate (on behalf of his client, Mack Trucks, Inc., c/o Scott Morris, 2100 Mack Boulevard, Allentown, PA 18103) concerning the remediation of soils and/or ground-

water found or suspected to have been impacted by the release of gasoline constituents from a former 550-gallon underground storage tank on the property. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The site is currently vacant, and the site owner has no immediate plans for development.

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

Stutzman Farm, South Heidelberg Township, **Berks County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sunoco, Inc. (R & M), Post Road and Blue Ball Avenue, P. O. Box 1135, Marcus Hook, PA 19061, submitted a Notice of Intent to Remediate site soils, groundwater and surface water contaminated with No. 2 fuel oil, leaded and unleaded gasoline from historic pipeline releases. The applicant proposes to remediate the site to a Statewide Health Standard. Future use of the property is residential.

Lime Springs Farm, East and West Hempfield Townships, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Ian Ruzow and Marilyn Berger, 22D East Roseville Road, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil encountered during removal of a fuel oil tank. The applicant proposes to remediate the site to a Statewide Health Standard. Future use of the property will remain residential.

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

Loyalsock Home Depot, Loyalsock Township, **Lycoming County**. RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate soil, contaminated with low levels of semi-VOCs, VOCs and metals. This site is being remediated to meet a Site-specific Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101076. Lower Merion Township, 75 E. Lancaster Ave., Ardmore, PA 19003-2323, Lower Merion Township, **Montgomery County**. Modification application received for the Lower Merion Transfer Station requesting a 6 month extension of their current permit pending full and complete review of the 10 year renewal application which was belatedly submitted. The application was received by the Southeast Regional Office on May 16, 2005.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101646. World Resources Recovery Systems Inc., 1631 East Avenue, Erie, PA 16503, City of Erie, **Erie County**. Permit renewal application for the operation of municipal waste transfer

facility known as World Resources Recovery Systems, Inc. The application was received by Northwest Regional Office on May 2, 2005

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users 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.

54-322-003C: Commonwealth Environmental Systems, LP (P. O. Box 249, Dunmore, PA 18512) for Operating Permit modification for the landfill operations at their facility in Foster Township, **Schuylkill County**.

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

06-05065A: Glen Gery Corp. (Route 61, Box 340, Shoemakersville, PA 19555) for installation of two dry limestone adsorption control devices to control emissions of hydrogen fluoride from the two brick kilns at the Mid-Atlantic Plant in Perry Township, **Berks County**. The facility is subject to Title V and 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants from Brick Manufacturing.

36-05137: B and S Woodcrafts (722 Truce Road, Quarryville, PA 17566) for installation of two spray paint booths in their Providence Township, **Lancaster County** facility.

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

57-310-001: Haines and Kibblehouse, Inc.—Dushore Construction Materials Division (2052 Lucon Road, Skippack, PA 19474) for construction of a stone crushing plant in Cherry Township, **Sullivan County**.

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

32-00385A: CQ Hardwood Finishers, LLC (160 Quality Center Road, Homer City, PA 15748) for installation of hardwood finishing operation on Lot No. 19 in Indiana Corporate Campus Business Park in Burrell Township, **Indiana County**.

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

10-349A: Recmix of PA, Inc. (359 North Pike Road, Sarver PA 16056) for installation of a drying process for processed pellets (Reclime) in the Township of Clinton, **Butler County**.

20-130B: Meadville Forging Co. (15309 Baldwin Street, Meadville, PA 16335) for modification of a plan approval to install new emission control devices on the shot blast machines and to remove emission control devices on six presses at their facility in West Mead Township, **Crawford County**.

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

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

40-301-081: Harman Funeral Home and Crematory, Inc. (P. O. Box 429, Drums, PA 18222) for installation of a new human remains crematory incinerator at their facility on 669 West Butler Avenue, Sugarloaf, Butler Township, **Luzerne County**. The unit will have a rated capacity of 150 lbs./hr. and fire on propane gas. The minimum operating temperature of 1,800°F shall be maintained with a minimum gas retention time of 1 second. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O₂. Visible air contaminants shall not be emitted a manner so that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time. The Plan Approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

48-307-060: MFS, Inc. (Easton Road, R. R. 5, Box 5151, Bethlehem, PA 18015) for installation of air cleaning devices (fabric collector and thermal oxidizer) to control the atmospheric emissions from two mineral wool cupolas at their facility in the City of Bethlehem, **Northampton County**. Both cupolas are subject to 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production. The Plan Approval will contain emission restrictions, testing, monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility has a Title V Operating Permit Application No. 48-00020 currently under review. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

13-301-013: Mountain Crest Crematory, Inc. (11 North Cleveland Street, McAdoo, PA 18237) for installation of a new human remains crematory incinerator at their facility at 10 East Kline Street, McAdoo, Banks Township, **Carbon County**. The unit will have a rated capacity of 150 lbs./hr. and fire on propane gas. The minimum operating temperature of 1,800°F shall be maintained with a minimum gas retention time of 1 second. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O₂. Visible air contaminants shall not be emitted in manner so that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time. The Plan Approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

67-05001C: LWB Refractories Co. (232 East Market Street, P. O. Box 1189, York, PA 17404) for installation of

caustic spray systems on Rotary Kilns RK1 and RK2 in their West Manchester Township, **York County** facility. The caustic spray systems will reduce HCl emissions. The plan approval contains 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, George Monasky, New Source Review Chief, (814) 332-6940.

10-281E: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056) for issuance of a plan approval for an isopropyl alcohol dryer (batch vapor cleaning machine) at their Saxonburg facility in Clinton Township, **Butler County**.

In accordance with 25 Pa. Code § 127.44(b), the Department of Environmental Protection intends to issue a plan approval for an isopropyl alcohol dryer (batch vapor cleaning machine) at the Saxonburg facility in Clinton Township, Butler County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

43-339A: Supreme Manufacturing, Inc. (327 Billy Boyd Road, Stoneboro, PA 16143) for authorization to enclose an existing open air shot blast operation and install a baghouse to control particulate matter in the municipality of Stoneboro, **Mercer County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the municipality of Stoneboro, Mercer County. This plan approval will authorize the applicant to enclose an existing open air shot blast operation and install a baghouse to control particulate matter. There is also a separate coating operation included in this plan approval. The plan approval will subsequently be incorporated into a State-only operating permit at a later date.

Based on the information provided by the applicant and Department's own analysis, the particulate matter emissions from the blasting operation will decrease from a potential 64 TPY to an actual 0.064 TPY. The coating operation VOC emissions will be less than 4 TPY.

Individuals who wish to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of proposed Plan Approval No. PA-43-339A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to George Monasky, New Source

Review Chief, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

62-035C: IA Construction (240 River Road, Warren, PA 16365) for modification to burn alternative fuels including Nos. 2 and 4—6 and reprocessed/recycled fuel oil, biodiesel or any combination of Nos. 2 and 4—6, reprocessed/recycled fuel oil and biodiesel fuel oil at their Warren plant in Conewango Township, **Warren 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 for modification to burn alternative fuels including Nos. 2 and 4—6 and reprocessed/recycled fuel oil, biodiesel or any combination of Nos. 2 and 4—6, reprocessed/recycled fuel oil and biodiesel fuel oil at their Warren plant in Conewango Township, Warren 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.

62-174A: Warren County Humane Society (212 Elm Street, Warren, PA 16365) for construction of a small animal crematory in the City of Warren, **Warren 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 small animal crematory in the City of Warren, Warren 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.

OPERATING PERMITS

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

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

36-05027: RR Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601) to operate printing presses controlled by regenerative thermal oxidizers and a solvent recovery system at their Lancaster East facility in Lancaster City, **Lancaster County**. This action is a renewal of the Title V Operating Permit issued in 2000. The major emissions at the printing facility are VOCs and HAPs from the solvents in the inks. The renewal permit includes the requirements contained in the original Title V Operating Permit.

67-05001: LWB Refractories Co. (232 East Market Street, P. O. Box 1189, York, PA 17404) for operation of their dolomitic lime production facility in West Manchester Township, **York County**. This action is a renewal of the Title V Operating Permit issued in 2000. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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.

46-00247: Universal Concrete Products (400 Old Reading Pike, Stowe, PA 19464) in West Pottsgrove Township, **Montgomery County**. The permit is for a non-Title V State-only Natural Minor facility. The facility's sources include batch concrete plant and Fiberglass Application Process. The permittee does not have the potential to emit 24.9 tons/year for VOC and NO_x and is therefore characterized as a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements 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.

22-05023: Pittsburgh Terminal Corp. (P. O. Box 2621, Harrisburg, PA 17105) for renewal of their synthetic minor operating permit for their Harrisburg Terminal at 5140 Paxton Street, Swatara Township, **Dauphin County**. The facility's major sources of emissions include petroleum product loading racks, which primarily emit VOCs. The facility emissions of VOC shall be limited at less than 50 tons per year. The Synthetic Minor operating permit will contain restrictions, work practice standards, 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.

43-00062: Wheatland Tube Co. (1 Council Avenue, Wheatland, PA 16161) for operation of their natural gas-fired combustion units in Wheatland Borough, **Mercer County**.

43-00304: Greenville Veterinary Clinic (409 East Jamestown Road, Greenville, PA 16125) for operation of an animal crematory in West Salem Township, **Mercer County**.

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 com-

ment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-475. James and Nancy Hill, 2063 Crow Trail, Long Pond, PA 18334, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To maintain fill that was previously placed in a de minimis area of PSF wetlands less than or equal to 0.05 acre for the purpose of constructing a house and driveway on Lot 148 in the Estates at Emerald Lakes residential community. The project is located on the northern side of Minsi Trail East, approximately 0.5 mile north of SR 0080. (Pocono Pines, PA Quadrangle N: 15.4 inches; W: 9.5 inches).

E54-321. Richard J. and Patricia A. Withelder, 88 West Donaldson Street, Zerbe, PA 17981, in Branch Township, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.3 acre of PEM wetlands for the purpose of constructing storage units and a car wash on an 11.3 acre commercial property. The project is located on the south side of SR 0209, just east of Township Road P-570 (Brickey Road). (Minersville, PA Quadrangle N: 8.4 inches; W: 4.6 inches).

E39-450. Lower Macungie Township, 3400 Brookside Road, Macungie, PA 18062, in Lower Macungie

Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a multispan prefabricated wooden pedestrian bridge having a center span of 50 feet and an approximate underclearance of 15 feet across the Little Lehigh Creek (HQ-CWF). The project is located on the south side of Spring Creek Road approximately 1.2 miles east of its intersection with SR 0100. (Allentown West, PA Quadrangle N: 7.65 inches; W: 11.5 inches).

E39-449. Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18013-4727, in Slatington Borough, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a concrete spread box beam bridge having two 87-foot clear spans and an approximate underclearance of 19 feet across Trout Creek (CWF) and to construct and maintain a temporary pedestrian bridge having three 100-foot spans. The project is located on Main Street (SR 0873) approximately 0.4 mile west of the Lehigh-Northampton County Line. (Palmerton, PA Quadrangle N: 0.5 inch; W: 15.4 inches).

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

E01-255. Randy Reiner, 5330 West Quail Avenue, Las Vegas, NV 89118 in Mount Joy Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 53-inch by 194-inch by 24-foot corrugated galvanized steel open bottom arch culvert in a UNT to Rock Creek (WWF) at a point just east of the intersection of Taneytown Road and Schwartz Road (Taneytown, PA Quadrangle N: 22.5 inches; W: 13.0 inches) in Mount Joy Township, Adams County.

E67-759. Rick's Marina and Campground, 2600 Doehne Road, Harrisburg, PA 17110 in Newberry Township, **York County**, ACOE Baltimore District.

To dredge and maintain three boat basins along the Susquehanna River (WWF), for the purpose of removing sediment to allow watercraft passage from Rick's Marina and Campground to the River, located approximately 1/2 mile south of Goldsboro Borough, just west of Three Mile Island (Middletown, PA Quadrangle N: 3.4 inches; W: 16.95 inches) in Newberry Township, York 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063274 Minor Renewal	Brian Guinane R. R. 1, Box 1533 Hallstead, PA 18822	Liberty Township Susquehanna County	Rhiney Creek 04E	Y
PA-0063894 IW Renewal	Municipal Authority of the Borough of Minersville Two East Sunbury Street Minersville, PA 17954	Cass Township, Schuylkill County	Dyer Run Reservoir (3A)	Y
PA-0063975 (Renewal)	Thompson Borough Water Street P. O. Box 89 Thompson, PA 18465	Susquehanna County Thompson Borough	Starrucca Creek (4E)	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>
PA0001619 Industrial Waste	Orion Power MidWest LP P. O. Box 87 Pittsburgh, PA 15219-0087	Allegheny County Crescent Township	Ohio River	Y
PA0097462 Industrial Waste	Cherry Tree Borough Municipal Authority P. O. Box 155 Cherry Tree, PA 15724-0155	Cambria County Susquehanna Township	Peg Run	Y
PA0216895 Industrial Waste	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	Westmoreland County Fairfield Township	Tubmill Creek UNT to Tubmill Creek	Y
PA0027651 Sewage	West Newton Borough 112 South Water Street West Newton, PA 15089	Westmoreland County West Newton Borough	Youghiogheny River	N

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

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

NPDES Permit No. PA0218227, Industrial Waste, **Municipal Authority of the Township of Washington (MATW)**. This proposed facility is located in Fayette City Borough, **Fayette County**.

Description of Proposed Action/Activity: Discharge of treated filter backwash water.

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. 3905402, Sewerage, **Upper Saucon Township Municipal Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit. Construction of a new Country Club force main and modifications to the Country Club pump station.

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

WQM Permit No. 1004406, Sewerage, **William M. Hess**, 222 South Market Street, Suite 103, Elizabethtown, PA 17022. This proposed facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the replacement of a malfunctioning on-lot sewage system with a trench dispersal system at the Maple Manor Mobile Home Park.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905004	Wayne S. Moyer Moyer Subdivision 40 Lake Warren Road Upper Black Eddy, PA 18972	Bucks	Nockamixon Township	Beaver Creek (EV)
PAI010905008	Selvaggio Enterprises, Inc. GVC Capital Plaza 623 Selvaggio Drive Suite 200 Nazareth, PA 18064-8981	Bucks	Milford Township	Unami Creek (HQ-TSF)
PAI011505009	Richard Ide Richard E. Ide Subdivision 2308 Miller Road Chester Springs, PA 19425	Chester	West Vincent Township	UNT Pickering Creek (HQ-TSF)

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>
PAI023904038	Ridgeview Limited Partners 1390 Ridgeview Dr. Suite 301 Allentown, PA 18104-9065	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI021304001	Big Boulder Corp. Big Boulder Resort P. O. Box B707 Blakeslee, PA 18610-0707	Carbon	Kidder Township	Tunkhannock Creek HQ-CWF
PAI025205002	Wallenpaupack Area School District HC 6, Box 6075 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack 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>
PAI033104001	John Gilliland One War Path Road Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	UNT Warriors Mark Run HQ-CWF
PAI032104002	Walter Diehl 205 East Yellow Breeches Creek Carlisle, PA 17013	Cumberland	Dickinson	Yellow Breeches Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705001	Turnpike Commission 700 South Eisenhower Road Middletown, PA 17057 Attn: Brad Heigel	Lawrence	Little Beaver Township	North Fork Little Beaver Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springfield Township Bucks County	PAG2000905020	Troy and Lisa Thornton 45 Old Bethlehem Road Perkasie, PA 18944	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG2000905018	East Rockhill Township Municipal Golf Course 1622 Ridge Road Perkasie, PA 18944	UNT Three Mile Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Chester Delaware County	PAG2002305020	Chester Downs and Marira, LLC c/o Harrah's Entertainment, Inc. 777 Harrah's Boulevard Atlantic City, NJ 08401	Delaware River and Ridley Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
North Whitehall Township Lehigh County	PAG2003905004	Ron Stahley North Whitehall Township 3256 Levans Rd. Coplay, PA 18037	Fells Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Lehighton Borough Carbon County	PAG2001305006	Hudson Holding Co., LP 2450 Shenango Valley Freeway Hermitage, PA 16148	Lehigh River TSF-CWF	Carbon Co. Cons. Dist. (610) 377-4894
Lehigh Township Northampton County	PAG2004805006	Tim Livengood Hampton Ridge Associates 4661 Lehigh Dr. Walnutport, PA 18088	Hokendauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Wilkes-Barre Township Luzerne County	PAG2004005003	Jerry A. Orloski 246 Woodlawn Ave. Mountain Top, PA 18707	Mill Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004005014	CAN DO, INC 1 South Church St. Hazleton, PA 18201	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Butler County Cranberry Township	PAG2001005006	Springfield Manor Bill Weaver Springfield Partners, L.P. P. O. Box 449 Mars PA 16046	Brush Creek WWF	Butler County Conservation District (724) 284-5270
Erie County Millcreek Township	PAG2002505011	John Maleno 2236 West 38th Street Erie, PA 16506	Cascade Creek WWF-MF	Erie County Conservation District (814) 825-6403
Mercer County City of Hermitage	PAG2004304014(1)	Joy Cone Company 3435 Lamor Road Hermitage, PA 16148	Pine Hollow Run WWF	Mercer County Conservation District (724) 662-2242
Manor Township Lancaster County	PAG2003605019	Randy Hess 2547 Lititz Pike Lancaster, PA 17601	West Branch Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAG2003605020	Randy Hess 2547 Lititz Pike Lancaster, PA 17601	West Branch Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Strasburg Township Lancaster County	PAG2003605022	Glenn M. Eshleman P. O. Box 310 Strasburg, PA 17579	Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster Township Lancaster County	PAG2003605031	CMS East Inc P. O. Box 630 Greensburg, PA 15601	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Borough Lancaster County	PAG2003605038	J. Michael Futer 410 N. Plum St. Mount Joy, PA 17552	UNT Donegal Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605044	PKK Limited Partnership 1270 Grofftown Rd. Lancaster, PA 17602	UNT Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003605049	Lancaster County Career and Technology Center 1730 Hans Herr Dr. Willow Street, PA 17584	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mountville Borough Lancaster County	PAG2003605053	Your Towne Builders 2137 Embassy Dr. Suite 210 Lancaster, PA 17603	Little Conestoga TSF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003605054	Mount Joy Township 159 Merts Drive Lancaster, PA	UNT Donegal Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Carroll Valley Adams County	PAG2000105003	Michael Keiser Department of Transportation Engineering District 8-0 2140 Herr St. Harrisburg, PA 17103-1699	Tom's Creek WWF	Adams County Conservation District 670 Old Harrisburg Rd. Ste. 201 Gettysburg, PA 17325 (717) 334-5171
West Manheim Township York County	PAG2006704052	Marburg Pointe Phase 2 Paul Burkentine Stone Ridge Development 330 Dubs Church Road Hanover, PA 17331	WB Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Franklintown Borough York County	PAG2006704106	Bon Ton Builders Franklintown Site Bon-Ton Builders, Inc. Sherrie Rosenau 1060 Baltimore Street Hanover, PA 17331	UNT Bermudian Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006705002	Woodland Development 130 Carlisle Street Hanover, PA 17331	Plum Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springfield Township York County	PAG2006705008	Hojnowski Residential Driveway Adrienne and Marc Hojnowski 2503 Ruhl Road Freeland, MD 21053	SB Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006704143	Windsor Meadows AVA Properties 120 Fairfax Drive York, PA 17403	Cabin Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006705033	Meadowlands Business Park, Lot 3 Yorlan Assoc. 6259 Reynolds Mill Rd. Seven Valleys, PA 17360	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conewago Township York County	PAG2006705016	Greenspring Industrial Park Richard D. Poole Inc. 150 Farm Lane Drive York, PA 17402	Billion Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006705027	Walgreens and Commerce Bank Jerry Tillman Newman-Tillman Properties LLC 850 Ridge Lake Blvd. Memphis, TN 38120	UNT to Little Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAG2006704127	Logan Meadows Gary Reihart 150 Orebank Road Dillsburg, PA 17019	Fisher Run Yellow Breeches CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Franklin County Greene Township	PAR113551	Ingersoll Rand Company 312 Ingersoll Drive Shippensburg, PA 17257	UNT to Conococheague Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Providence Township	PAR203526	Buck Company, Inc. 897 Lancaster Pike Quarryville, PA 17566	UNT to Fishing Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County North Hopewell Township	PAR603538	Red Lion Auto Salvage, Inc. 5433 Rippling Run Road Red Lion, PA 17356	UNT to North Branch of Muddy Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Logan Township	PAR803509	Ward Trucking Corporation P. O. Box 1553 Altoona, PA 16603-1553	Kettle Creek WWF Little Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Mount Pleasant Township	PAR603571	Hartlaub & Sons Used Auto Parts, Inc. 270 Kuhn Road Littlestown, PA 17340	UNT to South Branch of Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR143518	CP Converters, Inc. 15 Grumbacher Road York, PA 17402-9417	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County West Providence Township	PAR223524	Blue Triangle Hardwoods LLC P. O. Box 249 Everett, PA 15537-0249	John's Branch WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Allegheny Township	PAR803678	Sunoco, Inc. R. R. 5, Box 2379 Sugar Run Road Altoona, PA 16601-9314	Sugar Run CWF Burgoon Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Allegheny Township	PAR803679	Eldorado Properties Corp. 900 Eisenhower Blvd. P. O. Box 2621 Harrisburg, PA 17105	UNT to Beaverdam Branch of the Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Brockway Borough Jefferson County	PAR218321	Owens-Brockway Glass Container, Inc. One Seagate Toledo, OH 43666	Little Toby Creek	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>
Berks County Bethel Township	PAG043726	Barry L. Beiler 1125 Pine Grove Road Fredericksburg, PA 17026-9612	Crosskill Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington Township Jefferson County	PAG049158	Proshort Stamping Services SFTF P. O. Box 407 Falls Creek, PA 15840	UNT to Wolf Run 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County West Lampeter Township	PAG053585	Ewing Oil Company 11949 Robinwood Drive Hagerstown, MD 21742-4483	Good's Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-7

<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>
Frailey Township Schuylkill County	PAG072202	Natural Soil Products P. O. Box 283 Tremont, PA 17981	Natural Soil Products Frailey Township Schuylkill County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Mahanoy Township Schuylkill County	PAG082211	Mahanoy City Sewer Auth. P. O. Box 215 130 East Centre St. Mahanoy City, PA 17948	Mahanoy City Treatment Plant Mahanoy Township Schuylkill County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Montrose Borough Susquehanna County	PAG082218	Montrose Municipal Auth. P. O. Box 306 Montrose, PA 18801	Montrose Municipal Authority WWTP Montrose Borough Susquehanna County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*Facility Location:
Municipality &
County*Frailey Township
Schuylkill County*Permit No.*

PAG082210

*Applicant Name &
Address*Natural Soil Products
P. O. Box 283
Tremont, PA 17981*Site Name &
Location*Natural Soil Products
Frailey Township
Schuylkill County*Contact Office &
Phone No.*NERO
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 826-2511*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Lower Towamensing
Township
Carbon County*Permit No.*PAG08-2203
PAG07-0003
PAG08-0008
PAG08-0003
PAG08-3502
PAG08-3522
PAG08-3542
PAG08-3551
PAG08-0006
PAG08-3540
PAG08-9903
PAG08-9905
PAG08-2201
PAG07-0005
PAG08-3515
PAG08-3501
PAG08-3825
PAG08-0002
PAG08-3547
PAG08-3506
PAG08-3518
PAG08-3535
PAG08-9904
PAG08-3517*Applicant Name &
Address*Synagro Mid-Atlantic
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*Guy Seifert
Lower Towamensing
Township
Carbon County*Contact Office &
Phone No.*NERO
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 836-2511**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**

Permit No. 0905501 , Public Water Supply.	
Applicant	Newtown Artesian Water Company P. O. Box 217 Newtown, PA 18940-0217
Borough	Newtown
County	Bucks
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 80794 Valley Forge, PA 19484
Permit to Construct Issued	5/19/2005

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

Permit No. 0104505, Public Water Supply.

Applicant	The Meadows Home Owners Association
Municipality	Cumberland Township
County	Adams
Type of Facility	The construction of Well No. 2 as a source of supply. Replacement of the existing wooden storage tank and iodine disinfection system with a new tank and chlorination. The existing booster pumps will be replaced to increase system pressure.
Consulting Engineer	Richard M Bodner, P. E. Martin and Martin, Inc. 37 S. Main St. Chambersburg, PA 17201
Permit to Construct Issued:	5/18/2005

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:

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

Former Tamaqua MGP Plant, Borough of Tamaqua, **Schuylkill County**. John J. Mahfood, Principal, Corporate Environmental Solutions LLC, 260 Millers Run Road, Bridgeville, PA 15017 has submitted a Cleanup Plan (on behalf of PPL Electric Utilities, Two North Ninth Street, Allentown, PA 18101) concerning the remediation of PHCs and PAHs in site soils and groundwater. The plan was submitted in partial fulfillment of the site-specific standard.

Faulkner Collision Center, City of Bethlehem, **Lehigh County**. Michael Bingaman, Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606 has submitted a Final Report (on behalf of the property owner, Dick Milham, Hecktown Road, Easton, PA 18045) concerning the remediation of soils found or suspected to have been impacted by heating oil. The report was submitted to document attainment of the residential Statewide health soil standard.

Kerr-McGee Chemical LLC—Avoca Property, Borough of Avoca, **Luzerne County**. David Kerschner, PG, KU Resources, Inc., 20 South Linden Street, Duquesne, PA 15110 submitted a Cleanup Plan (on behalf of Kerr-McGee Chemical LLC, P. O. Box 25861, Oklahoma City, OK 73125) concerning the remediation of PAHs and inorganics in site soils. The plan was submitted in partial fulfillment of the site-specific/pathway elimination standard.

Weisenberg Lutheran Church, Weisenberg Township, **Lehigh County**. Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090 has submitted a Final Report (on behalf of the Weisenberg Lutheran Church Council, 7645 Weisenberg Road, New Tripoli, PA 18066 and Pipeline Petroleum, P. O. Box 159, Shippers Road, Macungie, PA 18062) concerning the remediation of soil found or suspected to have been contaminated by no. 2 fuel oil as the result of an accidental release. The report was submitted to document attainment of the residential Statewide health soil standard.

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

Former Samuel Miller & Son, Inc. Site, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of David Selson, 220 Centerville Road, Lancaster, PA 17603-4009, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and other organics. Site soils are also contaminated with metals. The report is intended to document remediation of the site to the Site-specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Stroudsburg Industrial Park—Northeast Corner, Borough of Stroudsburg, **Monroe County**. Joseph

McNally, GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 submitted a combined Remedial Investigation Report and Final Report (on behalf of his client, Marc Taub, Stroudsburg Park Associates, LP, 14 Springhill Rd., Randolph, NJ 17869) concerning the remediation of soils found to have been impacted by chlorinated solvents as the result of historic operations. The reports document attainment of a site-specific soil standard and were both approved on April 18, 2005.

Tax Parcels 65-24-2 and 65-25-1.4 (SR 209), Borough of Tamaqua, **Schuylkill County**. Marguerite Murray, Project Environmental Scientist, Gilmore & Associates, Inc, 350 E. Butler Ave, New Britain, PA 18901 submitted a Work Plan for a baseline remedial investigation on a special industrial area property (on behalf of her client, Robert Craze, St. Luke's Miners Memorial Hospital, Coaldale, PA 18218) concerning the characterization of soil and groundwater on a former industrial property that manufactured lightweight concrete and more recently staged construction and waste materials. The Work Plan was approved on May 11, 2005.

Henny Penny Farm (Route 715), Chestnuthill Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their client, Henny Penny Farms, Inc., R. R. 4, Box 4287, Saylorsburg, PA 18353) concerning the remediation of site soil and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents. The report documented attainment of the Statewide health standard and was approved on May 3, 2005.

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.

39-302-180GP1: HCSC—Laundry (2139 28th Street South West, Allentown, PA 18103) on May 17, 2005, to construct and operate a boiler at their facility in Allentown, **Lehigh County**.

54-310-032GP3: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) on May 19, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at at 2225 Fair Road, Wayne Township, **Schuylkill County**.

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

GP4-67-03057: Galaxy Tire and Wheel (P. O. Box 110, 207 Redco Avenue, Red Lion, PA 17356) on May 16, 2005, to operate natural gas fired burn-off ovens under GP4 in Red Lion Borough, **York County**.

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

GP-43-340: North Coast Energy, Inc.—Cyphert Compressor Station (Brennaman Road, Mercer, PA 16142) on May 20, 2005, to operate a compressor engine in Wilmington Township, **Mercer County**.

GP-62-177: North Coast Energy, Inc.—Johnson Compressor Station (Yankee Bush Road, Warren, PA 16365) on May 20, 2005, to operate a compressor engine in Conewango Township, **Warren 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.

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

46-0198A: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on May 20, 2005, to operate a cocoa bean deshelling operation in Upper Hanover Township, **Montgomery County**.

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

35-318-088: Gentex Corp. (P. O. Box 315, Carbondale, PA 18407) on May 16, 2005, to construct a surface coating line (No. 4) at their facility in Fell Township, **Lackawanna 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.

46-0155: Sermatech International, Inc. (155 South Limerick Road, Limerick, PA 19468) on May 9, 2005, to operate three paint spray booths in Limerick Township, **Montgomery County**.

46-0155B: Sermatech International, Inc. (155 South Limerick Road, Limerick, PA 19468) on May 9, 2005, to operate a thermal spray unit in Limerick Township, **Montgomery County**.

46-0155C: Sermatech International, Inc. (155 South Limerick Road, Limerick, PA 19468) on May 9, 2005, to operate a binder mix tank in Limerick Township, **Montgomery County**.

46-0155D: Sermatech International, Inc. (155 South Limerick Road, Limerick, PA 19468) on May 9, 2005, to operate a spray booth in Limerick Township, **Montgomery County**.

09-0048A: H and K Materials Division—Haines and Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on May 17, 2005, to operate a batch asphalt plant in Hilltown Township, **Bucks County**.

09-0143: Naceville Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on May 17, 2005, to operate a primary crusher and conveyors in West Rockhill Township, **Bucks County**.

15-0060B: SECCRA LDFL (P. O. Box 221, Kennett Square, PA 19348) on May 17, 2005, to operate a landfill gas open flare in London Grove Township, **Chester County**.

46-0108A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on May 17, 2005, to operate a cyclone and baghouse-asphalt in Marlborough Township, **Montgomery County**.

46-0112: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on May 18, 2005, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

09-0157: Barrett Asphalt Inc. (7503 Weymouth Road, Hammonton, NJ 08037) on May 20, 2005, to operate a bituminous concrete drum-mix plant in Falls Township, **Bucks County**.

46-0069: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on May 19, 2005, to operate a portable crushing plant and two engines in Whitmarsh Township, **Montgomery County**.

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

13-308-104: Horsehead Corp. (900 Delaware Avenue, Palmerton, PA 18071) on May 19, 2005, to modify Waelzing/Calcine Kiln No. 1, two storage silos and an emergency generator and the associated air cleaning devices in Palmerton Borough, **Carbon County**. The Plan Approval has been extended.

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

36-05071A: Valley Proteins, Inc. (P. O. Box 3588, Winchester, VA 22604) on May 1, 2005, to replace their existing scrubbers and add one new scrubber at their facility in East Earl Township, **Lancaster County**. This plan approval was extended.

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

03-00218C: AMFIRE Mining Co., LLC (P. O. Box 368, Elderton, PA 15736) on May 18, 2005, to increase tonnage at Triple K No. 1 Deep Mine in Burrell Township, **Armstrong County**. This Plan Approval was extended.

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

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

11-00508: Johnstown Crematory (1225 St. Clair Road, Johnstown, PA 15905) on May 17, 2005, for a state only operating permit for a crematory in Lower Yoder Township, **Cambria County**.

GP5-30-00151: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on May 18, 2005, to operate one gas-fired Caterpillar model G3508TALE that will also include a Tri-Ethylene Glycol Dehydrator and an Amine Plant to remove CO₂ from the gas stream at their at the company's Pine Bank gas processing plant in Gilmore Township in **Westmoreland County**.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-968. The Moser Group, 210 Holly Drive, Chalfont, PA 18914, Montgomery Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Indian Lake Farms Residential Subdivision:

1. To enlarge the off-stream reservoir of an existing nonjurisdictional dam located adjacent to the UNT to West Branch of Neshaminy Creek.
2. To modify and maintain the existing non-jurisdictional dam by placing fill in 0.03 acre of wetlands (PEM) which exist within the reservoir area. The height of the berm will be raised and the pond will be converted into a stormwater management facility. The permittee has requested an Environmental Assessment approval for this activity.

The site is located approximately 2,000 feet northeast of the intersection of Richardson Road and Bethlehem

Pike (SR 0309), (Doylestown, PA USGS Quadrangle N: 2.7 inches; W: 16.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E51-211. Portside Residences—Pier 28 LP, 1750 Walton Road, P. O. Box 1650, Blue Bell, PA 19422-0465, City and **County of Philadelphia**.

To construct and maintain Pier 28 South, and to construct and maintain a 16-story apartment complex within the Delaware River (WWF-MF). The bottom three stories of the apartment complex will be a parking garage. The proposed pier will partially sit on the footprint of the pile remnants of the existing pier. Work will involve the placement of approximately 728 steel piles in the river to provide structural support. Leasehold of the property within Commonwealth Submerged lands was authorized by an act of General Assembly. This site is located just north of the Dockside Residences at Pier 30 South along Columbus Boulevard (a/k/a Delaware Avenue) and approximately 5,000 feet south of the Ben Franklin Bridge (Philadelphia, PA-NJ Quadrangle N: 11.75 inches; W: 2.3 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

EA25-05-601 Emil J. Chernicki, 3370 Flower Road, Summit Township, **Erie County**, PA 16509, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 4.20 inches; W: 13.90 inches).

Restoration plan provided under § 105.12(a)(16) for the removal of an abandoned dam/fire pond along Flower Road in Erie County. The body of water is approximately 40 feet by 84 feet. The average depth is approximately 2.5 feet and the dam height is approximately 5.75 feet. The structure that the fire pond was constructed for has been demolished.

E37-167, Donald Dickinson, 705 Harlansburg-Eastbrook Road, New Castle, PA 16105. Dickinson Bridge Over Hottenbaugh Run, in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 7.4 inches; W: 15.9 inches).

To construct and maintain a 12 foot long concrete bridge having a clear span of 16 feet and underclearance of 6 feet across Hottenbaugh Run (TSF) on a private driveway extending south from SR 1010 at 705 Harlansburg-Eastbrook Road approximately 1,500 feet downstream of Grange Hall Road.

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

E21-363: East Pennsboro Township, 98 South Enola Drive, Enola, PA 17025 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To fill and maintain 0.1 acre of palustrine emergent wetlands tributary to the Conodoguinet Creek (WWF), for the purpose of relocating the wetland outside of the existing Acri Meadow Park ball field, located approximately 6,000 feet south of Route 944 on the west bank of

the creek (Harrisburg West, PA Quadrangle N: 18.8 inches; W: 15.25 inches) in East Pennsboro Township, Cumberland County.

E67-778: City of York, P. O. Box 509, York, PA 17405 in City of York, **York County**, ACOE Baltimore District.

To maintain a reinforced concrete retaining wall along the north side of the channel that will vary in height from 10 feet 6 inches to 14 feet, perform concrete underpinning repairs along the south wall and install 62 feet of rip-rap rock toe protection along both walls in Willis Run (WWF) just downstream of Kiwanis Lake (York, PA Quadrangle N: 17.0 inches; W: 16.2 inches) in the City of York, York County. The replacement of the walls, repairs and rip-rap placement was authorized by EP-67-04-138.

E28-321: Ronald N. Fleagle, 4180 Conestoga Rd., Elverson, PA 19520 in Metal Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 3-inch conduit for an electrical line which will be directionally drilled under the West Branch of the Conococheague Creek (CWF) and associated wetland (Fannettsburg, PA Quadrangle N: 13.3 inches; W: 10.1 inches) in Metal Township, Franklin County. The total crossing length will be 600 feet and the project will not permanently or temporarily impact any wetlands.

E21-369: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a 13 foot by 6 foot concrete box culvert at the channel of an unnamed tributary to Simmons Creek (WWF) and associated improvements on SR 0944, Section 015 to improve the traffic safety condition of the road located about 0.15 mile west from its intersection with SR 0114 (Wertsville, PA Quadrangle N: 6.0 inches; W: 7.4 inches) in Silver Spring Township, Cumberland County.

SPECIAL NOTICES

Application Period for Municipal Recycling Program Performance Grant Applications Under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

Calendar Year 2004 Recycling

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P.L. 556, Section 904. Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2004.

Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in Section 1501(c)(1)(i) of Act 101 recovered by municipal

recycling programs and the population of the municipality as determined by the most recent decennial census. Municipalities will be eligible to receive an award based on a formula of \$5 for each Department approved ton of eligible recyclable materials recycled or marketed and \$1 per approved ton for each percentage of municipal waste calculated by the Department to be diverted from disposal. The weight of eligible materials allowable from nonresidential (commercial, institutional and municipal) sources under the preceding formula will be limited to no more than the weight of approved eligible materials from residential sources. Department approved materials from nonresidential sources not factored into the preceding formula will be awarded a bonus of \$10 per ton. The Department will not award grants calculated to be less than \$10.

Applicants that have failed to comply with the conditions set forth in previously awarded grants, the grant requirements of Act 101 or the regulations of the Act may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) relating to the submittal of the annual recycling report.

Eligible materials include post-consumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2004, to and including, December 31, 2004. Grant funds will not be awarded for residues, materials not listed as eligible including leaf and yard wastes or any materials which cannot be documented as being recycled into a new product or use. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Unless otherwise documented, the Department will deduct 15% from each application's documented tonnage to account for residue.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided or for haulers to be present with their customer lists during a grant audit. Supporting documentation is not required to be submitted with the application.

Acceptable Supporting Documentation: Weight slips or receipts verifying that the materials were recycled or marketed are required as supporting documentation for the grant application. The documentation must include: 1) the date the materials were recycled/marketed; 2) the type of material recycled/marketed; 3) the name of the municipality where the material was generated; and 4) weight, stated in pounds or tons, of the material recycled/marketed. Documentation supporting materials source separated from municipal waste by commercial/institutional establishments and recycled/marketed must bear the name of the establishment and the municipality where the establishment is located.

Acceptable documentation must be provided in one of the following formats: 1) a dated weight/market receipt identifying the generator of the recyclable materials and the market; 2) a dated report submitted by the hauler or market on company letterhead clearly indicating the name of the company generating the recyclable materials; or 3) a dated report submitted by the generator which is signed by the hauler or market vendor that received the materials. Reports may be submitted on annual, monthly, weekly or other time period format. All information must be legible.

Estimates of weight will not be accepted except in cases when: 1) the material is packaged in uniform bales and the average weight of a bale can be demonstrated and supported by weight receipts, and a record of the number of bales was provided by the market vendors; or 2) multiple generators contribute to a known quantity of marketed material, and the hauler or market estimates the quantities attributable to any individual establishment or municipality and verifies the estimate with a signature.

Although the supporting documentation is not required to be submitted with the grant application, any documentation provided must conform to the previous requirements or the materials claimed will not be credited toward the grant award.

Grant applications must be on forms provided by the Department for calendar year 2004. Grant applications must be delivered by 3 p.m. on September 30, 2005, or postmarked on or before that day. Applications received by the Department after the deadline will be returned to the applicant. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Municipalities wishing to file an application should contact their County Recycling Coordinator or the Department at the address that follows. Applicants who filed a Performance Grant application for calendar year 2003 will be mailed a current application by the Department as soon as they are available. Applications may also be obtained from the Department's website at www.dep.state.pa.us (DEP Keyword Recycle). Inquiries concerning this notice should be directed to Todd Pejack, Bureau of Land Recycling and Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, tpejack@state.pa.us.

[Pa.B. Doc. No. 05-1086. Filed for public inspection June 3, 2005, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Change

The Air Quality Technical Advisory Committee (AQTAC) meeting scheduled for June 17, 2005, has been changed to a 2-day session to be held in two different locations. The first session will be held on June 16, 2005, at 12:30 p.m. in the Susquehanna A and B Conference Rooms, Southcentral Regional Office, Elmerton Avenue, Harrisburg, PA. The second session will be held on June 17, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

An agenda and meeting materials will be available prior to the meeting on the Department of Environmental

Protection's (Department) website: www.dep.state.pa.us. For further information, contact Terry Black at (717) 787-2030.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act should contact Wick Havens at (717) 787-9495 or through the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1087. Filed for public inspection June 3, 2005, 9:00 a.m.]

Federal Performance Evaluation of Pennsylvania Coastal Zone Management Program; Public Meeting

Under the Federal Coastal Zone Management Act of 1972, as amended, a public meeting will be held as part of the Federal performance evaluation of the Pennsylvania Coastal Zone Management Program (Program). The meeting will be held on Wednesday, July 13, 2005, at 7 p.m. at the Fairmount Water Works, 640 Water Works Drive (directly behind the Art Museum), Philadelphia, PA 17107.

The purpose of the meeting is to receive public comments regarding the operation and implementation of the Program. Written comments are encouraged and participation at the public meeting is not required for submission. Written comments should be sent by Friday, July 29, 2005, to L. Christine McCay, NOAA/NOS/OCRM, 1305 East-West Highway, N/ORM7, Silver Spring, MD 20910.

Questions concerning this meeting can be directed to Karen Price, Water Planning Office, (717) 783-9499, kprice@state.pa.us. Persons with a disability who require accommodations to attend this meeting should contact the Department of Environmental Protection (Department) at (717) 772-4785 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. 05-1088. Filed for public inspection June 3, 2005, 9:00 a.m.]

Pennsylvania's Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board (Board) is scheduled to be held on Thursday, June 23, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the Board's website: www.dep.state.pa.us (DEP Keyword: PEDA). Questions concerning the agenda can be directed to Jeanne Dworetzky, (717) 783-8911, jdworetzky@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards at (717) 772-8911, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1089. Filed for public inspection June 3, 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 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 June 14, 2005, at 10 a.m. at the Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey Office, 3240 Schoolhouse Road, Middletown, PA 17057.

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) 772-4785 or through the Pennsylvania AT&T Relay Services, (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1090. Filed for public inspection June 3, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Policy and Integration Subcommittee Meeting

The Policy and Integration Subcommittee of the Statewide Water Resources Committee has scheduled a meeting to discuss the various policy issues associated with the development of the State Water Plan. The meeting will be held on June 22, 2005, at 10 a.m. at the Rachel Carson State Office Building, 16th Floor, Delaware Room, 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) 772-4785 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. 05-1091. Filed for public inspection June 3, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chronic Renal Disease Advisory Committee Meeting

The Chronic Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Thursday, July 28, 2005, from 10 a.m. to 3 p.m. in Hearing Room 2, Atrium Level, Keystone Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Robert Staver at (717) 772-5138, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

For additional information, contact Robert Staver, Acting Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 772-5138.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1092. Filed for public inspection June 3, 2005, 9:00 a.m.]

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

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

Indiana Ambulatory Surgical Associates LLC

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the division at the previously listed address or phone number, for speech and/or hearing

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

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

[Pa.B. Doc. No. 05-1093. Filed for public inspection June 3, 2005, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities):

Hamilton Arms Center
336 South West End Avenue
Lancaster, PA 17603-5098
FAC ID # 080202

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

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

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

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

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

[Pa.B. Doc. No. 05-1094. Filed for public inspection June 3, 2005, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them or their firm, or any firms, corporations or partnerships in which these contractors, or either one of them or their firm, have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Michael J. Gedman, individually and A to Z Concrete	2000 Cressman Drive Aliquippa, PA 15001	5/10/05

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 05-1095. Filed for public inspection June 3, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospital Services

This notice provides advance public notice of the Department of Public Welfare's (Department) intent to revise its payment method for select supplemental payments (Outpatient Disproportionate Share, Medical Education, Community Access Fund and Hospital Uncompensated Care or Hospital Extraordinary Expense payments) effective on or after July 1, 2005. These revisions will affect acute care general hospitals, private psychiatric hospitals, medical rehabilitation hospitals and drug and alcohol rehabilitation hospitals.

The Department proposes to change its payment methodology for supplemental payments as follows.

Affected Payments

Affected supplemental payments are limited to Outpatient Disproportionate Share, Medical Education, Community Access Fund and Hospital Uncompensated Care or Hospital Extraordinary Expense payments.

Payment Limitation

Effective July 1, 2005, the Department will limit supplemental payments to hospitals with an operating margin less than 1% so that one payment or the combination of one or more of the payments does not contribute to the hospital's operating margin exceeding the 1% level. Hospitals with an operating margin of 1% or greater will only receive supplemental payments to the extent that those payments do not result in the hospital exceeding the 1% operating margin level.

Methodology

The Department will use the most recently published Pennsylvania Health Care Cost Containment Council hospital financial report to determine the hospitals with operating margins over 1%. The Department will calculate the value of a 1% operating margin for each hospital. The Department will calculate the effect on the operating margin of eliminating the affected supplemental payments. If the elimination of one payment or the combination of one or more of the payments would result in the hospital's operating margin still exceeding 1% then those payments will not be made. If the elimination of one payment or the combination of one or more of the payments would result in an operating margin of less than 1%, then the hospital will be entitled to its supplemental payments to the extent that the payments will not result in the hospital's operating margin exceeding 1%.

Fiscal Impact

Total savings resulting from this change are estimated at \$113.904 million (\$51.200 million in State funds) in Fiscal Year (FY) 2005-2006 and \$134.956 million (\$61.300 million in State funds) in FY 2006-2007.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received by June 24, 2005, will be reviewed and considered in determining final payment amounts and payment methodologies for these select supplemental payments.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-422. No fiscal impact; (8) recommends adoption. As a result of this change, the General Fund will realize a savings of approximately \$51.2 million in 2005-2006.

[Pa.B. Doc. No. 05-1096. Filed for public inspection June 3, 2005, 9:00 a.m.]

Payment for Nursing Facility Services; Change in Methods and Standards of Setting Payment Rates

The Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services for Fiscal Year (FY) 2005-2006.

Background

Under the Department's current case-mix payment methodology,¹ the Department establishes a new case-mix payment rate for each MA nursing facility provider once for each year. The rates take effect July 1, the start of the State fiscal year, and remain in effect until the close of the fiscal year on the following June 30. To set the annual case-mix payment rates, the Department extracts and inflates cost data from the three most recent audited cost reports on file for each MA nursing facility as of the March 31 immediately preceding the July 1 start of the rate-setting period. The Department adjusts each MA nursing facility's annual rate every quarter during the fiscal year based upon the particular case-mix index of the nursing facility's MA residents. The Department pays the MA nursing facility for nursing facility services provided to MA nursing facility residents during that quarter using the facility's adjusted quarterly case-mix payment rate.

Justification for the Proposed Change in Methodology

Since 2000, MA nursing facility case-mix payment rates have increased by approximately 5.6% each year, and by 29.4% overall. The Department expects that, if unchanged, case-mix payment rates will increase in FY

¹ The case-mix rate-setting methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting). These regulations are available online at www.pacode.com/secure/data/055/chapter1187/chap1187toc.html.

2005-2006 by an additional 5.6%. The Department has determined that it cannot sustain this pace of inflation in MA nursing facility case-mix payment rates. Consequently, the Department is proposing to place a cap on MA nursing facility case-mix payment rate increases beginning in FY 2005-2006. Unless rate increases are capped, the Department estimates that there will be insufficient funds available to continue to make case-mix payments to MA nursing facilities in accordance with the existing case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G for FY 2005-2006.

Proposed Change in Case-Mix Payment Methodology

Effective with July 1, 2005, rate setting, the Department is proposing to limit each MA nursing facility's adjusted quarterly case-mix per diem rate to the lower of one of the following:

- The nursing facility's quarterly case-mix per diem rate calculated in accordance with the rate setting methodology in 55 Pa. Code Chapter 1187, Subchapter G.
- 102% of the average of the nursing facility's final case-mix per diem rates for the 4 quarters of the immediately preceding fiscal year.

An MA nursing facility that changes ownership will be subject to the rate limit previously described. The Department will use the MA nursing facility's final case-mix per diem rates for the 4 quarters of the immediately preceding fiscal year to calculate the facility's average rate regardless of whether the facility had different owners during the fiscal year.

A new MA nursing facility will also be subject to the rate limit previously described. If the MA nursing facility was enrolled as a new MA nursing facility provider in FY 2004-2005, the Department will use only the final adjusted quarterly case-mix per diem rates for the quarters in which the facility was participating in the MA Program to determine the facility's average FY 2004-2005 case-mix per diem rate. If the nursing facility is enrolled as a new MA nursing facility provider on or after July 1, 2005, the Department will determine the final case-mix rates that would have been calculated for the facility under 55 Pa. Code § 1187.97(1) (relating to rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities, and former prospective payment nursing facilities) if the facility had participated in the MA Program during the 4 quarters of the immediately preceding fiscal year and will use those rates to calculate the facility's average rate.

The Department will use the final quarterly case-mix rates announced by notice in the *Pennsylvania Bulletin* to compute each MA nursing facility's average rate for a fiscal year. Payments made to an MA nursing facility, in addition to those payments made under the final quarterly case-mix rates, will be excluded from the calculation of the facility's average rate for the fiscal year.

Fiscal Impact

The change will result in a savings of \$78.064 million in total funds (\$42.738 million in Federal Funds, \$35.326 million in State Funds) for FY 2005-2006.

Public Comment

A copy of this notice is available at the local county assistance office. Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Division of Long Term Care Client Services, Attention: Gail Weidman, P. O. Box 2675,

Harrisburg, PA 17105. Comments received by June 24, 2005, will be reviewed and considered in the development of any State Plan amendments or regulatory changes which may be necessary to implement this cost containment measure.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-428. No fiscal impact; (8) recommends adoption. As a result of this change, the General Fund will realize a savings of approximately \$35.3 million in 2005-2006.

[Pa.B. Doc. No. 05-1097. Filed for public inspection June 3, 2005, 9:00 a.m.]

Pharmacy Services

This notice provides advance public notice of the Department of Public Welfare's (Department) intent to revise its payment method for brand name and generic drugs dispensed on or after July 1, 2005. These revisions will affect pharmacies enrolled in the Medical Assistance (MA) Program and dispensing drugs in the fee-for-service delivery system.

The Department proposes to change its payment methodology for pharmaceuticals as follows.

Payment

Effective July 1, 2005, the Department will pay for pharmaceuticals dispensed in the MA fee-for-service delivery system as follows:

(1) *For brand name drugs.* The lowest wholesale acquisition cost as established by the Department using available Nationally recognized pricing services plus 6%. If the wholesale acquisition cost information is not available from the National pricing services, the Department will pay the average wholesale price minus 15%.

(2) *For generic drugs.* The lowest of one of the following:

(i) The upper payment limit as established by the Centers for Medicare and Medicaid Services.

(ii) The lowest wholesale acquisition cost as established by the Department using available Nationally recognized pricing services plus 66%. If the wholesale acquisition cost information is not available from the National pricing services, then the Department will pay the average wholesale price minus 25%.

(iii) The State maximum allowable cost as determined by the Department: provided, however, that the generic product must be available at the price established by the Department from at least two wholesalers.

For both brand name and generic drugs the current \$4 dispensing fee will not change.

The Nationally recognized pricing services previously described include First Data Bank, Medi-Span and Micromedix. These services provide drug specific information such as actual wholesale price (AWP) and actual wholesale acquisition costs (WAC) to the Department.

The change in payment methodology to revise the AWP pricing will align the Department's payment methodology with other third-party payors, including the Department's contracted managed care organizations. The WAC is based on the cost at which a wholesaler purchases drugs from the manufacturer as opposed to the AWP, which is the price assigned to a drug by its manufacturer. By replacing the AWP payment rate with the corresponding WAC payment rate the Department's drug pricing will reflect a more accurate gauge of actual costs since the WAC is based on the cost at which a wholesaler purchases drugs from the manufacturer as opposed to the AWP, which is the price assigned to a drug by its manufacturer.

Fiscal Impact

These changes are estimated to result in savings totaling \$77.348 million (\$35.569 million in State funds) in the MA Outpatient Program in Fiscal Year (FY) 2005-2006. Savings are estimated at \$61.418 million (\$28.315 million in State funds) in FY 2006-2007.

Public Comment

A copy of this notice is available at the local county assistance office. Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received by June 24, 2005, will be reviewed and considered before establishing the final payment methodologies for brand name drugs and generic drugs.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-427. No fiscal impact; (8) recommends adoption. As a result of this change, the General Fund will realize a savings of approximately \$35.5 million in 2005-2006.

[Pa.B. Doc. No. 05-1098. Filed for public inspection June 3, 2005, 9:00 a.m.]

2004 Group Two Exception Requests; Deletion Medical Assistance Long-Term Care Participation Review

This notice removes Brandywine Hall, 800 West Miner Street, West Chester, PA 19382, Chester County, from the 2004 Group Two Exception Requests list published at 35 Pa.B. 1481 (February 26, 2005). In April 2005, the Department was notified of this error in the 2004 Group Two Exception Requests notice.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 05-1099. Filed for public inspection June 3, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Funding and Reform Commission Organizational Business Meeting

The Transportation Funding and Reform Commission will hold its first organizational business meeting on Monday, June 6, 2005, at 10 a.m. in PUC Hearing Room 1, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The meeting is open to the public. Chairperson Allen D. Biehler will be presiding.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids should contact Jeanie Schneider at (717) 787-3921 prior to the meeting.

ALLEN D. BIEHLER,
Secretary

[Pa.B. Doc. No. 05-1100. Filed for public inspection June 3, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

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

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-428	Department of Revenue Raffle Lottery Games	5/19/05

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-230	Pennsylvania Public Utility Commission Changing Local Service Providers	5/23/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1101. Filed for public inspection June 3, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Personal Surplus Lines, Inc.; Doc. No. SC05-05-016

Notice is hereby given of the Order to Show Cause issued on May 19, 2005, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 310.11 and 3311; 31 Pa. Code §§ 37.46 and 37.47 (relating to standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses).

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

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

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1102. Filed for public inspection June 3, 2005, 9:00 a.m.]

Jeffrey A. Banks; Hearing

Appeal of Jeffrey A. Banks under 40 P. S. §§ 991.2101—991.2193; Health America; Doc. No. HC05-04-040

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 June 7, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 1, 2005. The hearing shall occur on June 22, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any,

must be filed on or before May 24, 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 May 31, 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. 05-1103. Filed for public inspection June 3, 2005, 9:00 a.m.]

Amitabha Gupta, M.D.; Prehearing

Appeal of Amitabha Gupta, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-031

On or before May 18, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 31, 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 June 8, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 3, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 24, 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 June 1, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1104. Filed for public inspection June 3, 2005, 9:00 a.m.]

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List

Amusements
Amusement parks and their devices
Recreational and sporting events
Special short term events
Theatrical presentations
Aviation
Fixed base operations
Chemical spray and/or drift
Day care centers liability, including sexual abuse coverage
Demolition contractors liability
Employment related practices liability
Flood insurance not provided under Federal flood insurance
Kidnapping, ransom and extortion insurance
Liquor liability—monoline
Medical malpractice liability with or without related general liability coverages
Nursing home liability with or without other affiliated elder care services
Railroad
Security/detective/patrol agencies
Taxicab liability
Vacant properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 34 Pa.B. 2763 (May 22, 2004) and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List should be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1105. Filed for public inspection June 3, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, 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 Micah McCubbin; file no. 05-188-01482; Nationwide Insurance Company; doc. no. P05-04-038; June 8, 2005, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Boris M. Pevzner and Natalya V. Kirillova; file no. 05-266-00939; Geico Insurance; doc. no. PH05-04-033; June 21, 2005, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1106. Filed for public inspection June 3, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 June 27, 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-00121759. Alan Scott Moore (388 Martina Drive, Chambersburg, Franklin County, PA 17201)—persons, in limousine service, between points in the Counties of Franklin, Fulton, Adams and points in Cumberland County lying on and south of Highway Route Interstate I-76, and from points in said territories, to points in Pennsylvania, and return.

A-00121757. Nathaniel Taylor (11 Croke Avenue, Apartment 3A, Brooklyn, NY 11226)—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Counties of Montgomery and Philadelphia, and return.

A-00121758. Satellite Limousine, Inc. (739 Norfolk Lane, Langhorne, Bucks County, PA 19053), a corporation of the Commonwealth—persons, in limousine service, between points in the Counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and from points in said counties, to points in Pennsylvania, and return.
Attorney: Joshua E. Scarpello, Esquire, Miller, Alfano & Raspanti, P. C., 1818 Market Street, Suite 3402, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1107. Filed for public inspection June 3, 2005, 9:00 a.m.]

Telecommunications

A-310752F7004. ALLTEL Pennsylvania, Inc. and MCImetro Access Transmission Services, LLC. Joint petition of ALLTEL Pennsylvania, Inc. and MCImetro Access Transmission Services, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

ALLTEL Pennsylvania, Inc. and MCImetro Access Transmission Services, LLC, by its counsel, filed on May 17, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the ALLTEL Pennsylvania, Inc. and MCImetro Access Transmission Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1108. Filed for public inspection June 3, 2005, 9:00 a.m.]

Telecommunications

A-310213F7005. North Pittsburgh Telephone Company and Teleport Communications Group—Pittsburgh. Joint petition of North Pittsburgh Telephone Company and Teleport Communications Group—Pittsburgh for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and Teleport Communications Group—Pittsburgh, by its counsel, filed on May 17, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and Teleport Communications Group—Pittsburgh 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. 05-1109. Filed for public inspection June 3, 2005, 9:00 a.m.]

Telecommunications

A-311204F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC. Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC, by its counsel, filed on May 16, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale 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 The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1110. Filed for public inspection June 3, 2005, 9:00 a.m.]

Transfer of Stock and Merger

A-310250F0005 and A-310480F0002. Bentleyville Communications Corporation t/a Bentleyville Telephone Company and BE Mobile Communications, Inc. Joint application of Bentleyville Communications Corporation t/a Bentleyville Telephone Company and BE Mobile Communications, Inc. for approval of the transfer of stock to MJD Ventures, Inc. and its merger with and into Bentleyville Communications Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 14, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Bentleyville Communications Corporation t/a Bentleyville Telephone Company and BE Mobile Communications, Inc.

Through and By Counsel: Normal James Kennard, Esquire; William T. Hawke, Esquire; Rikardo J. Hull, Esquire; Hawke, McKeon, Sniscak & Kennard, LLP; Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1111. Filed for public inspection June 3, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

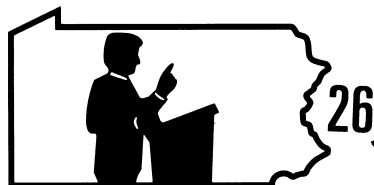
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

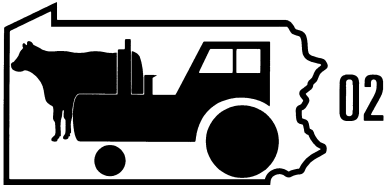
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer

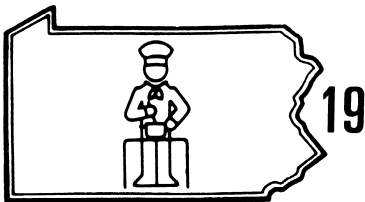
SERVICES



Agricultural Services

5/1A Provide fish food used in statewide fish culture program to the Oswayo State Fish Hatchery in Potter County during the period July 01-September 30, 2005. Fish food products purchased in bulk quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Oswayo State Fish Hatchery, Potter County.
Duration: July 01 - September 30, 2005
Contact: Debbie Rose, (814) 359-5141



Food

CN00015062 MILK - Low Fat 2% and Skimmed, 1/2 pints.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, P. A., (610) 490-5412 Ext. 2030

CN00015263 EGGS - Shell, White, Grade A, Medium, 30 dz/cs.

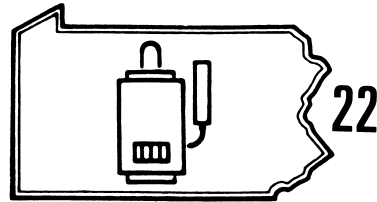
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, P. A., (610) 490-5412 ext. 2030

CN00015061 BREAD & ROLLS - White & Wheat Bread Loaves - Steak Sandwich, Hamburger, Hot Dog and Dinner Rolls.

Department: Corrections
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett P.A., (610) 490-5412, et 2030

HUN-DMFood Milk Products: Milk 2 percent bulk, 1/2 pint, and Skim Milk. Milk must be bid according to the Milk Marketing Board. Must be 10 days left on the sell-by-date on all milk products.

Department: Corrections
Location: SCI-Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: July 1, 2005 through June 30, 2006.
Contact: Phyllis Norris, PA1, (814) 643-2400, x303



HVAC Services

SP1345051006 Performance of repairs as needed on an "on call" basis for all refrigeration equipment located at the Southeastern Veterans' Center.

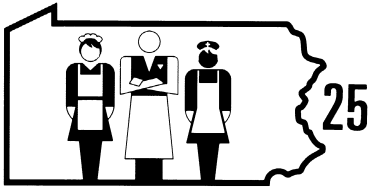
Department: Military Affairs
Location: Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475
Duration: July 1, 2005 through June 30, 2006
Contact: Patricia M. Urban, P.A. I, (610) 948-2448



Janitorial Services

FM 8887 Furnish materials, equipment, and labor to perform janitorial services three 3 visits per week at location listed below. The detailed work schedule and Bid Specifications must be obtained from the Facility Management Division at 717-705-5952.

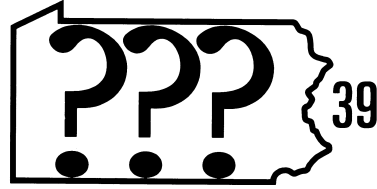
Department: State Police
Location: Pennsylvania State Police, Troop H, Chambersburg, 679 Franklin Farms Lane, Chambersburg, PA 17201
Duration: July 1, 2005 through June 30, 2008
Contact: Helen M. Fuhrman, (717) 705-5952



Laundry/Dry Cleaning & Linen/Uniform Rental

Rental of uniforms for garage personnel.

Department: Transportation
Location: 1712 Lehigh Street, Allentown, PA 18103
Duration: 3 years with one two year renewal
Contact: Nancy Zauck, (610) 798-4280 x112

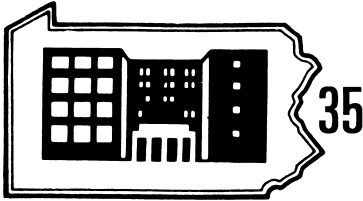


Miscellaneous

CN00015103 Title I Literacy Program Contract: The school is seeking only the highest level of professionals that are involved in developing the latest programs, methods and techniques to increase the literacy of deaf and hard of hearing students. The school is seeking the researchers and developers of innovated programs that transcend the old and present methods of deaf literacy education. Required Bidders Conference: 6/10/2005 11:00am at the school. Reservations are required by email: Show CN00015103 in the subject block. Bid Package available for mailing 6/3/2005 or the following website: [Http://ns.neiu.k12.pa.us/WWW/SSSD/](http://ns.neiu.k12.pa.us/WWW/SSSD/). DO NOT CALL FOR INFORMATION. ALL INFORMATION IS IN THE BID PACKAGE.

Department: Education
Location: Scranton State School for the Deaf, Primary Building: Lobby, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: Contract will be from on or about 8/15/05 through 9/30/2010
Contact: Merrill Mayenschein, FAX: (570) 963-4544

[Pa.B. Doc. No. 05-1112. Filed for public inspection June 3, 2005, 9:00 a.m.]



Real Estate Services

93841 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare and the Department of Labor and Industry with 58,823 useable square feet of office space in Lancaster County, PA. with a minimum parking for 11 vehicles, within the Lancaster City Limits. Downtown locations will be considered. For more information on SFP #93841 which is due on July 11, 2005 visit www.dgs.state.pa.us and click on Real Estate to download a proposal package or call (717) 787-0952 for question regarding the Department of Public Welfare or (717) 787-7412 for question regarding the Department of Labor and Industry.

Department: Public Welfare/Labor & Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz/Jennings K. Ward, 717/787-0952/717/787-7412

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

